

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

**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  
Representatives Calvert, D. Evans, Flowers, Peterson**

---

**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, 1503.05, 3311.059,         | 3  |
| 3327.01, 3334.01, 3354.121, 3357.112, 3383.09,     | 4  |
| 3701.881, 3712.09, 3734.02, 3734.18, 3734.57,      | 5  |
| 3769.021, 3769.087, 3770.07, 3781.19, 4701.03,     | 6  |
| 4707.05, 4723.431, 4758.20, 4758.40, 4758.41,      | 7  |
| 4758.42, 4758.55, 4758.56, 4758.57, 4758.58,       | 8  |
| 4758.59, 4758.61, 5101.27, 5110.35, 5111.022,      | 9  |
| 5111.87, 5119.18, 5123.352, 5731.47, 5731.48, and  | 10 |
| 6301.03 and to repeal sections 152.101 and 901.85  | 11 |
| of the Revised Code and to amend Section 11.04 of  | 12 |
| Am. Sub. H.B. 87 of the 125th General Assembly, as | 13 |
| subsequently amended; to amend Sections 8.04, 12,  | 14 |
| 38.12, 41.06, 41.13, 55, 59, 59.29, 66, 89, 89.04, | 15 |
| 89.05, 89.08, 89.11, and 145 of Am. Sub. H.B. 95   | 16 |
| of the 125th General Assembly; and to amend        | 17 |
| Section 41.33 of Am. Sub. H.B. 95 of the 125th     | 18 |
| General Assembly to make capital reappropriations  | 19 |
| for the biennium ending June 30, 2006, to make     | 20 |
| certain supplemental and capital appropriations,   | 21 |

and to provide authorization and conditions for 22  
the operation of state programs. 23

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

**Section 1.** That sections 9.24, 102.02, 123.01, 123.10, 24  
124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 25  
175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3354.121, 3357.112, 26  
3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 27  
3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 28  
4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 29  
4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 30  
5123.352, 5731.47, 5731.48, and 6301.03 of the Revised Code be 31  
amended to read as follows: 32

**Sec. 9.24.** (A) ~~No~~ Except as may be allowed under division (F) 33  
this section, no state agency and no political subdivision shall 34  
award a contract as described in division (G)(1) of this section 35  
for goods, services, or construction, paid for in whole or in part 36  
with state funds, to a person against whom a finding for recovery 37  
has been issued by the auditor of state on and after January 1, 38  
2001, if the finding for recovery is unresolved. 39

A contract is considered to be awarded when it is entered 40  
into or executed, irrespective of whether the parties to the 41  
contract have exchanged any money. 42

(B) For purposes of this section, a finding for recovery is 43  
unresolved unless one of the following criteria applies: 44

(1) The money identified in the finding for recovery is paid 45  
in full to the state agency or political subdivision to whom the 46  
money was owed; 47

(2) The debtor has entered into a repayment plan that is 48

approved by the attorney general and the state agency or political 49  
subdivision to whom the money identified in the finding for 50  
recovery is owed. A repayment plan may include a provision 51  
permitting a state agency or political subdivision to withhold 52  
payment to a debtor for goods, services, or construction provided 53  
to or for the state agency or political subdivision pursuant to a 54  
contract that is entered into with the debtor after the date the 55  
finding for recovery was issued. 56

(3) The attorney general waives a repayment plan described in 57  
division (B)(2) of this section for good cause; 58

(4) The debtor and state agency or political subdivision to 59  
whom the money identified in the finding for recovery is owed have 60  
agreed to a payment plan established through an enforceable 61  
settlement agreement. 62

(5) The state agency or political subdivision desiring to 63  
enter into a contract with a debtor certifies, and the attorney 64  
general concurs, that all of the following are true: 65

(a) Essential services the state agency or political 66  
subdivision is seeking to obtain from the debtor cannot be 67  
provided by any other person besides the debtor; 68

(b) Awarding a contract to the debtor for the essential 69  
services described in division (B)(5)(a) of this section is in the 70  
best interest of the state; 71

(c) Good faith efforts have been made to collect the money 72  
identified in the finding of recovery. 73

(6) The debtor has commenced an action to contest the finding 74  
for recovery and a final determination on the action has not yet 75  
been reached. 76

(C) The attorney general shall submit an initial report to 77  
the auditor of state, not later than December 1, 2003, indicating 78

the status of collection for all findings for recovery issued by 79  
the auditor of state for calendar years 2001, 2002, and 2003. 80  
Beginning on January 1, 2004, the attorney general shall submit to 81  
the auditor of state, on the first day of every January, April, 82  
July, and October, a list of all findings for recovery that have 83  
been resolved in accordance with division (B) of this section 84  
during the calendar quarter preceding the submission of the list 85  
and a description of the means of resolution. The attorney general 86  
shall notify the auditor of state when a judgment is issued 87  
against an entity described in division (F)(1) of this section. 88

(D) The auditor of state shall maintain a database, 89  
accessible to the public, listing persons against whom an 90  
unresolved finding for recovery has been issued, and the amount of 91  
the money identified in the unresolved finding for recovery. The 92  
auditor of state shall have this database operational on or before 93  
January 1, 2004. The initial database shall contain the 94  
information required under this division for calendar years 2001, 95  
2002, and 2003. 96

Beginning January 15, 2004, the auditor of state shall update 97  
the database by the fifteenth day of every January, April, July, 98  
and October to reflect resolved findings for recovery that are 99  
reported to the auditor of state by the attorney general on the 100  
first day of the same month pursuant to division (C) of this 101  
section. 102

(E) Before awarding a contract as described in division 103  
(G)(1) of this section for goods, services, or construction, paid 104  
for in whole or in part with state funds, a state agency or 105  
political subdivision shall verify that the person to whom the 106  
state agency or political subdivision plans to award the contract 107  
has no unresolved finding for recovery issued against the person. 108  
A state agency or political subdivision shall verify that the 109  
person does not appear in the database described in division (D) 110

of this section or shall obtain other proof that the person has no 111  
unresolved finding for recovery issued against the person. 112

(F) The prohibition of division (A) of this section and the 113  
requirement of division (E) of this section do not apply with 114  
respect to the companies or agreements described in divisions 115  
(F)(1) and (2) of this section, or in the circumstance described 116  
in division (F)(3) of this section. 117

(1) A bonding company or a company authorized to transact the 118  
business of insurance in this state, a self-insurance pool, joint 119  
self-insurance pool, risk management program, or joint risk 120  
management program, unless a court has entered a final judgment 121  
against the company and the company has not yet satisfied the 122  
final judgment. 123

(2) To medicaid provider agreements under Chapter 5111. of 124  
the Revised Code or payments or provider agreements under 125  
disability assistance medical assistance established under Chapter 126  
5115. of the Revised Code. 127

(3) When federal law dictates that a specified entity provide 128  
the goods, services, or construction for which a contract is being 129  
awarded, regardless of whether that entity would otherwise be 130  
prohibited from entering into the contract pursuant to this 131  
section. 132

(G)(1) This section applies only to contracts for goods, 133  
services, or construction that satisfy the criteria in either 134  
division (G)(1)(a) or (b) of this division. This section may apply 135  
to contracts for goods, services, or construction that satisfy the 136  
criteria in division (G)(1)(c), provided that the contracts also 137  
satisfy the criteria in either division (G)(1)(a) or (b) of this 138  
division. 139

(a) The cost for the goods, services, or construction 140  
provided under the contract is estimated to exceed twenty-five 141

|   |     |
|---|-----|
| <u>thousand dollars.</u>  | 142 |
| <u>(b) The aggregate cost for the goods, services, or</u>                 | 143 |
| <u>construction provided under multiple contracts entered into by the</u> | 144 |
| <u>particular state agency and a single person or the particular</u>      | 145 |
| <u>political subdivision and a single person within the fiscal year</u>   | 146 |
| <u>preceding the fiscal year within which a contract is being entered</u> | 147 |
| <u>into by that same state agency and the same single person or the</u>   | 148 |
| <u>same political subdivision and the same single person, exceeded</u>    | 149 |
| <u>fifty thousand dollars.</u>  | 150 |
| <u>(c) The contract is a renewal of a contract previously</u>             | 151 |
| <u>entered into and renewed pursuant to that preceding contract.</u>      | 152 |
| <u>(2) This section does not apply to employment contracts.</u>           | 153 |
| <u>(H) As used in this section:</u>                                       | 154 |
| (1) "State agency" has the same meaning as in section 9.66 of             | 155 |
| the Revised Code.   | 156 |
| (2) <u>"Political subdivision" means a political subdivision as</u>       | 157 |
| <u>defined in section 9.82 of the Revised Code that has received more</u> | 158 |
| <u>than fifty thousand dollars of state money in the current fiscal</u>   | 159 |
| <u>year or the preceding fiscal year.</u>                                 | 160 |
| <u>(3) "Finding for recovery" means a determination issued by</u>         | 161 |
| <u>the auditor of state, contained in a report the auditor of state</u>   | 162 |
| <u>gives to the attorney general pursuant to section 117.28 of the</u>    | 163 |
| <u>Revised Code, that public money has been illegally expended,</u>       | 164 |
| <u>public money has been collected but not been accounted for, public</u> | 165 |
| <u>money is due but has not been collected, or public property has</u>    | 166 |
| <u>been converted or misappropriated.</u>                                 | 167 |
| <del>(3)</del> (4) "Debtor" means a person against whom a finding for     | 168 |
| recovery has been issued.   | 169 |
| <u>(5) "Person" means the person named in the finding for</u>             | 170 |
| <u>recovery.</u>  | 171 |

(6) "State money" does not include funds the state receives 172  
from another source and passes through to a political subdivision. 173

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 174  
of this section, every person who is elected to or is a candidate 175  
for a state, county, or city office, ~~or the office of member of~~ 176  
~~the United States congress,~~ and every person who is appointed to 177  
fill a vacancy for an unexpired term in such an elective office; 178  
all members of the state board of education; the director, 179  
assistant directors, deputy directors, division chiefs, or persons 180  
of equivalent rank of any administrative department of the state; 181  
the president or other chief administrative officer of every state 182  
institution of higher education as defined in section 3345.011 of 183  
the Revised Code; the chief executive officer of each state 184  
retirement system; all members of the board of commissioners on 185  
grievances and discipline of the supreme court and the ethics 186  
commission created under section 102.05 of the Revised Code; every 187  
business manager, treasurer, or superintendent of a city, local, 188  
exempted village, joint vocational, or cooperative education 189  
school district or an educational service center; every person who 190  
is elected to or is a candidate for the office of member of a 191  
board of education of a city, local, exempted village, joint 192  
vocational, or cooperative education school district or of a 193  
governing board of an educational service center that has a total 194  
student count of twelve thousand or more as most recently 195  
determined by the department of education pursuant to section 196  
3317.03 of the Revised Code; every person who is appointed to the 197  
board of education of a municipal school district pursuant to 198  
division (B) or (F) of section 3311.71 of the Revised Code; all 199  
members of the board of directors of a sanitary district that is 200  
established under Chapter 6115. of the Revised Code and organized 201  
wholly for the purpose of providing a water supply for domestic, 202  
municipal, and public use, and that includes two municipal 203

corporations in two counties; every public official or employee 204  
who is paid a salary or wage in accordance with schedule C of 205  
section 124.15 or schedule E-2 of section 124.152 of the Revised 206  
Code; members of the board of trustees and the executive director 207  
of the tobacco use prevention and control foundation; members of 208  
the board of trustees and the executive director of the southern 209  
Ohio agricultural and community development foundation; and every 210  
other public official or employee who is designated by the 211  
appropriate ethics commission pursuant to division (B) of this 212  
section shall file with the appropriate ethics commission on a 213  
form prescribed by the commission, a statement disclosing all of 214  
the following: 215

(1) The name of the person filing the statement and each 216  
member of the person's immediate family and all names under which 217  
the person or members of the person's immediate family do 218  
business; 219

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 220  
and except as otherwise provided in section 102.022 of the Revised 221  
Code, identification of every source of income, other than income 222  
from a legislative agent identified in division (A)(2)(b) of this 223  
section, received during the preceding calendar year, in the 224  
person's own name or by any other person for the person's use or 225  
benefit, by the person filing the statement, and a brief 226  
description of the nature of the services for which the income was 227  
received. If the person filing the statement is a member of the 228  
general assembly, the statement shall identify the amount of every 229  
source of income received in accordance with the following ranges 230  
of amounts: zero or more, but less than one thousand dollars; one 231  
thousand dollars or more, but less than ten thousand dollars; ten 232  
thousand dollars or more, but less than twenty-five thousand 233  
dollars; twenty-five thousand dollars or more, but less than fifty 234  
thousand dollars; fifty thousand dollars or more, but less than 235



one hundred thousand dollars; and one hundred thousand dollars or 236  
more. Division (A)(2)(a) of this section shall not be construed to 237  
require a person filing the statement who derives income from a 238  
business or profession to disclose the individual items of income 239  
that constitute the gross income of that business or profession, 240  
except for those individual items of income that are attributable 241  
to the person's or, if the income is shared with the person, the 242  
partner's, solicitation of services or goods or performance, 243  
arrangement, or facilitation of services or provision of goods on 244  
behalf of the business or profession of clients, including 245  
corporate clients, who are legislative agents as defined in 246  
section 101.70 of the Revised Code. A person who files the 247  
statement under this section shall disclose the identity of and 248  
the amount of income received from a person who the public 249  
official or employee knows or has reason to know is doing or 250  
seeking to do business of any kind with the public official's or 251  
employee's agency. 252

(b) If the person filing the statement is a member of the 253  
general assembly, the statement shall identify every source of 254  
income and the amount of that income that was received from a 255  
legislative agent, as defined in section 101.70 of the Revised 256  
Code, during the preceding calendar year, in the person's own name 257  
or by any other person for the person's use or benefit, by the 258  
person filing the statement, and a brief description of the nature 259  
of the services for which the income was received. Division 260  
(A)(2)(b) of this section requires the disclosure of clients of 261  
attorneys or persons licensed under section 4732.12 of the Revised 262  
Code, or patients of persons certified under section 4731.14 of 263  
the Revised Code, if those clients or patients are legislative 264  
agents. Division (A)(2)(b) of this section requires a person 265  
filing the statement who derives income from a business or 266  
profession to disclose those individual items of income that 267  
constitute the gross income of that business or profession that 268

are received from legislative agents. 269

(c) Except as otherwise provided in division (A)(2)(c) of 270  
this section, division (A)(2)(a) of this section applies to 271  
attorneys, physicians, and other persons who engage in the 272  
practice of a profession and who, pursuant to a section of the 273  
Revised Code, the common law of this state, a code of ethics 274  
applicable to the profession, or otherwise, generally are required 275  
not to reveal, disclose, or use confidences of clients, patients, 276  
or other recipients of professional services except under 277  
specified circumstances or generally are required to maintain 278  
those types of confidences as privileged communications except 279  
under specified circumstances. Division (A)(2)(a) of this section 280  
does not require an attorney, physician, or other professional 281  
subject to a confidentiality requirement as described in division 282  
(A)(2)(c) of this section to disclose the name, other identity, or 283  
address of a client, patient, or other recipient of professional 284  
services if the disclosure would threaten the client, patient, or 285  
other recipient of professional services, would reveal details of 286  
the subject matter for which legal, medical, or professional 287  
advice or other services were sought, or would reveal an otherwise 288  
privileged communication involving the client, patient, or other 289  
recipient of professional services. Division (A)(2)(a) of this 290  
section does not require an attorney, physician, or other 291  
professional subject to a confidentiality requirement as described 292  
in division (A)(2)(c) of this section to disclose in the brief 293  
description of the nature of services required by division 294  
(A)(2)(a) of this section any information pertaining to specific 295  
professional services rendered for a client, patient, or other 296  
recipient of professional services that would reveal details of 297  
the subject matter for which legal, medical, or professional 298  
advice was sought or would reveal an otherwise privileged 299  
communication involving the client, patient, or other recipient of 300  
professional services. 301

(3) The name of every corporation on file with the secretary 302  
of state that is incorporated in this state or holds a certificate 303  
of compliance authorizing it to do business in this state, trust, 304  
business trust, partnership, or association that transacts 305  
business in this state in which the person filing the statement or 306  
any other person for the person's use and benefit had during the 307  
preceding calendar year an investment of over one thousand dollars 308  
at fair market value as of the thirty-first day of December of the 309  
preceding calendar year, or the date of disposition, whichever is 310  
earlier, or in which the person holds any office or has a 311  
fiduciary relationship, and a description of the nature of the 312  
investment, office, or relationship. Division (A)(3) of this 313  
section does not require disclosure of the name of any bank, 314  
savings and loan association, credit union, or building and loan 315  
association with which the person filing the statement has a 316  
deposit or a withdrawable share account. 317

(4) All fee simple and leasehold interests to which the 318  
person filing the statement holds legal title to or a beneficial 319  
interest in real property located within the state, excluding the 320  
person's residence and property used primarily for personal 321  
recreation; 322

(5) The names of all persons residing or transacting business 323  
in the state to whom the person filing the statement owes, in the 324  
person's own name or in the name of any other person, more than 325  
one thousand dollars. Division (A)(5) of this section shall not be 326  
construed to require the disclosure of debts owed by the person 327  
resulting from the ordinary conduct of a business or profession or 328  
debts on the person's residence or real property used primarily 329  
for personal recreation, except that the superintendent of 330  
financial institutions shall disclose the names of all 331  
state-chartered savings and loan associations and of all service 332  
corporations subject to regulation under division (E)(2) of 333

section 1151.34 of the Revised Code to whom the superintendent in 334  
the superintendent's own name or in the name of any other person 335  
owes any money, and that the superintendent and any deputy 336  
superintendent of banks shall disclose the names of all 337  
state-chartered banks and all bank subsidiary corporations subject 338  
to regulation under section 1109.44 of the Revised Code to whom 339  
the superintendent or deputy superintendent owes any money. 340

(6) The names of all persons residing or transacting business 341  
in the state, other than a depository excluded under division 342  
(A)(3) of this section, who owe more than one thousand dollars to 343  
the person filing the statement, either in the person's own name 344  
or to any person for the person's use or benefit. Division (A)(6) 345  
of this section shall not be construed to require the disclosure 346  
of clients of attorneys or persons licensed under section 4732.12 347  
or 4732.15 of the Revised Code, or patients of persons certified 348  
under section 4731.14 of the Revised Code, nor the disclosure of 349  
debts owed to the person resulting from the ordinary conduct of a 350  
business or profession. 351

(7) Except as otherwise provided in section 102.022 of the 352  
Revised Code, the source of each gift of over seventy-five 353  
dollars, or of each gift of over twenty-five dollars received by a 354  
member of the general assembly from a legislative agent, received 355  
by the person in the person's own name or by any other person for 356  
the person's use or benefit during the preceding calendar year, 357  
except gifts received by will or by virtue of section 2105.06 of 358  
the Revised Code, or received from spouses, parents, grandparents, 359  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 360  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 361  
fathers-in-law, mothers-in-law, or any person to whom the person 362  
filing the statement stands in loco parentis, or received by way 363  
of distribution from any inter vivos or testamentary trust 364  
established by a spouse or by an ancestor; 365

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

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

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

101.73 of the Revised Code or division (G)(2) of section 121.63 of 398  
the Revised Code, all of the nondisputed information contained in 399  
the statement delivered to that public official or employee by the 400  
legislative agent, executive agency lobbyist, or employer under 401  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 402  
the Revised Code. As used in division (A)(10) of this section, 403  
"legislative agent," "executive agency lobbyist," and "employer" 404  
have the same meanings as in sections 101.70 and 121.60 of the 405  
Revised Code. 406

A person may file a statement required by this section in 407  
person or by mail. A person who is a candidate for elective office 408  
shall file the statement no later than the thirtieth day before 409  
the primary, special, or general election at which the candidacy 410  
is to be voted on, whichever election occurs soonest, except that 411  
a person who is a write-in candidate shall file the statement no 412  
later than the twentieth day before the earliest election at which 413  
the person's candidacy is to be voted on. A person who holds 414  
elective office shall file the statement on or before the 415  
fifteenth day of April of each year unless the person is a 416  
candidate for office. A person who is appointed to fill a vacancy 417  
for an unexpired term in an elective office shall file the 418  
statement within fifteen days after the person qualifies for 419  
office. Other persons shall file an annual statement on or before 420  
the fifteenth day of April or, if appointed or employed after that 421  
date, within ninety days after appointment or employment. No 422  
person shall be required to file with the appropriate ethics 423  
commission more than one statement or pay more than one filing fee 424  
for any one calendar year. 425

The appropriate ethics commission, for good cause, may extend 426  
for a reasonable time the deadline for filing a statement under 427  
this section. 428

A statement filed under this section is subject to public 429

inspection at locations designated by the appropriate ethics 430  
commission except as otherwise provided in this section. 431

(B) The Ohio ethics commission, the joint legislative ethics 432  
committee, and the board of commissioners on grievances and 433  
discipline of the supreme court, using the rule-making procedures 434  
of Chapter 119. of the Revised Code, may require any class of 435  
public officials or employees under its jurisdiction and not 436  
specifically excluded by this section whose positions involve a 437  
substantial and material exercise of administrative discretion in 438  
the formulation of public policy, expenditure of public funds, 439  
enforcement of laws and rules of the state or a county or city, or 440  
the execution of other public trusts, to file an annual statement 441  
on or before the fifteenth day of April under division (A) of this 442  
section. The appropriate ethics commission shall send the public 443  
officials or employees written notice of the requirement by the 444  
fifteenth day of February of each year the filing is required 445  
unless the public official or employee is appointed after that 446  
date, in which case the notice shall be sent within thirty days 447  
after appointment, and the filing shall be made not later than 448  
ninety days after appointment. 449

Except for disclosure statements filed by members of the 450  
board of trustees and the executive director of the tobacco use 451  
prevention and control foundation and members of the board of 452  
trustees and the executive director of the southern Ohio 453  
agricultural and community development foundation, disclosure 454  
statements filed under this division with the Ohio ethics 455  
commission by members of boards, commissions, or bureaus of the 456  
state for which no compensation is received other than reasonable 457  
and necessary expenses shall be kept confidential. Disclosure 458  
statements filed with the Ohio ethics commission under division 459  
(A) of this section by business managers, treasurers, and 460  
superintendents of city, local, exempted village, joint 461

vocational, or cooperative education school districts or 462  
educational service centers shall be kept confidential, except 463  
that any person conducting an audit of any such school district or 464  
educational service center pursuant to section 115.56 or Chapter 465  
117. of the Revised Code may examine the disclosure statement of 466  
any business manager, treasurer, or superintendent of that school 467  
district or educational service center. The Ohio ethics commission 468  
shall examine each disclosure statement required to be kept 469  
confidential to determine whether a potential conflict of interest 470  
exists for the person who filed the disclosure statement. A 471  
potential conflict of interest exists if the private interests of 472  
the person, as indicated by the person's disclosure statement, 473  
might interfere with the public interests the person is required 474  
to serve in the exercise of the person's authority and duties in 475  
the person's office or position of employment. If the commission 476  
determines that a potential conflict of interest exists, it shall 477  
notify the person who filed the disclosure statement and shall 478  
make the portions of the disclosure statement that indicate a 479  
potential conflict of interest subject to public inspection in the 480  
same manner as is provided for other disclosure statements. Any 481  
portion of the disclosure statement that the commission determines 482  
does not indicate a potential conflict of interest shall be kept 483  
confidential by the commission and shall not be made subject to 484  
public inspection, except as is necessary for the enforcement of 485  
Chapters 102. and 2921. of the Revised Code and except as 486  
otherwise provided in this division. 487

(C) No person shall knowingly fail to file, on or before the 488  
applicable filing deadline established under this section, a 489  
statement that is required by this section. 490

(D) No person shall knowingly file a false statement that is 491  
required to be filed under this section. 492

(E)(1) Except as provided in divisions (E)(2) and (3) of this 493



section, the statement required by division (A) or (B) of this 494  
section shall be accompanied by a filing fee of forty dollars. 495

(2) The statement required by division (A) of this section 496  
shall be accompanied by the following filing fee to be paid by the 497  
person who is elected or appointed to, or is a candidate for, any 498  
of the following offices: 499

|   |      |     |
|---|------|-----|
| For state office, except member of the            |      | 500 |
| state board of education                          | \$65 | 501 |
| For office of <del>member of United States</del>  |      | 502 |
| <del>congress or</del> member of general assembly | \$40 | 503 |
| For county office                                 | \$40 | 504 |
| For city office                                   | \$25 | 505 |
| For office of member of the state board           |      | 506 |
| of education                                      | \$25 | 507 |
| For office of member of a city, local,            |      | 508 |
| exempted village, or cooperative                  |      | 509 |
| education board of                                |      | 510 |
| education or educational service                  |      | 511 |
| center governing board                            | \$20 | 512 |
| For position of business manager,                 |      | 513 |
| treasurer, or superintendent of a                 |      | 514 |
| city, local, exempted village, joint              |      | 515 |
| vocational, or cooperative education              |      | 516 |
| school district or                                |      | 517 |
| educational service center                        | \$20 | 518 |

(3) No judge of a court of record or candidate for judge of a 519  
court of record, and no referee or magistrate serving a court of 520  
record, shall be required to pay the fee required under division 521  
(E)(1) or (2) or (F) of this section. 522

(4) For any public official who is appointed to a nonelective 523  
office of the state and for any employee who holds a nonelective 524  
position in a public agency of the state, the state agency that is 525

the primary employer of the state official or employee shall pay 526  
the fee required under division (E)(1) or (F) of this section. 527

(F) If a statement required to be filed under this section is 528  
not filed by the date on which it is required to be filed, the 529  
appropriate ethics commission shall assess the person required to 530  
file the statement a late filing fee of ten dollars for each day 531  
the statement is not filed, except that the total amount of the 532  
late filing fee shall not exceed two hundred fifty dollars. 533

(G)(1) The appropriate ethics commission other than the Ohio 534  
ethics commission shall deposit all fees it receives under 535  
divisions (E) and (F) of this section into the general revenue 536  
fund of the state. 537

(2) The Ohio ethics commission shall deposit all receipts, 538  
including, but not limited to, fees it receives under divisions 539  
(E) and (F) of this section and all moneys it receives from 540  
settlements under division (G) of section 102.06 of the Revised 541  
Code, into the Ohio ethics commission fund, which is hereby 542  
created in the state treasury. All moneys credited to the fund 543  
shall be used solely for expenses related to the operation and 544  
statutory functions of the commission. 545

(H) Division (A) of this section does not apply to a person 546  
elected or appointed to the office of precinct, ward, or district 547  
committee member under Chapter 3517. of the Revised Code; a 548  
presidential elector; a delegate to a national convention; village 549  
or township officials and employees; any physician or psychiatrist 550  
who is paid a salary or wage in accordance with schedule C of 551  
section 124.15 or schedule E-2 of section 124.152 of the Revised 552  
Code and whose primary duties do not require the exercise of 553  
administrative discretion; or any member of a board, commission, 554  
or bureau of any county or city who receives less than one 555  
thousand dollars per year for serving in that position. 556

Sec. 123.01. (A) The department of administrative services, 557  
in addition to those powers enumerated in Chapters 124. and 125. 558  
of the Revised Code, and as provided elsewhere by law, shall 559  
exercise the following powers: 560

(1) To prepare, or contract to be prepared, by licensed 561  
engineers or architects, surveys, general and detailed plans, 562  
specifications, bills of materials, and estimates of cost for any 563  
projects, improvements, or public buildings to be constructed by 564  
state agencies that may be authorized by legislative 565  
appropriations or any other funds made available therefor, 566  
provided that the construction of the projects, improvements, or 567  
public buildings is a statutory duty of the department. This 568  
section does not require the independent employment of an 569  
architect or engineer as provided by section 153.01 of the Revised 570  
Code in the cases to which that section applies nor affect or 571  
alter the existing powers of the director of transportation. 572

(2) To have general supervision over the construction of any 573  
projects, improvements, or public buildings constructed for a 574  
state agency and over the inspection of materials previous to 575  
their incorporation into those projects, improvements, or 576  
buildings; 577

(3) To make contracts for and supervise the construction of 578  
any projects and improvements or the construction and repair of 579  
buildings under the control of a state agency, except contracts 580  
for the repair of buildings under the management and control of 581  
the departments of public safety, job and family services, mental 582  
health, mental retardation and developmental disabilities, 583  
rehabilitation and correction, and youth services, the bureau of 584  
workers' compensation, the rehabilitation services commission, and 585  
boards of trustees of educational and benevolent institutions. 586  
These contracts shall be made and entered into by the directors of 587

public safety, job and family services, mental health, mental 588  
retardation and developmental disabilities, rehabilitation and 589  
correction, and youth services, the administrator of workers' 590  
compensation, the rehabilitation services commission, and the 591  
boards of trustees of such institutions, respectively. All such 592  
contracts may be in whole or in part on unit price basis of 593  
maximum estimated cost, with payment computed and made upon actual 594  
quantities or units. 595

(4) To prepare and suggest comprehensive plans for the 596  
development of grounds and buildings under the control of a state 597  
agency; 598

(5) To acquire, by purchase, gift, devise, lease, or grant, 599  
all real estate required by a state agency, in the exercise of 600  
which power the department may exercise the power of eminent 601  
domain, in the manner provided by sections 163.01 to 163.22 of the 602  
Revised Code; 603

(6) To make and provide all plans, specifications, and models 604  
for the construction and perfection of all systems of sewerage, 605  
drainage, and plumbing for the state in connection with buildings 606  
and grounds under the control of a state agency; 607

(7) To erect, supervise, and maintain all public monuments 608  
and memorials erected by the state, except where the supervision 609  
and maintenance is otherwise provided by law; 610

(8) To procure, by lease, storage accommodations for a state 611  
agency; 612

(9) To lease or grant easements or licenses for unproductive 613  
and unused lands or other property under the control of a state 614  
agency. Such leases, easements, or licenses shall be granted for a 615  
period not to exceed fifteen years and shall be executed for the 616  
state by the director of administrative services and the governor 617  
and shall be approved as to form by the attorney general, provided 618

that leases, easements, or licenses may be granted to any county, 619  
township, municipal corporation, port authority, water or sewer 620  
district, school district, library district, health district, park 621  
district, soil and water conservation district, conservancy 622  
district, or other political subdivision or taxing district, or 623  
any agency of the United States government, for the exclusive use 624  
of that agency, political subdivision, or taxing district, without 625  
any right of sublease or assignment, for a period not to exceed 626  
fifteen years, and provided that the director shall grant leases, 627  
easements, or licenses of university land for periods not to 628  
exceed twenty-five years for purposes approved by the respective 629  
university's board of trustees wherein the uses are compatible 630  
with the uses and needs of the university and may grant leases of 631  
university land for periods not to exceed forty years for purposes 632  
approved by the respective university's board of trustees pursuant 633  
to section 123.77 of the Revised Code. 634

(10) To lease office space in buildings for the use of a 635  
state agency; 636

(11) To have general supervision and care of the storerooms, 637  
offices, and buildings leased for the use of a state agency; 638

(12) To exercise general custodial care of all real property 639  
of the state; 640

(13) To assign and group together state offices in any city 641  
in the state and to establish, in cooperation with the state 642  
agencies involved, rules governing space requirements for office 643  
or storage use; 644

(14) To lease for a period not to exceed forty years, 645  
pursuant to a contract providing for the construction thereof 646  
under a lease-purchase plan, buildings, structures, and other 647  
improvements for any public purpose, and, in conjunction 648  
therewith, to grant leases, easements, or licenses for lands under 649

the control of a state agency for a period not to exceed forty 650  
years. The lease-purchase plan shall provide that at the end of 651  
the lease period, the buildings, structures, and related 652  
improvements, together with the land on which they are situated, 653  
shall become the property of the state without cost. 654

(a) Whenever any building, structure, or other improvement is 655  
to be so leased by a state agency, the department shall retain 656  
either basic plans, specifications, bills of materials, and 657  
estimates of cost with sufficient detail to afford bidders all 658  
needed information or, alternatively, all of the following plans, 659  
details, bills of materials, and specifications: 660

(i) Full and accurate plans suitable for the use of mechanics 661  
and other builders in the improvement; 662

(ii) Details to scale and full sized, so drawn and 663  
represented as to be easily understood; 664

(iii) Accurate bills showing the exact quantity of different 665  
kinds of material necessary to the construction; 666

(iv) Definite and complete specifications of the work to be 667  
performed, together with such directions as will enable a 668  
competent mechanic or other builder to carry them out and afford 669  
bidders all needed information; 670

(v) A full and accurate estimate of each item of expense and 671  
of the aggregate cost thereof. 672

(b) The department shall give public notice, in such 673  
newspaper, in such form, and with such phraseology as the director 674  
of administrative services prescribes, published once each week 675  
for four consecutive weeks, of the time when and place where bids 676  
will be received for entering into an agreement to lease to a 677  
state agency a building, structure, or other improvement. The last 678  
publication shall be at least eight days preceding the day for 679  
opening the bids. The bids shall contain the terms upon which the 680

builder would propose to lease the building, structure, or other 681  
improvement to the state agency. The form of the bid approved by 682  
the department shall be used, and a bid is invalid and shall not 683  
be considered unless that form is used without change, alteration, 684  
or addition. Before submitting bids pursuant to this section, any 685  
builder shall comply with Chapter 153. of the Revised Code. 686

(c) On the day and at the place named for receiving bids for 687  
entering into lease agreements with a state agency, the director 688  
of administrative services shall open the bids and shall publicly 689  
proceed immediately to tabulate the bids upon duplicate sheets. No 690  
lease agreement shall be entered into until the bureau of workers' 691  
compensation has certified that the person to be awarded the lease 692  
agreement has complied with Chapter 4123. of the Revised Code, 693  
until, if the builder submitting the lowest and best bid is a 694  
foreign corporation, the secretary of state has certified that the 695  
corporation is authorized to do business in this state, until, if 696  
the builder submitting the lowest and best bid is a person 697  
nonresident of this state, the person has filed with the secretary 698  
of state a power of attorney designating the secretary of state as 699  
its agent for the purpose of accepting service of summons in any 700  
action brought under Chapter 4123. of the Revised Code, and until 701  
the agreement is submitted to the attorney general and the 702  
attorney general's approval is certified thereon. Within thirty 703  
days after the day on which the bids are received, the department 704  
shall investigate the bids received and shall determine that the 705  
bureau and the secretary of state have made the certifications 706  
required by this section of the builder who has submitted the 707  
lowest and best bid. Within ten days of the completion of the 708  
investigation of the bids, the department shall award the lease 709  
agreement to the builder who has submitted the lowest and best bid 710  
and who has been certified by the bureau and secretary of state as 711  
required by this section. If bidding for the lease agreement has 712  
been conducted upon the basis of basic plans, specifications, 713

bills of materials, and estimates of costs, upon the award to the 714  
builder the department, or the builder with the approval of the 715  
department, shall appoint an architect or engineer licensed in 716  
this state to prepare such further detailed plans, specifications, 717  
and bills of materials as are required to construct the building, 718  
structure, or improvement. The department shall adopt such rules 719  
as are necessary to give effect to this section. The department 720  
may reject any bid. Where there is reason to believe there is 721  
collusion or combination among bidders, the bids of those 722  
concerned therein shall be rejected. 723

(15) To acquire by purchase, gift, devise, or grant and to 724  
transfer, lease, or otherwise dispose of all real property 725  
required to assist in the development of a conversion facility as 726  
defined in section 5709.30 of the Revised Code as that section 727  
existed before its repeal by H.B. 95 of the 125th general 728  
assembly; 729

(16) To lease for a period not to exceed forty years, 730  
notwithstanding any other division of this section, the 731  
state-owned property located at 408-450 East Town Street, 732  
Columbus, Ohio, formerly the state school for the deaf, to a 733  
developer in accordance with this section. "Developer," as used in 734  
this section, has the same meaning as in section 123.77 of the 735  
Revised Code. 736

Such a lease shall be for the purpose of development of the 737  
land for use by senior citizens by constructing, altering, 738  
renovating, repairing, expanding, and improving the site as it 739  
existed on June 25, 1982. A developer desiring to lease the land 740  
shall prepare for submission to the department a plan for 741  
development. Plans shall include provisions for roads, sewers, 742  
water lines, waste disposal, water supply, and similar matters to 743  
meet the requirements of state and local laws. The plans shall 744  
also include provision for protection of the property by insurance 745



or otherwise, and plans for financing the development, and shall 746  
set forth details of the developer's financial responsibility. 747

The department may employ, as employees or consultants, 748  
persons needed to assist in reviewing the development plans. Those 749  
persons may include attorneys, financial experts, engineers, and 750  
other necessary experts. The department shall review the 751  
development plans and may enter into a lease if it finds all of 752  
the following: 753

(a) The best interests of the state will be promoted by 754  
entering into a lease with the developer; 755

(b) The development plans are satisfactory; 756

(c) The developer has established the developer's financial 757  
responsibility and satisfactory plans for financing the 758  
development. 759

The lease shall contain a provision that construction or 760  
renovation of the buildings, roads, structures, and other 761  
necessary facilities shall begin within one year after the date of 762  
the lease and shall proceed according to a schedule agreed to 763  
between the department and the developer or the lease will be 764  
terminated. The lease shall contain such conditions and 765  
stipulations as the director considers necessary to preserve the 766  
best interest of the state. Moneys received by the state pursuant 767  
to this lease shall be paid into the general revenue fund. The 768  
lease shall provide that at the end of the lease period the 769  
buildings, structures, and related improvements shall become the 770  
property of the state without cost. 771

(17) To lease to any person any tract of land owned by the 772  
state and under the control of the department, or any part of such 773  
a tract, for the purpose of drilling for or the pooling of oil or 774  
gas. Such a lease shall be granted for a period not exceeding 775  
forty years, with the full power to contract for, determine the 776

conditions governing, and specify the amount the state shall 777  
receive for the purposes specified in the lease, and shall be 778  
prepared as in other cases. 779

(18) ~~Biennially implement~~ To manage the use of space owned 780  
and controlled by the department, including space in property 781  
under the jurisdiction of the Ohio building authority, by doing 782  
all of the following: 783

(a) Biennially implementing, by state agency location, a 784  
census of agency employees assigned space; 785

~~(19) Require~~ (b) Periodically in the discretion of the 786  
director of administrative services: 787

(i) Requiring each state agency to categorize ~~periodically~~ 788  
the use of space allotted to the agency between office space, 789  
common areas, storage space, and other uses, and to report its 790  
findings to the department; 791

~~(20) Create~~ (ii) Creating and update periodically updating a 792  
master space utilization plan for all space allotted to state 793  
agencies. The plan shall incorporate space utilization metrics. 794

~~(21) Conduct periodically~~ (iii) Conducting a cost-benefit 795  
analysis to determine the effectiveness of state-owned buildings; 796

~~(22) Assess periodically~~ (iv) Assessing the alternatives 797  
associated with consolidating the commercial leases for buildings 798  
located in Columbus; 799

~~(23) Commission~~ (c) Commissioning a comprehensive space 800  
utilization and capacity study in order to determine the 801  
feasibility of consolidating existing commercially leased space 802  
used by state agencies into a new state-owned facility. 803

(B) This section and section 125.02 of the Revised Code shall 804  
not interfere with any of the following: 805

(1) The power of the adjutant general to purchase military 806

supplies, or with the custody of the adjutant general of property 807  
leased, purchased, or constructed by the state and used for 808  
military purposes, or with the functions of the adjutant general 809  
as director of state armories; 810

(2) The power of the director of transportation in acquiring 811  
rights-of-way for the state highway system, or the leasing of 812  
lands for division or resident district offices, or the leasing of 813  
lands or buildings required in the maintenance operations of the 814  
department of transportation, or the purchase of real property for 815  
garage sites or division or resident district offices, or in 816  
preparing plans and specifications for and constructing such 817  
buildings as the director may require in the administration of the 818  
department; 819

(3) The power of the director of public safety and the 820  
registrar of motor vehicles to purchase or lease real property and 821  
buildings to be used solely as locations to which a deputy 822  
registrar is assigned pursuant to division (B) of section 4507.011 823  
of the Revised Code and from which the deputy registrar is to 824  
conduct the deputy registrar's business, the power of the director 825  
of public safety to purchase or lease real property and buildings 826  
to be used as locations for division or district offices as 827  
required in the maintenance of operations of the department of 828  
public safety, and the power of the superintendent of the state 829  
highway patrol in the purchase or leasing of real property and 830  
buildings needed by the patrol, to negotiate the sale of real 831  
property owned by the patrol, to rent or lease real property owned 832  
or leased by the patrol, and to make or cause to be made repairs 833  
to all property owned or under the control of the patrol; 834

(4) The power of the division of liquor control in the 835  
leasing or purchasing of retail outlets and warehouse facilities 836  
for the use of the division; 837

(5) The power of the director of development to enter into 838

leases of real property, buildings, and office space to be used 839  
solely as locations for the state's foreign offices to carry out 840  
the purposes of section 122.05 of the Revised Code. 841

(C) Purchases for, and the custody and repair of, buildings 842  
under the management and control of the capitol square review and 843  
advisory board, the rehabilitation services commission, the bureau 844  
of workers' compensation, or the departments of public safety, job 845  
and family services, mental health, mental retardation and 846  
developmental disabilities, and rehabilitation and correction, and 847  
buildings of educational and benevolent institutions under the 848  
management and control of boards of trustees, are not subject to 849  
the control and jurisdiction of the department of administrative 850  
services. 851

(D) Any instrument by which real property is acquired 852  
pursuant to this section shall identify the agency of the state 853  
that has the use and benefit of the real property as specified in 854  
section 5301.012 of the Revised Code. 855

**Sec. 123.10.** (A) The director of administrative services 856  
shall regulate the rate of tolls to be collected on the public 857  
works of the state, and shall fix all rentals and collect all 858  
tolls, rents, fines, commissions, fees, and other revenues arising 859  
from any source in the public works, including the sale, 860  
construction, purchase, or rental of property. 861

(B) There is hereby created in the state treasury the state 862  
architect's fund which shall consist of money received by the 863  
department of administrative services under division (A) of this 864  
section, transfers of money to the fund authorized by the general 865  
assembly, and such ~~percentage~~ amount of the investment earnings of 866  
the administrative building fund created in division (C) of this 867  
~~section 152.101 of the Revised Code~~ as the director of budget and 868  
management determines to be appropriate and in excess of the 869

amounts required to meet estimated federal arbitrage rebate 870  
requirements. Money in the fund shall be used by the department of 871  
administrative services for the following purposes: 872

(1) To pay personnel and other administrative expenses of the 873  
department; 874

(2) To pay the cost of conducting evaluations of public 875  
works; 876

(3) To pay the cost of building design specifications; 877

(4) To pay the cost of providing project management services; 878

(5) Any other purposes that the director of administrative 879  
services determines to be necessary for the department to execute 880  
its duties under this chapter. 881

(C) There is hereby created in the state treasury the 882  
administrative building fund which shall consist of proceeds of 883  
obligations authorized to pay the cost of capital facilities. 884  
Except as provided in division (B) of this section, all investment 885  
earnings of the fund shall be credited to the fund. The fund shall 886  
be used to pay the cost of capital facilities designated by or 887  
pursuant to an act of the general assembly. The director of budget 888  
and management shall approve and provide a voucher for payments of 889  
amounts from the fund that represent the portion of investment 890  
earnings to be rebated or to be paid to the federal government in 891  
order to maintain the exclusion from gross income for federal 892  
income tax purposes on interest on those obligations pursuant to 893  
section 148(f) of the Internal Revenue Code. 894

As used in this division, "capital facilities" has the same 895  
meaning as under section 152.09 of the Revised Code. 896

**Sec. 124.15.** (A) Board and commission members appointed prior 897  
to July 1, 1991, shall be paid a salary or wage in accordance with 898  
the following schedules of rates: 899

|                            |          |          |          |          |          |     |
|----------------------------|----------|----------|----------|----------|----------|-----|
| Schedule B                 |          |          |          |          | 900      |     |
| Pay Ranges and Step Values |          |          |          |          | 901      |     |
| Range                      |          | Step 1   | Step 2   | Step 3   | Step 4   | 902 |
| 23                         | Hourly   | 5.72     | 5.91     | 6.10     | 6.31     | 903 |
|                            | Annually | 11897.60 | 12292.80 | 12688.00 | 13124.80 | 904 |
|                            |          | Step 5   | Step 6   |          |          | 905 |
|                            | Hourly   | 6.52     | 6.75     |          |          | 906 |
|                            | Annually | 13561.60 | 14040.00 |          |          | 907 |
|                            |          | Step 1   | Step 2   | Step 3   | Step 4   | 908 |
| 24                         | Hourly   | 6.00     | 6.20     | 6.41     | 6.63     | 909 |
|                            | Annually | 12480.00 | 12896.00 | 13332.80 | 13790.40 | 910 |
|                            |          | Step 5   | Step 6   |          |          | 911 |
|                            | Hourly   | 6.87     | 7.10     |          |          | 912 |
|                            | Annually | 14289.60 | 14768.00 |          |          | 913 |
|                            |          | Step 1   | Step 2   | Step 3   | Step 4   | 914 |
| 25                         | Hourly   | 6.31     | 6.52     | 6.75     | 6.99     | 915 |
|                            | Annually | 13124.80 | 13561.60 | 14040.00 | 14539.20 | 916 |
|                            |          | Step 5   | Step 6   |          |          | 917 |
|                            | Hourly   | 7.23     | 7.41     |          |          | 918 |
|                            | Annually | 15038.40 | 15412.80 |          |          | 919 |
|                            |          | Step 1   | Step 2   | Step 3   | Step 4   | 920 |
| 26                         | Hourly   | 6.63     | 6.87     | 7.10     | 7.32     | 921 |
|                            | Annually | 13790.40 | 14289.60 | 14768.00 | 15225.60 | 922 |
|                            |          | Step 5   | Step 6   |          |          | 923 |
|                            | Hourly   | 7.53     | 7.77     |          |          | 924 |
|                            | Annually | 15662.40 | 16161.60 |          |          | 925 |
|                            |          | Step 1   | Step 2   | Step 3   | Step 4   | 926 |
| 27                         | Hourly   | 6.99     | 7.23     | 7.41     | 7.64     | 927 |
|                            | Annually | 14534.20 | 15038.40 | 15412.80 | 15891.20 | 928 |
|                            |          | Step 5   | Step 6   | Step 7   |          | 929 |
|                            | Hourly   | 7.88     | 8.15     | 8.46     |          | 930 |
|                            | Annually | 16390.40 | 16952.00 | 17596.80 |          | 931 |
|                            |          | Step 1   | Step 2   | Step 3   | Step 4   | 932 |

|    |          |          |          |          |          |     |
|----|----------|----------|----------|----------|----------|-----|
| 28 | Hourly   | 7.41     | 7.64     | 7.88     | 8.15     | 933 |
|    | Annually | 15412.80 | 15891.20 | 16390.40 | 16952.00 | 934 |
|    |          | Step 5   | Step 6   | Step 7   |          | 935 |
|    | Hourly   | 8.46     | 8.79     | 9.15     |          | 936 |
|    | Annually | 17596.80 | 18283.20 | 19032.00 |          | 937 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 938 |
| 29 | Hourly   | 7.88     | 8.15     | 8.46     | 8.79     | 939 |
|    | Annually | 16390.40 | 16952.00 | 17596.80 | 18283.20 | 940 |
|    |          | Step 5   | Step 6   | Step 7   |          | 941 |
|    | Hourly   | 9.15     | 9.58     | 10.01    |          | 942 |
|    | Annually | 19032.00 | 19926.40 | 20820.80 |          | 943 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 944 |
| 30 | Hourly   | 8.46     | 8.79     | 9.15     | 9.58     | 945 |
|    | Annually | 17596.80 | 18283.20 | 19032.00 | 19926.40 | 946 |
|    |          | Step 5   | Step 6   | Step 7   |          | 947 |
|    | Hourly   | 10.01    | 10.46    | 10.99    |          | 948 |
|    | Annually | 20820.80 | 21756.80 | 22859.20 |          | 949 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 950 |
| 31 | Hourly   | 9.15     | 9.58     | 10.01    | 10.46    | 951 |
|    | Annually | 19032.00 | 19962.40 | 20820.80 | 21756.80 | 952 |
|    |          | Step 5   | Step 6   | Step 7   |          | 953 |
|    | Hourly   | 10.99    | 11.52    | 12.09    |          | 954 |
|    | Annually | 22859.20 | 23961.60 | 25147.20 |          | 955 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 956 |
| 32 | Hourly   | 10.01    | 10.46    | 10.99    | 11.52    | 957 |
|    | Annually | 20820.80 | 21756.80 | 22859.20 | 23961.60 | 958 |
|    |          | Step 5   | Step 6   | Step 7   | Step 8   | 959 |
|    | Hourly   | 12.09    | 12.68    | 13.29    | 13.94    | 960 |
|    | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 961 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 962 |
| 33 | Hourly   | 10.99    | 11.52    | 12.09    | 12.68    | 963 |
|    | Annually | 22859.20 | 23961.60 | 25147.20 | 26374.40 | 964 |
|    |          | Step 5   | Step 6   | Step 7   | Step 8   | 965 |

|    |            |                      |          |          |          |     |
|----|------------|----------------------|----------|----------|----------|-----|
|    | Hourly     | 13.29                | 13.94    | 14.63    | 15.35    | 966 |
|    | Annually   | 27643.20             | 28995.20 | 30430.40 | 31928.00 | 967 |
|    |            | Step 1               | Step 2   | Step 3   | Step 4   | 968 |
| 34 | Hourly     | 12.09                | 12.68    | 13.29    | 13.94    | 969 |
|    | Annually   | 25147.20             | 26374.40 | 27643.20 | 28995.20 | 970 |
|    |            | Step 5               | Step 6   | Step 7   | Step 8   | 971 |
|    | Hourly     | 14.63                | 15.35    | 16.11    | 16.91    | 972 |
|    | Annually   | 30430.40             | 31928.00 | 33508.80 | 35172.80 | 973 |
|    |            | Step 1               | Step 2   | Step 3   | Step 4   | 974 |
| 35 | Hourly     | 13.29                | 13.94    | 14.63    | 15.35    | 975 |
|    | Annually   | 27643.20             | 28995.20 | 30430.40 | 31928.00 | 976 |
|    |            | Step 5               | Step 6   | Step 7   | Step 8   | 977 |
|    | Hourly     | 16.11                | 16.91    | 17.73    | 18.62    | 978 |
|    | Annually   | 33508.80             | 35172.80 | 36878.40 | 38729.60 | 979 |
|    |            | Step 1               | Step 2   | Step 3   | Step 4   | 980 |
| 36 | Hourly     | 14.63                | 15.35    | 16.11    | 16.91    | 981 |
|    | Annually   | 30430.40             | 31928.00 | 33508.80 | 35172.80 | 982 |
|    |            | Step 5               | Step 6   | Step 7   | Step 8   | 983 |
|    | Hourly     | 17.73                | 18.62    | 19.54    | 20.51    | 984 |
|    | Annually   | 36878.40             | 38729.60 | 40643.20 | 42660.80 | 985 |
|    | Schedule C |                      |          |          |          | 986 |
|    |            | Pay Range and Values |          |          |          | 987 |
|    | Range      | Minimum              |          | Maximum  |          | 988 |
| 41 | Hourly     | 10.44                |          | 15.72    |          | 989 |
|    | Annually   | 21715.20             |          | 32697.60 |          | 990 |
| 42 | Hourly     | 11.51                |          | 17.35    |          | 991 |
|    | Annually   | 23940.80             |          | 36088.00 |          | 992 |
| 43 | Hourly     | 12.68                |          | 19.12    |          | 993 |
|    | Annually   | 26374.40             |          | 39769.60 |          | 994 |
| 44 | Hourly     | 13.99                |          | 20.87    |          | 995 |
|    | Annually   | 29099.20             |          | 43409.60 |          | 996 |
| 45 | Hourly     | 15.44                |          | 22.80    |          | 997 |
|    | Annually   | 32115.20             |          | 47424.00 |          | 998 |



|           |          |          |      |
|-----------|----------|----------|------|
| 46 Hourly | 17.01    | 24.90    | 999  |
| Annually  | 35380.80 | 51792.00 | 1000 |
| 47 Hourly | 18.75    | 27.18    | 1001 |
| Annually  | 39000.00 | 56534.40 | 1002 |
| 48 Hourly | 20.67    | 29.69    | 1003 |
| Annually  | 42993.60 | 61755.20 | 1004 |
| 49 Hourly | 22.80    | 32.06    | 1005 |
| Annually  | 47424.00 | 66684.80 | 1006 |

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 1007  
1008

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 1009  
1010  
1011

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 1012  
1013  
1014  
1015  
1016  
1017  
1018  
1019  
1020  
1021  
1022  
1023  
1024  
1025  
1026

The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover state employees and determine whether certain benefits or payments provided to state employees covered 1027  
1028  
1029  
1030

by those agreements should also be provided to employees who are 1031  
exempt from collective bargaining coverage and are paid in 1032  
accordance with section 124.152 of the Revised Code or are listed 1033  
in division (B)(2) or (4) of section 124.14 of the Revised Code. 1034  
On completing the review, the director of administrative services, 1035  
with the approval of the director of budget and management, may 1036  
provide to some or all of these employees any payment or benefit, 1037  
except for salary, contained in such a collective bargaining 1038  
agreement even if it is similar to a payment or benefit already 1039  
provided by law to some or all of these employees. Any payment or 1040  
benefit so provided shall not exceed the highest level for that 1041  
payment or benefit specified in such a collective bargaining 1042  
agreement. The director of administrative services shall not 1043  
provide, and the director of budget and management shall not 1044  
approve, any payment or benefit to such an employee under this 1045  
division unless the payment or benefit is provided pursuant to a 1046  
collective bargaining agreement to a state employee who is in a 1047  
position with similar duties as, is supervised by, or is employed 1048  
by the same appointing authority as, the employee to whom the 1049  
benefit or payment is to be provided. 1050

As used in this division, "payment or benefit already 1051  
provided by law" includes, but is not limited to, bereavement, 1052  
personal, vacation, administrative, and sick leave, disability 1053  
benefits, holiday pay, and pay supplements provided under the 1054  
Revised Code, but does not include wages or salary. 1055

(E) New employees paid ~~under~~ in accordance with schedule B of 1056  
division (A) of this section or ~~under~~ schedule E-1 of section 1057  
124.152 of the Revised Code shall be employed at the minimum rate 1058  
established for the range unless otherwise provided. Employees 1059  
with qualifications that are beyond the minimum normally required 1060  
for the position and that are determined by the director to be 1061  
exceptional may be employed in, or may be transferred or promoted 1062

to, a position at an advanced step of the range. Further, in time 1063  
of a serious labor market condition when it is relatively 1064  
impossible to recruit employees at the minimum rate for a 1065  
particular classification, the entrance rate may be set at an 1066  
advanced step in the range by the director of administrative 1067  
services. This rate may be limited to geographical regions of the 1068  
state. Appointments made to an advanced step under the provision 1069  
regarding exceptional qualifications shall not affect the step 1070  
assignment of employees already serving. However, anytime the 1071  
hiring rate of an entire classification is advanced to a higher 1072  
step, all incumbents of that classification being paid at a step 1073  
lower than that being used for hiring, shall be advanced beginning 1074  
at the start of the first pay period thereafter to the new hiring 1075  
rate, and any time accrued at the lower step will be used to 1076  
calculate advancement to a succeeding step. If the hiring rate of 1077  
a classification is increased for only a geographical region of 1078  
the state, only incumbents who work in that geographical region 1079  
shall be advanced to a higher step. When an employee in the 1080  
unclassified service changes from one state position to another or 1081  
is appointed to a position in the classified service, or if an 1082  
employee in the classified service is appointed to a position in 1083  
the unclassified service, the employee's salary or wage in the new 1084  
position shall be determined in the same manner as if the employee 1085  
were an employee in the classified service. When an employee in 1086  
the unclassified service who is not eligible for step increases is 1087  
appointed to a classification in the classified service under 1088  
which step increases are provided, future step increases shall be 1089  
based on the date on which the employee last received a pay 1090  
increase. If the employee has not received an increase during the 1091  
previous year, the date of the appointment to the classified 1092  
service shall be used to determine the employee's annual step 1093  
advancement eligibility date. In reassigning any employee to a 1094  
classification resulting in a pay range increase or to a new pay 1095

range as a result of a promotion, an increase pay range 1096  
adjustment, or other classification change resulting in a pay 1097  
range increase, the director shall assign such employee to the 1098  
step in the new pay range that will provide an increase of 1099  
approximately four per cent if the new pay range can accommodate 1100  
the increase. When an employee is being assigned to a 1101  
classification or new pay range as the result of a class plan 1102  
change, if the employee has completed a probationary period, the 1103  
employee shall be placed in a step no lower than step two of the 1104  
new pay range. If the employee has not completed a probationary 1105  
period, the employee may be placed in step one of the new pay 1106  
range. Such new salary or wage shall become effective on such date 1107  
as the director determines. 1108

(F) If employment conditions and the urgency of the work 1109  
require such action, the director of administrative services may, 1110  
upon the application of a department head, authorize payment at 1111  
any rate established within the range for the class of work, for 1112  
work of a casual or intermittent nature or on a project basis. 1113  
Payment at such rates shall not be made to the same individual for 1114  
more than three calendar months in any one calendar year. Any such 1115  
action shall be subject to the approval of the director of budget 1116  
and management as to the availability of funds. This section and 1117  
sections 124.14 and 124.152 of the Revised Code do not repeal any 1118  
authority of any department or public official to contract with or 1119  
fix the compensation of professional persons who may be employed 1120  
temporarily for work of a casual nature or for work on a project 1121  
basis. 1122

(G)(1) Except as provided in division (G)(2) of this section, 1123  
each state employee paid ~~under~~ in accordance with schedule B of 1124  
this section or ~~under~~ schedule E-1 of section 124.152 of the 1125  
Revised Code shall be eligible for advancement to succeeding steps 1126  
in the range for the employee's class or grade according to the 1127

schedule established in this division. Beginning on the first day 1128  
of the pay period within which the employee completes the 1129  
prescribed probationary period in the employee's classification 1130  
with the state, each employee shall receive an automatic salary 1131  
adjustment equivalent to the next higher step within the pay range 1132  
for the employee's class or grade. 1133

Each employee paid ~~under~~ in accordance with schedule E-1 of 1134  
section 124.152 of the Revised Code shall be eligible to advance 1135  
to the next higher step until the employee reaches ~~step six~~ the 1136  
top step in the range for the employee's class or grade, if the 1137  
employee has maintained satisfactory performance in accordance 1138  
with criteria established by the employee's appointing authority. 1139  
Those step advancements shall not occur more frequently than once 1140  
in any twelve-month period. ~~An employee only may advance to step~~ 1141  
~~seven upon performing at an exemplary level as determined in the~~ 1142  
~~employee's performance evaluation. An employee's advancement to~~ 1143  
~~step seven is at the discretion of the employee's appointing~~ 1144  
~~authority. An employee may not appeal the denial of advancement to~~ 1145  
~~step seven to the state personnel board of review.~~ 1146

When an employee is promoted or reassigned to a higher pay 1147  
range, the employee's step indicator shall return to "0" or be 1148  
adjusted to account for a probationary period, as appropriate. 1149  
Step advancement shall not be affected by demotion. A promoted 1150  
employee shall advance to the next higher step of the pay range on 1151  
the first day of the pay period in which the required probationary 1152  
period is completed. Step advancement shall become effective at 1153  
the beginning of the pay period within which the employee attains 1154  
the necessary length of service. Time spent on authorized leave of 1155  
absence shall be counted for this purpose. 1156

If determined to be in the best interest of the state 1157  
service, the director of administrative services may, either 1158  
statewide or in selected agencies, adjust the dates on which 1159

annual step advancements are received by employees paid ~~under~~ in 1160  
accordance with schedule E-1 of section 124.152 of the Revised 1161  
Code. 1162

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 1163  
this section, there shall be a moratorium on step advancements 1164  
under division (G)(1) of this section from the pay period 1165  
beginning June 29, 2003, through the pay period ending June 25, 1166  
2005. Step advancements shall resume with the pay period beginning 1167  
June 26, 2005. Upon the resumption of step advancements, there 1168  
shall be no retroactive step advancements for the period the 1169  
moratorium was in effect. The moratorium shall not affect an 1170  
employee's performance evaluation schedule. 1171

(ii) During the moratorium under division (G)(2)(a)(i) of 1172  
this section, an employee who is hired or promoted and serves a 1173  
probationary period in the employee's new position shall advance 1174  
to the next step in the employee's pay range upon successful 1175  
completion of the employee's probationary period. Thereafter, the 1176  
employee is subject to the moratorium. 1177

(b) The moratorium under division (G)(2)(a)(i) of this 1178  
section shall apply to the employees of the secretary of state, 1179  
the auditor of state, the treasurer of state, and the attorney 1180  
general, who are subject to this section unless the secretary of 1181  
state, the auditor of state, the treasurer of state, or the 1182  
attorney general decides to exempt the office's employees from the 1183  
moratorium and so notifies the director of administrative services 1184  
in writing on or before July 1, 2003. 1185

(H) Employees in appointive managerial or professional 1186  
positions paid ~~under salary~~ in accordance with schedule C of this 1187  
section or ~~under salary~~ schedule E-2 of section 124.152 of the 1188  
Revised Code may be appointed at any rate within the appropriate 1189  
pay range. This rate of pay may be adjusted higher or lower within 1190  
the respective pay range at any time the appointing authority so 1191

desires as long as the adjustment is based on the employee's 1192  
ability to successfully administer those duties assigned to the 1193  
employee. Salary adjustments shall not be made more frequently 1194  
than once in any six-month period under this provision to 1195  
incumbents holding the same position and classification. 1196

(I) When an employee is assigned to duty outside this state, 1197  
the employee may be compensated, upon request of the department 1198  
head and with the approval of the director of administrative 1199  
services, at a rate not to exceed fifty per cent in excess of the 1200  
employee's current base rate for the period of time spent on that 1201  
duty. 1202

(J) Unless compensation for members of a board or commission 1203  
is otherwise specifically provided by law, the director of 1204  
administrative services shall establish the rate and method of 1205  
payment for members of boards and commissions pursuant to the pay 1206  
schedules listed in section 124.152 of the Revised Code. 1207

(K) Regular full-time employees in positions assigned to 1208  
classes within the instruction and education administration series 1209  
under the rules of the director of administrative services, except 1210  
certificated employees on the instructional staff of the state 1211  
school for the blind or the state school for the deaf, whose 1212  
positions are scheduled to work on the basis of an academic year 1213  
rather than a full calendar year, shall be paid according to the 1214  
pay range assigned by such rules but only during those pay periods 1215  
included in the academic year of the school where the employee is 1216  
located. 1217

(1) Part-time or substitute teachers or those whose period of 1218  
employment is other than the full academic year shall be 1219  
compensated for the actual time worked at the rate established by 1220  
this section. 1221

(2) Employees governed by this division are exempt from 1222

|   |  |
|---|--|
| sections 124.13 and 124.19 of the Revised Code.   | 1223   |
| (3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.             | 1224<br>1225<br>1226<br>1227<br>1228<br>1229         |
| (L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:   | 1230<br>1231<br>1232<br>1233                         |
| (1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:  | 1234<br>1235<br>1236<br>1237<br>1238                 |
| (a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation. | 1239<br>1240<br>1241<br>1242<br>1243<br>1244<br>1245 |
| (b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;                                   | 1246<br>1247<br>1248<br>1249<br>1250<br>1251         |
| (c) Divide the sum of such six highest minimum salaries by ten thousand five hundred sixty;   | 1252<br>1253   |



(d) Multiply each per cent determined in division (L)(1)(a) 1254  
of this section by the quotient obtained in division (L)(1)(c) of 1255  
this section; 1256

(e) One hundred five per cent of each product thus obtained 1257  
shall be the hourly rate for the corresponding level of training, 1258  
experience, or other professional qualification in the schedule 1259  
for the ensuing fiscal year. 1260

(2) Annually, assign each certificated employee on the 1261  
instructional staff of the superintendent's respective school to 1262  
an hourly rate on the schedule that is commensurate with the 1263  
employee's training, experience, and other professional 1264  
qualifications. 1265

If an employee is employed on the basis of an academic year, 1266  
the employee's annual salary shall be calculated by multiplying 1267  
the employee's assigned hourly rate times one thousand seven 1268  
hundred sixty. If an employee is not employed on the basis of an 1269  
academic year, the employee's annual salary shall be calculated in 1270  
accordance with the following formula: 1271

(a) Multiply the number of days the employee is required to 1272  
work pursuant to the employee's contract by eight; 1273

(b) Multiply the product of division (L)(2)(a) of this 1274  
section by the employee's assigned hourly rate. 1275

Each employee shall be paid an annual salary in biweekly 1276  
installments. The amount of each installment shall be calculated 1277  
by dividing the employee's annual salary by the number of biweekly 1278  
installments to be paid during the year. 1279

Sections 124.13 and 124.19 of the Revised Code do not apply 1280  
to an employee who is paid under this division. 1281

As used in this division, "academic year" means the number of 1282  
days in each school year that the schools are required to be open 1283

for instruction with pupils in attendance. Upon completing an 1284  
academic year, an employee paid under this division shall be 1285  
deemed to have completed one year of service. An employee paid 1286  
under this division is eligible to receive a pay supplement under 1287  
division (L)(1), (2), or (3) of section 124.181 of the Revised 1288  
Code for which the employee qualifies, but is not eligible to 1289  
receive a pay supplement under division (L)(4) or (5) of that 1290  
section. An employee paid under this division is eligible to 1291  
receive a pay supplement under division (L)(6) of section 124.181 1292  
of the Revised Code for which the employee qualifies, except that 1293  
the supplement is not limited to a maximum of five per cent of the 1294  
employee's regular base salary in a calendar year. 1295

(M) Division (A) of this section does not apply to "exempt 1296  
employees," as defined in section 124.152 of the Revised Code, who 1297  
are paid under that section. 1298

Notwithstanding any other provisions of this chapter, when an 1299  
employee transfers between bargaining units or transfers out of or 1300  
into a bargaining unit, the director shall establish the 1301  
employee's compensation and adjust the maximum leave accrual 1302  
schedule as the director deems equitable. 1303

**Sec. 124.152.** (A)(1) Except as provided in divisions (A)(2) 1304  
and (3) of this section, each exempt employee shall be paid a 1305  
salary or wage in accordance with schedule E-1 or schedule E-2 of 1306  
division (B) or (C) of this section. 1307

(2) Each exempt employee who holds a position in the 1308  
unclassified civil service pursuant to division (A)(26) or (30) of 1309  
section 124.11 of the Revised Code may be paid a salary or wage in 1310  
accordance with schedule E-1, schedule E-1 for step seven only, or 1311  
schedule E-2 of division (B), (C), (D), or (E) of this section, as 1312  
applicable. 1313

(3)(a) Except as provided in division (A)(3)(b) of this 1314

section, each exempt employee who was paid a salary or wage at 1315  
step 7 in the employee's pay range on June 28, 2003, in accordance 1316  
with the applicable schedule E-1 of former section 124.152 of the 1317  
Revised Code and who continued to be so paid on June 29, 2003, 1318  
shall be paid a salary or wage in the corresponding pay range in 1319  
schedule E-1 for step seven only of division (D) or (E) of this 1320  
section for as long as the employee remains in the position the 1321  
employee held as of July 1, 2003. 1322

(b) Except as provided in division (A)(3)(c) of this section, 1323  
if an exempt employee who is being paid a salary or wage in 1324  
accordance with schedule E-1 for step seven only of division (D) 1325  
or (E) of this section moves to another position, the employee 1326  
shall not receive a salary or wage for that position or any other 1327  
position in the future in accordance with that schedule. 1328

(c) If an exempt employee who is being paid a salary or wage 1329  
in accordance with schedule E-1 for step seven only of division 1330  
(D) or (E) of this section moves to another position assigned to 1331  
pay range 12 or above, the appointing authority has the discretion 1332  
to assign the employee to be paid a salary or wage in the 1333  
appropriate pay range for that position in accordance with 1334  
schedule E-1 for step seven only, provided that the appointing 1335  
authority so notifies the director of administrative services in 1336  
writing at the time the employee is appointed to that position. 1337

(B) Beginning on the first day of the pay period that 1338  
includes July 1, 2002, each exempt employee who must be paid in 1339  
accordance with schedule E-1 or schedule E-2 of this section shall 1340  
be paid a salary or wage in accordance with the following schedule 1341  
of rates: 1342

Schedule E-1 1343

Pay Ranges and Step Values 1344

Step Step Step Step Step Step Step 1345

Range 1 2 3 4 5 6 7 1346

|    |          |       |       |       |       |       |       |                  |      |
|----|----------|-------|-------|-------|-------|-------|-------|------------------|------|
| 1  | Hourly   | 8.78  | 9.16  | 9.56  | 9.97  |       |       |                  | 1347 |
|    | Annually | 18262 | 19053 | 19885 | 20738 |       |       |                  | 1348 |
| 2  | Hourly   | 10.64 | 11.09 | 11.58 | 12.08 |       |       |                  | 1349 |
|    | Annually | 22131 | 23067 | 24086 | 25126 |       |       |                  | 1350 |
| 3  | Hourly   | 11.14 | 11.65 | 12.16 | 12.69 |       |       |                  | 1351 |
|    | Annually | 23171 | 24232 | 25293 | 26395 |       |       |                  | 1352 |
| 4  | Hourly   | 11.70 | 12.23 | 12.81 | 13.38 |       |       |                  | 1353 |
|    | Annually | 24336 | 25438 | 26645 | 27830 |       |       |                  | 1354 |
| 5  | Hourly   | 12.28 | 12.84 | 13.38 | 13.97 |       |       |                  | 1355 |
|    | Annually | 25542 | 26707 | 27830 | 29058 |       |       |                  | 1356 |
| 6  | Hourly   | 12.94 | 13.47 | 14.07 | 14.64 |       |       |                  | 1357 |
|    | Annually | 26915 | 28018 | 29266 | 30451 |       |       |                  | 1358 |
| 7  | Hourly   | 13.74 | 14.26 | 14.83 | 15.35 | 15.94 |       |                  | 1359 |
|    | Annually | 28579 | 29661 | 30846 | 31928 | 33155 |       |                  | 1360 |
| 8  | Hourly   | 14.53 | 15.16 | 15.83 | 16.53 | 17.23 |       |                  | 1361 |
|    | Annually | 30222 | 31533 | 32926 | 34382 | 35838 |       |                  | 1362 |
| 9  | Hourly   | 15.50 | 16.30 | 17.11 | 17.95 | 18.87 |       |                  | 1363 |
|    | Annually | 32240 | 33904 | 35589 | 37336 | 39250 |       |                  | 1364 |
| 10 | Hourly   | 16.72 | 17.63 | 18.58 | 19.65 | 20.70 |       |                  | 1365 |
|    | Annually | 34778 | 36670 | 38646 | 40872 | 43056 |       |                  | 1366 |
| 11 | Hourly   | 18.20 | 19.27 | 20.38 | 21.53 | 22.76 |       |                  | 1367 |
|    | Annually | 37856 | 40082 | 42390 | 44782 | 47341 |       |                  | 1368 |
| 12 | Hourly   | 20.08 | 21.21 | 22.35 | 23.59 | 24.90 | 26.26 | <del>27.71</del> | 1369 |
|    | Annually | 41766 | 44117 | 46488 | 49067 | 51792 | 54621 | <del>57637</del> | 1370 |
| 13 | Hourly   | 22.13 | 23.35 | 24.63 | 25.95 | 27.40 | 28.90 | <del>30.49</del> | 1371 |
|    | Annually | 46030 | 48568 | 51230 | 53976 | 56992 | 60112 | <del>63419</del> | 1372 |
| 14 | Hourly   | 24.35 | 25.72 | 27.10 | 28.59 | 30.20 | 31.88 | <del>33.62</del> | 1373 |
|    | Annually | 50648 | 53498 | 56368 | 59467 | 62816 | 66310 | <del>69930</del> | 1374 |
| 15 | Hourly   | 26.74 | 28.24 | 29.84 | 31.48 | 33.22 | 35.06 | <del>36.98</del> | 1375 |
|    | Annually | 55619 | 58739 | 62067 | 65478 | 69098 | 72925 | <del>76918</del> | 1376 |
| 16 | Hourly   | 29.48 | 31.12 | 32.84 | 34.67 | 36.59 | 38.67 | <del>40.80</del> | 1377 |
|    | Annually | 61318 | 64730 | 68307 | 72114 | 76107 | 80434 | <del>84864</del> | 1378 |
| 17 | Hourly   | 32.49 | 34.28 | 36.20 | 38.20 | 40.33 | 42.58 | <del>44.93</del> | 1379 |

|              |   |       |       |         |       |       |       |                   |      |
|--------------|---|-------|-------|---------|-------|-------|-------|-------------------|------|
|              | Annually  | 67579 | 71302 | 75296   | 79456 | 83886 | 88566 | <del>93454</del>  | 1380 |
| 18           | Hourly  | 35.80 | 37.78 | 39.90   | 42.11 | 44.43 | 46.92 | <del>49.50</del>  | 1381 |
|              | Annually  | 74464 | 78582 | 82992   | 87589 | 92414 | 97594 | <del>102960</del> | 1382 |
| Schedule E-2 |   |       |       |         |       |       |       |                   | 1383 |
|              | Range   |       |       | Minimum |       |       |       | Maximum           | 1384 |
| 41           | Hourly  |       |       | 16.23   |       |       |       | 32.46             | 1385 |
|              | Annually  |       |       | 33758   |       |       |       | 67517             | 1386 |
| 42           | Hourly  |       |       | 17.89   |       |       |       | 35.86             | 1387 |
|              | Annually  |       |       | 37211   |       |       |       | 74589             | 1388 |
| 43           | Hourly  |       |       | 19.70   |       |       |       | 39.49             | 1389 |
|              | Annually  |       |       | 40976   |       |       |       | 82139             | 1390 |
| 44           | Hourly  |       |       | 21.73   |       |       |       | 43.13             | 1391 |
|              | Annually  |       |       | 45198   |       |       |       | 89710             | 1392 |
| 45           | Hourly  |       |       | 24.01   |       |       |       | 47.09             | 1393 |
|              | Annually  |       |       | 49941   |       |       |       | 97947             | 1394 |
| 46           | Hourly  |       |       | 26.43   |       |       |       | 51.46             | 1395 |
|              | Annually  |       |       | 54974   |       |       |       | 107037            | 1396 |
| 47           | Hourly  |       |       | 29.14   |       |       |       | 56.16             | 1397 |
|              | Annually  |       |       | 60611   |       |       |       | 116813            | 1398 |
| 48           | Hourly  |       |       | 32.14   |       |       |       | 61.29             | 1399 |
|              | Annually  |       |       | 66851   |       |       |       | 127483            | 1400 |
| 49           | Hourly  |       |       | 35.44   |       |       |       | 66.18             | 1401 |
|              | Annually  |       |       | 73715   |       |       |       | 137654            | 1402 |
|              | -(B)-(C) Beginning on the first day of the pay period that                |       |       |         |       |       |       |                   | 1403 |
|              | includes July 1, 2005, each exempt employee <u>who must be paid in</u>    |       |       |         |       |       |       |                   | 1404 |
|              | <u>accordance with schedule E-1 or schedule E-2 of this section shall</u> |       |       |         |       |       |       |                   | 1405 |
|              | be paid a salary or wage in accordance with the following schedule        |       |       |         |       |       |       |                   | 1406 |
|              | of rates:   |       |       |         |       |       |       |                   | 1407 |
|              | Schedule E-1  |       |       |         |       |       |       |                   | 1408 |
|              | Pay Ranges and Step Values  |       |       |         |       |       |       |                   | 1409 |
|              | Step  | Step  | Step  | Step    | Step  | Step  | Step  | Step              | 1410 |
|              | Range   | 1     | 2     | 3       | 4     | 5     | 6     | 7                 | 1411 |

|    |          |       |       |       |       |       |       |                  |      |
|----|----------|-------|-------|-------|-------|-------|-------|------------------|------|
| 1  | Hourly   | 9.13  | 9.53  | 9.94  | 10.37 |       |       |                  | 1412 |
|    | Annually | 18990 | 19822 | 20675 | 21570 |       |       |                  | 1413 |
| 2  | Hourly   | 11.07 | 11.53 | 12.04 | 12.56 |       |       |                  | 1414 |
|    | Annually | 23026 | 23982 | 25043 | 26125 |       |       |                  | 1415 |
| 3  | Hourly   | 11.59 | 12.12 | 12.65 | 13.20 |       |       |                  | 1416 |
|    | Annually | 24107 | 25210 | 26312 | 27456 |       |       |                  | 1417 |
| 4  | Hourly   | 12.17 | 12.72 | 13.32 | 13.92 |       |       |                  | 1418 |
|    | Annually | 25314 | 26458 | 27706 | 28954 |       |       |                  | 1419 |
| 5  | Hourly   | 12.77 | 13.35 | 13.92 | 14.53 |       |       |                  | 1420 |
|    | Annually | 26562 | 27768 | 28954 | 30222 |       |       |                  | 1421 |
| 6  | Hourly   | 13.46 | 14.01 | 14.63 | 15.23 |       |       |                  | 1422 |
|    | Annually | 27997 | 29141 | 30430 | 31678 |       |       |                  | 1423 |
| 7  | Hourly   | 14.29 | 14.83 | 15.42 | 15.96 | 16.58 |       |                  | 1424 |
|    | Annually | 29723 | 30846 | 32074 | 33197 | 34486 |       |                  | 1425 |
| 8  | Hourly   | 15.11 | 15.77 | 16.46 | 17.19 | 17.92 |       |                  | 1426 |
|    | Annually | 31429 | 32802 | 34237 | 35755 | 37274 |       |                  | 1427 |
| 9  | Hourly   | 16.12 | 16.95 | 17.79 | 18.67 | 19.62 |       |                  | 1428 |
|    | Annually | 33530 | 35256 | 37003 | 38834 | 40810 |       |                  | 1429 |
| 10 | Hourly   | 17.39 | 18.34 | 19.32 | 20.44 | 21.53 |       |                  | 1430 |
|    | Annually | 36171 | 38147 | 40186 | 42515 | 44782 |       |                  | 1431 |
| 11 | Hourly   | 18.93 | 20.04 | 21.20 | 22.39 | 23.67 |       |                  | 1432 |
|    | Annually | 39374 | 41683 | 44096 | 46571 | 49234 |       |                  | 1433 |
| 12 | Hourly   | 20.88 | 22.06 | 23.24 | 24.53 | 25.90 | 27.31 | <del>28.82</del> | 1434 |
|    | Annually | 43430 | 45885 | 48339 | 51022 | 53872 | 56805 | <del>59946</del> | 1435 |
| 13 | Hourly   | 23.02 | 24.28 | 25.62 | 26.99 | 28.50 | 30.06 | <del>31.71</del> | 1436 |
|    | Annually | 47882 | 50502 | 53290 | 56139 | 59280 | 62525 | <del>65957</del> | 1437 |
| 14 | Hourly   | 25.32 | 26.75 | 28.18 | 29.73 | 31.41 | 33.16 | <del>34.96</del> | 1438 |
|    | Annually | 52666 | 55640 | 58614 | 61838 | 65333 | 68973 | <del>72717</del> | 1439 |
| 15 | Hourly   | 27.81 | 29.37 | 31.03 | 32.74 | 34.55 | 36.46 | <del>38.46</del> | 1440 |
|    | Annually | 57845 | 61090 | 64542 | 68099 | 71864 | 75837 | <del>79997</del> | 1441 |
| 16 | Hourly   | 30.66 | 32.36 | 34.15 | 36.06 | 38.05 | 40.22 | <del>42.43</del> | 1442 |
|    | Annually | 63773 | 67309 | 71032 | 75005 | 79144 | 83658 | <del>88254</del> | 1443 |
| 17 | Hourly   | 33.79 | 35.65 | 37.65 | 39.73 | 41.94 | 44.28 | <del>46.73</del> | 1444 |

|   |                 |              |       |         |       |       |        |                   |      |
|---|-----------------|--------------|-------|---------|-------|-------|--------|-------------------|------|
|   | Annually        | 70283        | 74152 | 78312   | 82638 | 87235 | 92102  | <del>97198</del>  | 1445 |
| 18  | Hourly          | 37.23        | 39.29 | 41.50   | 43.79 | 46.21 | 48.80  | <del>51.48</del>  | 1446 |
|   | Annually        | 77438        | 81723 | 86320   | 91083 | 96117 | 101504 | <del>107078</del> | 1447 |
| Schedule E-2  |                 |              |       |         |       |       |        |                   | 1448 |
|   | Range           |              |       | Minimum |       |       |        | Maximum           | 1449 |
| 41  | Hourly          |              |       | 16.23   |       |       |        | 33.76             | 1450 |
|   | Annually        |              |       | 33758   |       |       |        | 70221             | 1451 |
| 42  | Hourly          |              |       | 17.89   |       |       |        | 37.29             | 1452 |
|   | Annually        |              |       | 37211   |       |       |        | 77563             | 1453 |
| 43  | Hourly          |              |       | 19.70   |       |       |        | 41.07             | 1454 |
|   | Annually        |              |       | 40976   |       |       |        | 85426             | 1455 |
| 44  | Hourly          |              |       | 21.73   |       |       |        | 44.86             | 1456 |
|   | Annually        |              |       | 45198   |       |       |        | 93309             | 1457 |
| 45  | Hourly          |              |       | 24.01   |       |       |        | 48.97             | 1458 |
|   | Annually        |              |       | 49941   |       |       |        | 101858            | 1459 |
| 46  | Hourly          |              |       | 26.43   |       |       |        | 53.52             | 1460 |
|   | Annually        |              |       | 54974   |       |       |        | 111322            | 1461 |
| 47  | Hourly          |              |       | 29.14   |       |       |        | 58.41             | 1462 |
|   | Annually        |              |       | 60611   |       |       |        | 121493            | 1463 |
| 48  | Hourly          |              |       | 32.14   |       |       |        | 63.74             | 1464 |
|   | Annually        |              |       | 66851   |       |       |        | 132579            | 1465 |
| 49  | Hourly          |              |       | 35.44   |       |       |        | 68.83             | 1466 |
|   | Annually        |              |       | 73715   |       |       |        | 143166            | 1467 |
| <u>(D) Beginning on the first day of the pay period that</u>              |                 |              |       |         |       |       |        |                   | 1468 |
| <u>includes July 1, 2003, each exempt employee who must be paid in</u>    |                 |              |       |         |       |       |        |                   | 1469 |
| <u>accordance with schedule E-1 for step seven only shall be paid a</u>   |                 |              |       |         |       |       |        |                   | 1470 |
| <u>salary or wage in accordance with the following schedule of rates:</u> |                 |              |       |         |       |       |        |                   | 1471 |
| <u>Schedule E-1 for Step Seven Only</u>                                   |                 |              |       |         |       |       |        |                   | 1472 |
| <u>Pay Ranges and Step Seven Values</u>                                   |                 |              |       |         |       |       |        |                   | 1473 |
|   | <u>Range</u>    |              |       |         |       |       |        |                   | 1474 |
| 12  | <u>Hourly</u>   | <u>27.71</u> |       |         |       |       |        |                   | 1475 |
|   | <u>Annually</u> | <u>57637</u> |       |         |       |       |        |                   | 1476 |

|           |                 |               |      |
|-----------|-----------------|---------------|------|
| <u>13</u> | <u>Hourly</u>   | <u>30.49</u>  | 1477 |
|           | <u>Annually</u> | <u>63419</u>  | 1478 |
| <u>14</u> | <u>Hourly</u>   | <u>33.62</u>  | 1479 |
|           | <u>Annually</u> | <u>69930</u>  | 1480 |
| <u>15</u> | <u>Hourly</u>   | <u>36.98</u>  | 1481 |
|           | <u>Annually</u> | <u>76918</u>  | 1482 |
| <u>16</u> | <u>Hourly</u>   | <u>40.80</u>  | 1483 |
|           | <u>Annually</u> | <u>84864</u>  | 1484 |
| <u>17</u> | <u>Hourly</u>   | <u>44.93</u>  | 1485 |
|           | <u>Annually</u> | <u>93454</u>  | 1486 |
| <u>18</u> | <u>Hourly</u>   | <u>49.50</u>  | 1487 |
|           | <u>Annually</u> | <u>102960</u> | 1488 |

(E) Beginning on the first day of the pay period that 1489  
includes July 1, 2005, each exempt employee who must be paid in 1490  
accordance with schedule E-1 for step seven only shall be paid a 1491  
salary or wage in accordance with the following schedule of rates: 1492

Schedule E-1 for Step Seven Only 1493

Pay Ranges and Step Seven Values 1494

|           |                 |              |      |
|-----------|-----------------|--------------|------|
|           | <u>Range</u>    |              | 1495 |
| <u>12</u> | <u>Hourly</u>   | <u>28.82</u> | 1496 |
|           | <u>Annually</u> | <u>59946</u> | 1497 |
| <u>13</u> | <u>Hourly</u>   | <u>31.71</u> | 1498 |
|           | <u>Annually</u> | <u>65957</u> | 1499 |
| <u>14</u> | <u>Hourly</u>   | <u>34.96</u> | 1500 |
|           | <u>Annually</u> | <u>72717</u> | 1501 |
| <u>15</u> | <u>Hourly</u>   | <u>38.46</u> | 1502 |
|           | <u>Annually</u> | <u>79997</u> | 1503 |
| <u>16</u> | <u>Hourly</u>   | <u>42.43</u> | 1504 |
|           | <u>Annually</u> | <u>88254</u> | 1505 |
| <u>17</u> | <u>Hourly</u>   | <u>46.73</u> | 1506 |
|           | <u>Annually</u> | <u>97198</u> | 1507 |
| <u>18</u> | <u>Hourly</u>   | <u>51.48</u> | 1508 |





section 124.152 of the Revised Code, the classification salary 1540  
base shall be the minimum hourly rate of the pay range, provided 1541  
in that section, in which the employee is assigned at the time of 1542  
computation. 1543

(3) Except as provided in section 124.183 of the Revised 1544  
Code, in computing any of the pay supplements provided in this 1545  
section for an employee paid in accordance with schedule E-1 for 1546  
step seven only of section 124.152 of the Revised Code, the 1547  
classification salary base shall be the minimum hourly rate in the 1548  
corresponding pay range, provided in schedule E-1 of that section, 1549  
to which the employee is assigned at the time of the computation. 1550

(C) The effective date of any pay supplement, except as 1551  
provided in section 124.183 of the Revised Code or unless 1552  
otherwise provided in this section, shall be determined by the 1553  
director. 1554

(D) The director shall, by rule, establish standards 1555  
regarding the administration of this section. 1556

(E)(1) Except as otherwise provided in this division, 1557  
beginning on the first day of the pay period within which the 1558  
employee completes five years of total service with the state 1559  
government or any of its political subdivisions, each employee in 1560  
positions paid ~~under salary in accordance with~~ schedule B of 1561  
section 124.15 of the Revised Code or under salary in accordance 1562  
with schedule E-1 or schedule E-1 for step seven only of section 1563  
124.152 of the Revised Code shall receive an automatic salary 1564  
adjustment equivalent to two and one-half per cent of the 1565  
classification salary base, to the nearest whole cent. Each 1566  
employee shall receive thereafter an annual adjustment equivalent 1567  
to one-half of one per cent of the employee's classification 1568  
salary base, to the nearest whole cent, for each additional year 1569  
of qualified employment until a maximum of ten per cent of the 1570  
employee's classification salary base is reached. The granting of 1571

longevity adjustments shall not be affected by promotion, 1572  
demotion, or other changes in classification held by the employee, 1573  
nor by any change in pay range for the employee's class or grade. 1574  
Longevity pay adjustments shall become effective at the beginning 1575  
of the pay period within which the employee completes the 1576  
necessary length of service, except that when an employee requests 1577  
credit for prior service, the effective date of the prior service 1578  
credit and of any longevity adjustment shall be the first day of 1579  
the pay period following approval of the credit by the director of 1580  
administrative services. No employee, other than an employee who 1581  
submits proof of prior service within ninety days after the date 1582  
of the employee's hiring, shall receive any longevity adjustment 1583  
for the period prior to the director's approval of a prior service 1584  
credit. Time spent on authorized leave of absence shall be counted 1585  
for this purpose. 1586

(2) An employee who has retired in accordance with the 1587  
provisions of any retirement system offered by the state and who 1588  
is employed by the state or any political subdivision of the state 1589  
on or after June 24, 1987, shall not have prior service with the 1590  
state or any political subdivision of the state counted for the 1591  
purpose of determining the amount of the salary adjustment 1592  
provided under this division. 1593

(3) There shall be a moratorium on employees' receipt under 1594  
this division of credit for service with the state government or 1595  
any of its political subdivisions during the period from July 1, 1596  
2003, through June 30, 2005. In calculating the number of years of 1597  
total service under this division, no credit shall be included for 1598  
service during the moratorium. The moratorium shall apply to the 1599  
employees of the secretary of state, the auditor of state, the 1600  
treasurer of state, and the attorney general, who are subject to 1601  
this section unless the secretary of state, the auditor of state, 1602  
the treasurer of state, or the attorney general decides to exempt 1603

the office's employees from the moratorium and so notifies the 1604  
director of administrative services in writing on or before July 1605  
1, 2003. 1606

If an employee is exempt from the moratorium, receives credit 1607  
for a period of service during the moratorium, and takes a 1608  
position with another entity in the state government or any of its 1609  
political subdivisions, either during or after the moratorium, and 1610  
if that entity's employees are or were subject to the moratorium, 1611  
the employee shall continue to retain the credit. However, if the 1612  
moratorium is in effect upon the taking of the new position, the 1613  
employee shall cease receiving additional credit as long as the 1614  
employee is in the position, until the moratorium expires. 1615

(F) When an exceptional condition exists that creates a 1616  
temporary or a permanent hazard for one or more positions in a 1617  
class paid ~~under~~ in accordance with schedule B of section 124.15 1618  
of the Revised Code or ~~under salary~~ in accordance with schedule 1619  
E-1 or schedule E-1 for step seven only of section 124.152 of the 1620  
Revised Code, a special hazard salary adjustment may be granted 1621  
for the time the employee is subjected to the hazardous condition. 1622  
All special hazard conditions shall be identified for each 1623  
position and incidence from information submitted to the director 1624  
on an appropriate form provided by the director and categorized 1625  
into standard conditions of: some unusual hazard not common to the 1626  
class; considerable unusual hazard not common to the class; and 1627  
exceptional hazard not common to the class. 1628

(1) A hazardous salary adjustment of five per cent of the 1629  
employee's classification salary base may be applied in the case 1630  
of some unusual hazardous condition not common to the class for 1631  
those hours worked, or a fraction ~~thereof~~ of those hours worked, 1632  
while the employee was subject to the unusual hazard condition. 1633

(2) A hazardous salary adjustment of seven and one-half per 1634  
cent of the employee's classification salary base may be applied 1635

in the case of some considerable hazardous condition not common to 1636  
the class for those hours worked, or a fraction ~~thereof~~ of those 1637  
hours worked, while the employee was subject to the considerable 1638  
hazard condition. 1639

(3) A hazardous salary adjustment of ten per cent of the 1640  
employee's classification salary base may be applied in the case 1641  
of some exceptional hazardous condition not common to the class 1642  
for those hours worked, or a fraction ~~thereof~~ of those hours 1643  
worked, when the employee was subject to the exceptional hazard 1644  
condition. 1645

(4) Each claim for temporary hazard pay shall be submitted as 1646  
a separate payment and shall be subject to an administrative audit 1647  
by the director as to the extent and duration of the employee's 1648  
exposure to the hazardous condition. 1649

(G) When a full-time employee whose salary or wage is paid 1650  
directly by warrant of the auditor of state and who also is 1651  
eligible for overtime under the "Fair Labor Standards Act of 1652  
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered 1653  
by the appointing authority to report back to work after 1654  
termination of the employee's regular work schedule and the 1655  
employee reports, the employee shall be paid for such time. The 1656  
employee shall be entitled to four hours at the employee's total 1657  
rate of pay or overtime compensation for the actual hours worked, 1658  
whichever is greater. This division does not apply to work that is 1659  
a continuation of or immediately preceding an employee's regular 1660  
work schedule. 1661

(H) When a certain position or positions paid ~~under~~ in 1662  
accordance with schedule B of section 124.15 of the Revised Code 1663  
or under salary in accordance with schedule E-1 or schedule E-1 1664  
for step seven only of section 124.152 of the Revised Code require 1665  
the ability to speak or write a language other than English, a 1666  
special pay supplement may be granted to attract bilingual 1667

individuals, to encourage present employees to become proficient 1668  
in other languages, or to retain qualified bilingual employees. 1669  
The bilingual pay supplement provided in this division may be 1670  
granted in the amount of five per cent of the employee's 1671  
classification salary base for each required foreign language and 1672  
shall remain in effect as long as the bilingual requirement 1673  
exists. 1674

(I) The director may establish a shift differential for 1675  
employees. ~~Such~~ The differential shall be paid to employees in 1676  
positions working in other than the regular or first shift. In 1677  
those divisions or agencies where only one shift prevails, no 1678  
shift differential shall be paid regardless of the hours of the 1679  
day that are worked. The director and the appointing authority 1680  
shall designate which positions shall be covered by this division. 1681

(J) Whenever an employee is assigned to work in a higher 1682  
level position for a continuous period of more than two weeks but 1683  
no more than two years because of a vacancy, the employee's pay 1684  
may be established at a rate that is approximately four per cent 1685  
above the employee's current base rate for the period the employee 1686  
occupies the position, provided that this temporary occupancy is 1687  
approved by the director. Employees paid under this division shall 1688  
continue to receive any of the pay supplements due them under 1689  
other divisions of this section based on the step one base rate 1690  
for their normal classification. 1691

(K) If a certain position, or positions, within a class paid 1692  
~~under in accordance with~~ schedule B of section 124.15 of the 1693  
Revised Code or ~~under salary in accordance with~~ schedule E-1 or 1694  
schedule E-1 for step seven only of section 124.152 of the Revised 1695  
Code are mandated by state or federal law or regulation or other 1696  
regulatory agency or other certification authority to have special 1697  
technical certification, registration, or licensing to perform the 1698  
functions which are under the mandate, a special professional 1699

achievement pay supplement may be granted. This special 1700  
professional achievement pay supplement shall not be granted when 1701  
all incumbents in all positions in a class require a license as 1702  
provided in the classification description published by the 1703  
department of administrative services; to licensees where no 1704  
special or extensive training is required; when certification is 1705  
granted upon completion of a stipulated term of in-service 1706  
training; when an appointing authority has required certification; 1707  
or any other condition prescribed by the director. 1708

(1) Before this supplement may be applied, evidence as to the 1709  
requirement must be provided by the agency for each position 1710  
involved, and certification must be received from the director as 1711  
to the director's concurrence for each of the positions so 1712  
affected. 1713

(2) The professional achievement pay supplement provided in 1714  
this division shall be granted in an amount up to ten per cent of 1715  
the employee's classification salary base and shall remain in 1716  
effect as long as the mandate exists. 1717

(L) Those employees assigned to teaching supervisory, 1718  
principal, assistant principal, or superintendent positions who 1719  
have attained a higher educational level than a basic bachelor's 1720  
degree may receive an educational pay supplement to remain in 1721  
effect as long as the employee's assignment and classification 1722  
remain the same. 1723

(1) An educational pay supplement of two and one-half per 1724  
cent of the employee's classification salary base may be applied 1725  
upon the achievement of a bachelor's degree plus twenty quarter 1726  
hours of postgraduate work. 1727

(2) An educational pay supplement of an additional five per 1728  
cent of the employee's classification salary base may be applied 1729  
upon achievement of a master's degree. 1730

(3) An educational pay supplement of an additional two and 1731  
one-half per cent of the employee's classification salary base may 1732  
be applied upon achievement of a master's degree plus thirty 1733  
quarter hours of postgraduate work. 1734

(4) An educational pay supplement of five per cent of the 1735  
employee's classification salary base may be applied when the 1736  
employee is performing as a master teacher. 1737

(5) An educational pay supplement of five per cent of the 1738  
employee's classification salary base may be applied when the 1739  
employee is performing as a special education teacher. 1740

(6) Those employees in teaching supervisory, principal, 1741  
assistant principal, or superintendent positions who are 1742  
responsible for specific extracurricular activity programs shall 1743  
receive overtime pay for those hours worked in excess of their 1744  
normal schedule, at their straight time hourly rate up to a 1745  
maximum of five per cent of their regular base salary in any 1746  
calendar year. 1747

(M)(1) A state agency, board, or commission may establish a 1748  
supplementary compensation schedule for those licensed physicians 1749  
employed by the agency, board, or commission in positions 1750  
requiring a licensed physician. The supplementary compensation 1751  
schedule, together with the compensation otherwise authorized by 1752  
this chapter, shall provide for the total compensation for these 1753  
employees to range appropriately, but not necessarily uniformly, 1754  
for each classification title requiring a licensed physician, in 1755  
accordance with a schedule approved by the state controlling 1756  
board. The individual salary levels recommended for each such 1757  
physician employed shall be approved by the director. 1758  
Notwithstanding section 124.11 of the Revised Code, such personnel 1759  
are in the unclassified civil service. 1760

(2) The director of administrative services may approve 1761



supplementary compensation for the director of health, if the 1762  
director is a licensed physician, in accordance with a 1763  
supplementary compensation schedule approved under division (M)(1) 1764  
of this section or in accordance with another supplementary 1765  
compensation schedule the director of administrative services 1766  
considers appropriate. The supplementary compensation shall not 1767  
exceed twenty per cent of the director of health's base rate of 1768  
pay. 1769

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 1770  
117.42, and 131.02 of the Revised Code, the state shall not 1771  
institute any civil action to recover and shall not seek 1772  
reimbursement for overpayments made in violation of division (E) 1773  
of this section or division (C) of section 9.44 of the Revised 1774  
Code for the period starting after June 24, 1987, and ending on 1775  
October 31, 1993. 1776

(O) Employees of the office of the treasurer of state who are 1777  
exempt from collective bargaining coverage may be granted a merit 1778  
pay supplement of up to one and one-half per cent of their step 1779  
rate. The rate at which this supplement is granted shall be based 1780  
on performance standards established by the treasurer of state. 1781  
Any supplements granted under this division shall be administered 1782  
on an annual basis. 1783

**Sec. 124.183.** (A) As used in this section, "active payroll" 1784  
means when an employee is actively working; on military, ~~worker's~~ 1785  
workers' compensation, occupational injury, or disability leave; 1786  
or on an approved leave of absence. 1787

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

per cent lump sum payment that is based on the annualization of 1793  
the top step of the pay range in schedule E-1 that the employee is 1794  
in on November 14, 2004. 1795

(2) Each permanent employee paid in accordance with schedule 1796  
E-1 for step seven only of section 124.152 of the Revised Code who 1797  
was appointed on or before March 6, 2003, and remains continuously 1798  
on the active payroll through November 14, 2004, shall receive a 1799  
one-time pay supplement. The supplement shall be a two per cent 1800  
lump sum payment that is based on the annualization of step 6 of 1801  
the pay range in schedule E-1 of section 124.152 of the Revised 1802  
Code that corresponds with the pay range in schedule E-1 for step 1803  
seven only that the employee is in on November 14, 2004. 1804

(3) Each permanent employee paid under schedule E-2 of 1805  
section 124.152 of the Revised Code who was appointed on or before 1806  
March 6, 2003, and ~~is~~ remains continuously on the active payroll 1807  
~~as of~~ through November 14, 2004, shall receive a one-time pay 1808  
supplement. The supplement shall be a two per cent lump sum 1809  
payment that is based upon the annualization of the maximum hourly 1810  
rate of the pay range in schedule E-2 that the employee is in on 1811  
November 14, 2004. 1812

(C) Each permanent employee who is exempt from collective 1813  
bargaining, is not covered by division (B) of this section, was 1814  
appointed on or before March 6, 2003, and ~~is~~ remains continuously 1815  
on the active payroll ~~as of~~ through November 14, 2004, shall 1816  
receive a one-time pay supplement. The supplement shall be a two 1817  
per cent lump sum payment that is based upon the annualization of 1818  
the base rate of the employee's pay on November 14, 2004. 1819

(D) A part-time employee who is eligible to receive a 1820  
one-time pay supplement under division (B) or (C) of this section 1821  
shall have the employee's one-time pay supplement pro-rated based 1822  
on the number of hours worked in the twenty-six pay periods prior 1823  
to November 14, 2004. 1824

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

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

(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. 1855

(3) "Active pay status" means the conditions under which an 1856  
employee is eligible to receive pay, and includes, but is not 1857  
limited to, vacation leave, sick leave, personal leave, 1858  
bereavement leave, and administrative leave. 1859

(4) "No pay status" means the conditions under which an 1860  
employee is ineligible to receive pay, and includes, but is not 1861  
limited to, leave without pay, leave of absence, and disability 1862  
leave. 1863

(5) "Disability leave" means the leave granted pursuant to 1864  
section 124.385 of the Revised Code. 1865

(6) "Full-time permanent employee" means an employee whose 1866  
regular hours of duty total eighty hours in a pay period in a 1867  
state agency, and whose appointment is not for a limited period of 1868  
time. 1869

(7) "Base rate of pay" means the rate of pay established 1870  
under schedule B or C of section 124.15 of the Revised Code or 1871  
under schedule E-1, schedule E-1 for step seven only, or schedule 1872  
E-2 of section 124.152 of the Revised Code, plus any supplement 1873  
provided under section 124.181 of the Revised Code, plus any 1874  
supplements enacted into law which are added to schedule B or C of 1875  
section 124.15 of the Revised Code or to schedule E-1, schedule 1876  
E-1 for step seven only, or schedule E-2 of section 124.152 of the 1877  
Revised Code. 1878

(8) "Part-time permanent employee" means an employee whose 1879  
regular hours of duty total less than eighty hours in a pay period 1880  
in a state agency and whose appointment is not for a limited 1881  
period of time. 1882

(B) Each full-time permanent and part-time permanent employee 1883  
whose salary or wage is paid directly by warrant of the auditor of 1884  
state shall be credited with sick leave of three and one-tenth 1885

hours for each completed eighty hours of service, excluding 1886  
overtime hours worked. 1887

(C) Any sick leave credit provided pursuant to division (B) 1888  
of this section, remaining as of the last day of the pay period 1889  
preceding the next succeeding base pay period, shall be converted 1890  
pursuant to section 124.383 of the Revised Code. 1891

(D) Employees may use sick leave, provided a credit balance 1892  
is available, upon approval of the responsible administrative 1893  
officer of the employing unit, for absence due to personal 1894  
illness, pregnancy, injury, exposure to contagious disease ~~which~~ 1895  
that could be communicated to other employees, and ~~to~~ illness, 1896  
injury, or death in the employee's immediate family. When sick 1897  
leave is used, it shall be deducted from the employee's credit on 1898  
the basis of absence from previously scheduled work in such 1899  
increments of an hour and at such a compensation rate as the 1900  
director of administrative services determines. The appointing 1901  
authority of each employing unit may require an employee to 1902  
furnish a satisfactory, signed statement to justify the use of 1903  
sick leave. 1904

If, after having utilized the credit provided by this 1905  
section, an employee utilizes sick leave that was accumulated 1906  
prior to November 15, 1981, compensation for such sick leave used 1907  
shall be at a rate as the director determines. 1908

(E)(1) The previously accumulated sick leave balance of an 1909  
employee who has been separated from the public service, for which 1910  
separation payments pursuant to ~~the provisions of~~ section 124.384 1911  
of the Revised Code have not been made, shall be placed to the 1912  
employee's credit upon the employee's reemployment in the public 1913  
service, if the reemployment takes place within ten years of the 1914  
date on which the employee was last terminated from public 1915  
service. 1916

(2) The previously accumulated sick leave balance of an 1917  
employee who has separated from a school district shall be placed 1918  
to the employee's credit upon the employee's appointment as an 1919  
unclassified employee of the state department of education, if all 1920  
of the following apply: 1921

(a) The employee accumulated the sick leave balance while 1922  
employed by the school district. 1923

(b) The employee did not receive any separation payments for 1924  
the sick leave balance. 1925

(c) The employee's employment with the department takes place 1926  
within ten years after the date on which the employee separated 1927  
from the school district. 1928

(F) An employee who transfers from one public agency to 1929  
another shall be credited with the unused balance of the 1930  
employee's accumulated sick leave. 1931

(G) The director of administrative services shall establish 1932  
procedures to uniformly administer this section. No sick leave may 1933  
be granted to a state employee upon or after the employee's 1934  
retirement or termination of employment. 1935

**Sec. 126.32.** (A) Any officer of any state agency may 1936  
authorize reimbursement for travel, including the costs of 1937  
transportation, for lodging, and for meals to any person who is 1938  
interviewing for a position that is classified in pay range 13 or 1939  
above in schedule E-1 or schedule E-1 for step seven only, or is 1940  
classified in schedule E-2, of section 124.152 of the Revised 1941  
Code. 1942

(B) If a person is appointed to a position listed in section 1943  
121.03 of the Revised Code, to the position of chairperson of the 1944  
industrial commission, adjutant general, chancellor of the Ohio 1945  
board of regents, superintendent of public instruction, 1946

chairperson of the public utilities commission of Ohio, or 1947  
director of the state lottery commission, to a position holding a 1948  
fiduciary relationship to the governor, to a position of an 1949  
appointing authority of the department of mental health, mental 1950  
retardation and developmental disabilities, or rehabilitation and 1951  
correction, to a position of superintendent in the department of 1952  
youth services, or to a position under section 122.05 of the 1953  
Revised Code, and if that appointment requires a permanent change 1954  
of residence, the appropriate state agency may reimburse the 1955  
person for the person's actual and necessary expenses, including 1956  
the cost of in-transit storage of household goods and personal 1957  
effects, of moving the person and members of the person's 1958  
immediate family residing in the person's household, and of moving 1959  
their household goods and personal effects, to the person's new 1960  
location. 1961

Until that person moves the person's permanent residence to 1962  
the new location, but not for a period that exceeds thirty 1963  
consecutive days, the state agency may reimburse the person for 1964  
the person's temporary living expenses at the new location that 1965  
the person has incurred on behalf of the person and members of the 1966  
person's immediate family residing in the person's household. In 1967  
addition, the state agency may reimburse that person for the 1968  
person's travel expenses between the new location and the person's 1969  
former residence during this period for a maximum number of trips 1970  
specified by rule of the director of budget and management, but 1971  
the state agency shall not reimburse the person for travel 1972  
expenses incurred for those trips by members of the person's 1973  
immediate family. With the prior written approval of the director, 1974  
the maximum thirty-day period for temporary living expenses may be 1975  
extended for a person appointed to a position under section 122.05 1976  
of the Revised Code. 1977

The director of development may reimburse a person appointed 1978

to a position under section 122.05 of the Revised Code for the 1979  
person's actual and necessary expenses of moving the person and 1980  
members of the person's immediate family residing in the person's 1981  
household back to the United States and may reimburse a person 1982  
appointed to such a position for the cost of storage of household 1983  
goods and personal effects of the person and the person's 1984  
immediate family while the person is serving outside the United 1985  
States, if the person's office outside the United States is the 1986  
person's primary job location. 1987

(C) All reimbursement under division (A) or (B) of this 1988  
section shall be made in the manner, and at rates that do not 1989  
exceed those, provided by rule of the director of budget and 1990  
management in accordance with section 111.15 of the Revised Code. 1991  
Reimbursements may be made under division (B) of this section 1992  
directly to the persons who incurred the expenses or directly to 1993  
the providers of goods or services the persons receive, as 1994  
determined by the director of budget and management. 1995

**Sec. 152.09.** (A) As used in sections 152.06 and 152.09 to 1996  
152.33 of the Revised Code: 1997

(1) "Obligations" means bonds, notes, or other evidences of 1998  
obligation, including interest coupons pertaining thereto, issued 1999  
pursuant to sections 152.09 to 152.33 of the Revised Code. 2000

(2) "State agencies" means the state of Ohio and branches, 2001  
officers, boards, commissions, authorities, departments, 2002  
divisions, courts, general assembly, or other units or agencies of 2003  
the state. "State agency" also includes counties, municipal 2004  
corporations, and governmental entities of this state that enter 2005  
into leases with the Ohio building authority pursuant to section 2006  
152.31 of the Revised Code or that are designated by law as state 2007  
agencies for the purpose of performing a state function that is to 2008  
be housed by a capital facility for which the Ohio building 2009



authority is authorized to issue revenue obligations pursuant to 2010  
sections 152.09 to 152.33 of the Revised Code. 2011

(3) "Bond service charges" means principal, including 2012  
mandatory sinking fund requirements for retirement of obligations, 2013  
and interest, and redemption premium, if any, required to be paid 2014  
by the Ohio building authority on obligations. 2015

(4) "Capital facilities" means buildings, structures, and 2016  
other improvements, and equipment, real estate, and interests in 2017  
real estate therefor, within the state, and any one, part of, or 2018  
combination of the foregoing, for housing of branches and agencies 2019  
of state government, including capital facilities for the purpose 2020  
of housing personnel, equipment, or functions, or any combination 2021  
thereof that the state agencies are responsible for housing, for 2022  
which the Ohio building authority is authorized to issue 2023  
obligations pursuant to Chapter 152. of the Revised Code, and 2024  
includes storage and parking facilities related to such capital 2025  
facilities. 2026

(5) "Cost of capital facilities" means the costs of 2027  
acquiring, constructing, reconstructing, rehabilitating, 2028  
remodeling, renovating, enlarging, improving, altering, 2029  
maintaining, equipping, furnishing, repairing, painting, 2030  
decorating, managing, or operating capital facilities, and the 2031  
financing thereof, including the cost of clearance and preparation 2032  
of the site and of any land to be used in connection with capital 2033  
facilities, the cost of participating in capital facilities 2034  
pursuant to section 152.33 of the Revised Code, the cost of any 2035  
indemnity and surety bonds and premiums on insurance, all related 2036  
direct administrative expenses and allocable portions of direct 2037  
costs of the authority and lessee state agencies, cost of 2038  
engineering and architectural services, designs, plans, 2039  
specifications, surveys, and estimates of cost, legal fees, fees 2040  
and expenses of trustees, depositories, and paying agents for the 2041

obligations, cost of issuance of the obligations and financing 2042  
charges and fees and expenses of financial advisers and 2043  
consultants in connection therewith, interest on obligations from 2044  
the date thereof to the time when interest is to be covered from 2045  
sources other than proceeds of obligations, amounts that represent 2046  
the portion of investment earnings to be rebated or to be paid to 2047  
the federal government in order to maintain the exclusion from 2048  
gross income for federal income tax purposes of interest on those 2049  
obligations pursuant to section 148(f) of the Internal Revenue 2050  
Code, amounts necessary to establish reserves as required by the 2051  
resolutions or the obligations, trust agreements, or indentures, 2052  
costs of audits, the reimbursement of all moneys advanced or 2053  
applied by or borrowed from any governmental entity, whether to or 2054  
by the authority or others, from whatever source provided, for the 2055  
payment of any item or items of cost of the capital facilities, 2056  
any share of the cost undertaken by the authority pursuant to 2057  
arrangements made with governmental entities under division (J) of 2058  
section 152.21 of the Revised Code, and all other expenses 2059  
necessary or incident to planning or determining the feasibility 2060  
or practicability with respect to capital facilities, and such 2061  
other expenses as may be necessary or incident to the acquisition, 2062  
construction, reconstruction, rehabilitation, remodeling, 2063  
renovation, enlargement, improvement, alteration, maintenance, 2064  
equipment, furnishing, repair, painting, decoration, management, 2065  
or operation of capital facilities, the financing thereof and the 2066  
placing of the same in use and operation, including any one, part 2067  
of, or combination of such classes of costs and expenses. 2068

(6) "Governmental entity" means any state agency, municipal 2069  
corporation, county, township, school district, and any other 2070  
political subdivision or special district in this state 2071  
established pursuant to law, and, except where otherwise 2072  
indicated, also means the United States or any of the states or 2073  
any department, division, or agency thereof, and any agency, 2074

commission, or authority established pursuant to an interstate 2075  
compact or agreement. 2076

(7) "Governing body" means: 2077

(a) In the case of a county, the board of county 2078  
commissioners or other legislative authority; in the case of a 2079  
municipal corporation, the legislative authority; in the case of a 2080  
township, the board of township trustees; in the case of a school 2081  
district, the board of education; 2082

(b) In the case of any other governmental entity, the 2083  
officer, board, commission, authority, or other body having the 2084  
general management of the entity or having jurisdiction or 2085  
authority in the particular circumstances. 2086

(8) "Available receipts" means fees, charges, revenues, 2087  
grants, subsidies, income from the investment of moneys, proceeds 2088  
from the sale of goods or services, and all other revenues or 2089  
receipts received by or on behalf of any state agency for which 2090  
capital facilities are financed with obligations issued under 2091  
Chapter 152. of the Revised Code, any state agency participating 2092  
in capital facilities pursuant to section 152.33 of the Revised 2093  
Code, or any state agency by which the capital facilities are 2094  
constructed or financed; revenues or receipts derived by the 2095  
authority from the operation, leasing, or other disposition of 2096  
capital facilities, and the proceeds of obligations issued under 2097  
Chapter 152. of the Revised Code; and also any moneys appropriated 2098  
by a governmental entity, gifts, grants, donations, and pledges, 2099  
and receipts therefrom, available for the payment of bond service 2100  
charges on such obligations. 2101

(B) Pursuant to the powers granted to the general assembly 2102  
under Section 2i of Article VIII, Ohio Constitution, to authorize 2103  
the issuance of revenue obligations and other obligations, the 2104  
owners or holders of which are not given the right to have excises 2105

or taxes levied by the general assembly for the payment of 2106  
principal thereof or interest thereon, the Ohio building authority 2107  
may issue obligations, in accordance with Chapter 152. of the 2108  
Revised Code, and shall cause the net proceeds thereof, after any 2109  
deposits of accrued interest for the payment of bond service 2110  
charges and after any deposit of all or such lesser portion as the 2111  
authority may direct of the premium received upon the sale of 2112  
those obligations for the payment of the bond service charges, to 2113  
be applied to the costs of capital facilities designated by or 2114  
pursuant to act of the general assembly for housing state agencies 2115  
as authorized by Chapter 152. of the Revised Code. The authority 2116  
shall provide by resolution for the issuance of such obligations. 2117  
The bond service charges and all other payments required to be 2118  
made by the trust agreement or indenture securing such obligations 2119  
shall be payable solely from available receipts of the authority 2120  
pledged thereto as provided in such resolution. The available 2121  
receipts pledged and thereafter received by the authority are 2122  
immediately subject to the lien of such pledge without any 2123  
physical delivery thereof or further act, and the lien of any such 2124  
pledge is valid and binding against all parties having claims of 2125  
any kind against the authority, irrespective of whether those 2126  
parties have notice thereof, and creates a perfected security 2127  
interest for all purposes of Chapter 1309. of the Revised Code and 2128  
a perfected lien for purposes of any real property interest, all 2129  
without the necessity for separation or delivery of funds or for 2130  
the filing or recording of the resolution, trust agreement, 2131  
indenture, or other agreement by which such pledge is created or 2132  
any certificate, statement, or other document with respect 2133  
thereto; and the pledge of such available receipts is effective 2134  
and the money therefrom and thereof may be applied to the purposes 2135  
for which pledged. Every pledge, and every covenant and agreement 2136  
made with respect to the pledge, made in the resolution may 2137  
therein be extended to the benefit of the owners and holders of 2138

obligations authorized by Chapter 152. of the Revised Code, and to 2139  
any trustee therefor, for the further securing of the payment of 2140  
the bond service charges, and all or any rights under any 2141  
agreement or lease made under this section may be assigned for 2142  
such purpose. Obligations may be issued at one time or from time 2143  
to time, and each issue shall be dated, shall mature at such time 2144  
or times as determined by the authority not exceeding forty years 2145  
from the date of issue, and may be redeemable before maturity at 2146  
the option of the authority at such price or prices and under such 2147  
terms and conditions as are fixed by the authority prior to the 2148  
issuance of the obligations. The authority shall determine the 2149  
form of the obligations, fix their denominations, establish their 2150  
interest rate or rates, which may be a variable rate or rates, or 2151  
the maximum interest rate, and establish within or without this 2152  
state a place or places of payment of bond service charges. 2153

(C) The obligations shall be signed by the authority 2154  
chairperson, vice-chairperson, and secretary-treasurer, and the 2155  
authority seal shall be affixed. The signatures may be facsimile 2156  
signatures and the seal affixed may be a facsimile seal, as 2157  
provided by resolution of the authority. Any coupons attached may 2158  
bear the facsimile signature of the chairperson. In case any 2159  
officer who has signed any obligations, or caused the officer's 2160  
facsimile signature to be affixed thereto, ceases to be such 2161  
officer before such obligations have been delivered, such 2162  
obligations may, nevertheless, be issued and delivered as though 2163  
the person who had signed the obligations or caused the person's 2164  
facsimile signature to be affixed thereto had not ceased to be 2165  
such officer. 2166

Any obligations may be executed on behalf of the authority by 2167  
an officer who, on the date of execution, is the proper officer 2168  
although on the date of such obligations such person was not the 2169  
proper officer. 2170

(D) All obligations issued by the authority shall have all 2171  
the qualities and incidents of negotiable instruments and may be 2172  
issued in coupon or in registered form, or both, as the authority 2173  
determines. Provision may be made for the registration of any 2174  
obligations with coupons attached thereto as to principal alone or 2175  
as to both principal and interest, their exchange for obligations 2176  
so registered, and for the conversion or reconversion into 2177  
obligations with coupons attached thereto of any obligations 2178  
registered as to both principal and interest, and for reasonable 2179  
charges for such registration, exchange, conversion, and 2180  
reconversion. The authority may sell its obligations in any manner 2181  
and for such prices as it determines, except that the authority 2182  
shall sell obligations sold at public or private sale in 2183  
accordance with section 152.091 of the Revised Code. 2184

(E) The obligations of the authority, principal, interest, 2185  
and any proceeds from their sale or transfer, are exempt from all 2186  
taxation within this state. 2187

(F) The authority is authorized to issue revenue obligations 2188  
and other obligations under Section 2i of Article VIII, Ohio 2189  
Constitution, for the purpose of paying the cost of capital 2190  
facilities for housing of branches and agencies of state 2191  
government, including capital facilities for the purpose of 2192  
housing personnel, equipment, or functions, or any combination 2193  
thereof that the state agencies are responsible for housing, as 2194  
are authorized by Chapter 152. of the Revised Code, and that are 2195  
authorized by the general assembly by the appropriation of lease 2196  
payments or other moneys for such capital facilities or by any 2197  
other act of the general assembly, but not including the 2198  
appropriation of moneys for feasibility studies for such capital 2199  
facilities. This division does not authorize the authority to 2200  
issue obligations pursuant to Section 2i of Article VIII, Ohio 2201  
Constitution, to pay the cost of capital facilities for mental 2202

hygiene and retardation, parks and recreation, or state-supported 2203  
or state-assisted institutions of higher education. 2204

**Sec. 175.21.** (A) The low- and moderate-income housing trust 2205  
fund is hereby created in the state treasury. The fund shall 2206  
consist of all appropriations made to the fund, housing trust fund 2207  
fees collected by county recorders pursuant to section 317.36 of 2208  
the Revised Code and deposited into the fund pursuant to section 2209  
319.63 of the Revised Code, and all grants, gifts, loan 2210  
repayments, and contributions of money made from any source to the 2211  
department of development for deposit in the fund. All investment 2212  
earnings of the fund shall be credited to the fund. The director 2213  
of development shall allocate a portion of the money in the fund 2214  
to an account of the Ohio housing finance agency. The department 2215  
shall administer the fund. The agency shall use money allocated to 2216  
it in the fund for implementing and administering its programs and 2217  
duties under sections 175.22 and 175.24 of the Revised Code, and 2218  
the department shall use the remaining money in the fund for 2219  
implementing and administering its programs and duties under 2220  
sections 175.22 to 175.25 of the Revised Code. Use of all money in 2221  
the fund is subject to the following restrictions: 2222

(1) Not more than six per cent of any current year 2223  
appropriation authority for the fund shall be used for the 2224  
transitional and permanent housing program to make grants to 2225  
municipal corporations, counties, townships, and nonprofit 2226  
organizations for the acquisition, rehabilitation, renovation, 2227  
construction, conversion, operation, and cost of supportive 2228  
services for new and existing transitional and permanent housing 2229  
for homeless persons. 2230

(2)(a) Not more than five per cent of any current year 2231  
appropriation authority for the fund shall be used for grants and 2232  
loans to community development corporations and the Ohio community 2233

development finance fund, a private nonprofit corporation. 2234

(b) In any year in which the amount in the fund exceeds one 2235  
hundred thousand dollars, not less than one hundred thousand 2236  
dollars shall be used to provide training, technical assistance, 2237  
and capacity building assistance to nonprofit development 2238  
organizations in areas of the state the director designates as 2239  
underserved. 2240

(c) For monies awarded in any fiscal year, priority shall be 2241  
given to proposals submitted by nonprofit development 2242  
organizations from areas of the state the director designates as 2243  
underserved. 2244

(3) Not more than seven per cent of any current year 2245  
appropriation authority for the fund shall be used for the 2246  
emergency shelter housing grants program to make grants to 2247  
private, nonprofit organizations and municipal corporations, 2248  
counties, and townships for emergency shelter housing for the 2249  
homeless. The grants shall be distributed pursuant to rules the 2250  
director adopts and qualify as matching funds for funds obtained 2251  
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 2252  
11371 to 11378. 2253

(4) In any fiscal year in which the amount in the fund 2254  
exceeds the amount awarded pursuant to division (A)(2)(b) of this 2255  
section by at least two hundred fifty thousand dollars, at least 2256  
two hundred fifty thousand dollars from the fund shall be provided 2257  
to the department of aging for the resident services coordinator 2258  
program. 2259

(5) Of all ~~money in~~ current year appropriation authority for 2260  
the fund+ 2261

~~(a) Not,~~ not more than five per cent shall be used for 2262  
administration. 2263

~~(b)(6)~~ Not less than forty-five per cent of the funds awarded 2264



during any one fiscal year shall be for grants and loans to 2265  
nonprofit organizations under section 175.22 of the Revised Code. 2266

~~(e)~~(7) Not less than fifty per cent of the funds awarded 2267  
during any one fiscal year, excluding the amounts awarded pursuant 2268  
to divisions (A)(1), (A)(2), and (A)(3) of this section, shall be 2269  
for grants and loans for activities that provide housing and 2270  
housing assistance to families and individuals in rural areas and 2271  
small cities that are not eligible to participate as a 2272  
participating jurisdiction under the "HOME Investment Partnerships 2273  
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 2274

~~(d)~~(8) No money in the fund shall be used to pay for any 2275  
legal services other than the usual and customary legal services 2276  
associated with the acquisition of housing. 2277

~~(6)~~(9) Except as otherwise provided by the director under 2278  
division (B) of this section, money in the fund may be used as 2279  
matching money for federal funds received by the state, counties, 2280  
municipal corporations, and townships for the activities listed in 2281  
section 175.22 of the Revised Code. 2282

(B) If after the second quarter of any year it appears to the 2283  
director that the full amount of the money in the fund designated 2284  
in that year for activities that provide housing and housing 2285  
assistance to families and individuals in rural areas and small 2286  
cities under division (A) of this section will not be used for 2287  
that purpose, the director may reallocate all or a portion of that 2288  
amount for other housing activities. In determining whether or how 2289  
to reallocate money under this division, the director may consult 2290  
with and shall receive advice from the housing trust fund advisory 2291  
committee. 2292

**Sec. 1503.05.** (A) The chief of the division of forestry may 2293  
sell timber and other forest products from the state forest and 2294  
state forest nurseries whenever the chief considers such a sale 2295

desirable and, with the approval of the attorney general and the 2296  
director of natural resources, may sell portions of the state 2297  
forest lands when such a sale is advantageous to the state. 2298

(B) Except as otherwise provided in this section, a timber 2299  
sale agreement shall not be executed unless the person or 2300  
governmental entity bidding on the sale executes and files a 2301  
surety bond conditioned on completion of the timber sale in 2302  
accordance with the terms of the agreement in an amount equal to 2303  
twenty-five per cent of the highest value cutting section. All 2304  
bonds shall be given in a form prescribed by the chief and shall 2305  
run to the state as obligee. 2306

The chief shall not approve any bond until it is personally 2307  
signed and acknowledged by both principal and surety, or as to 2308  
either by the attorney in fact thereof, with a certified copy of 2309  
the power of attorney attached. The chief shall not approve the 2310  
bond unless there is attached a certificate of the superintendent 2311  
of insurance that the company is authorized to transact a fidelity 2312  
and surety business in this state. 2313

In lieu of a bond, the bidder may deposit any of the 2314  
following: 2315

(1) Cash in an amount equal to the amount of the bond; 2316

(2) United States government securities having a par value 2317  
equal to or greater than the amount of the bond; 2318

(3) Negotiable certificates of deposit or irrevocable letters 2319  
of credit issued by any bank organized or transacting business in 2320  
this state having a par value equal to or greater than the amount 2321  
of the bond. 2322

The cash or securities shall be deposited on the same terms 2323  
as bonds. If one or more certificates of deposit are deposited in 2324  
lieu of a bond, the chief shall require the bank that issued any 2325  
of the certificates to pledge securities of the aggregate market 2326

value equal to the amount of the certificate or certificates that 2327  
is in excess of the amount insured by the federal deposit 2328  
insurance corporation. The securities to be pledged shall be those 2329  
designated as eligible under section 135.18 of the Revised Code. 2330  
The securities shall be security for the repayment of the 2331  
certificate or certificates of deposit. 2332

Immediately upon a deposit of cash, securities, certificates 2333  
of deposit, or letters of credit, the chief shall deliver them to 2334  
the treasurer of state, who shall hold them in trust for the 2335  
purposes for which they have been deposited. The treasurer of 2336  
state is responsible for the safekeeping of the deposits. A bidder 2337  
making a deposit of cash, securities, certificates of deposit, or 2338  
letters of credit may withdraw and receive from the treasurer of 2339  
state, on the written order of the chief, all or any portion of 2340  
the cash, securities, certificates of deposit, or letters of 2341  
credit upon depositing with the treasurer of state cash, other 2342  
United States government securities, or other negotiable 2343  
certificates of deposit or irrevocable letters of credit issued by 2344  
any bank organized or transacting business in this state, equal in 2345  
par value to the par value of the cash, securities, certificates 2346  
of deposit, or letters of credit withdrawn. 2347

A bidder may demand and receive from the treasurer of state 2348  
all interest or other income from any such securities or 2349  
certificates as it becomes due. If securities so deposited with 2350  
and in the possession of the treasurer of state mature or are 2351  
called for payment by their issuer, the treasurer of state, at the 2352  
request of the bidder who deposited them, shall convert the 2353  
proceeds of the redemption or payment of the securities into other 2354  
United States government securities, negotiable certificates of 2355  
deposit, or cash as the bidder designates. 2356

When the chief finds that a person or governmental agency has 2357  
failed to comply with the conditions of the person's or 2358

governmental agency's bond, the chief shall make a finding of that 2359  
fact and declare the bond, cash, securities, certificates, or 2360  
letters of credit forfeited. The chief thereupon shall certify the 2361  
total forfeiture to the attorney general, who shall proceed to 2362  
collect the amount of the bond, cash, securities, certificates, or 2363  
letters of credit. 2364

In lieu of total forfeiture, the surety, at its option, may 2365  
cause the timber sale to be completed or pay to the treasurer of 2366  
state the cost thereof. 2367

All moneys collected as a result of forfeitures of bonds, 2368  
cash, securities, certificates, and letters of credit under this 2369  
section shall be credited to the state forest fund created in this 2370  
section. 2371

(C) The chief may grant easements and leases on portions of 2372  
the state forest lands and state forest nurseries under terms that 2373  
are advantageous to the state, and the chief may grant mineral 2374  
rights on a royalty basis on those lands and nurseries, with the 2375  
approval of the attorney general and the director. 2376

(D) All moneys received from the sale of state forest lands, 2377  
or in payment for easements or leases on or as rents from those 2378  
lands or from state forest nurseries, shall be paid into the state 2379  
treasury to the credit of the state forest fund, which is hereby 2380  
created. ~~All moneys received from the sale of standing timber~~ 2381  
~~taken from the state forest lands shall be deposited into the~~ 2382  
~~state treasury. Twenty five per cent of the moneys so deposited~~ 2383  
~~shall be credited to the state forest fund. Seventy five per cent~~ 2384  
~~of the moneys so deposited shall be credited to the general~~ 2385  
~~revenue fund. All In addition, all moneys received from the sale~~ 2386  
~~of reforestation tree stock, from the sale of forest products,~~ 2387  
other than standing timber, and from the sale of minerals taken 2388  
from the state forest lands and state forest nurseries, together 2389  
with royalties from mineral rights, shall be paid into the state 2390

treasury to the credit of the state forest fund. Any other 2391  
revenues derived from the operation of the state forests and 2392  
related facilities or equipment also shall be paid into the state 2393  
treasury to the credit of the state forest fund, as shall any 2394  
other moneys required by law to be deposited in the fund. 2395

The state forest fund shall not be expended for any purpose 2396  
other than the administration, operation, maintenance, 2397  
development, or utilization of the state forests, forest 2398  
nurseries, and forest programs, for facilities or equipment 2399  
incident to them, or for the further purchase of lands for state 2400  
forest or forest nursery purposes. 2401

All moneys received from the sale of standing timber taken 2402  
from state forest lands and state forest nurseries shall be 2403  
deposited into the state treasury to the credit of the forestry 2404  
holding account redistribution fund, which is hereby created. The 2405  
moneys shall remain in the fund until they are redistributed in 2406  
accordance with this division. 2407

~~At the time of making such a deposit into the state treasury~~ 2408  
~~to the credit of the general revenue fund~~ The redistribution shall 2409  
occur at least once each year. To begin the redistribution, the 2410  
chief first shall determine the amount ~~and net value~~ of all ~~such~~ 2411  
standing timber sold from state forest lands and state forest 2412  
nurseries, together with the amount of the total sale proceeds, in 2413  
each county, in each township within the county, and in each 2414  
school district within the county. ~~Afterward the chief shall send~~ 2415  
~~to each county treasurer a copy of the determination and shall~~ 2416  
~~provide for payment to the county treasurer,~~ The chief next shall 2417  
determine the amount of the direct costs that the division of 2418  
forestry incurred in association with the sale of that standing 2419  
timber. The amount of the direct costs shall be subtracted from 2420  
the amount of the total sale proceeds and shall be transferred 2421  
from the forestry holding account redistribution fund to the state 2422

forest fund. 2423

The remaining amount of the total sale proceeds equals the 2424  
net value of the standing timber that was sold. The chief shall 2425  
determine the net value of standing timber sold from state forest 2426  
lands and state forest nurseries in each county, in each township 2427  
within the county, and in each school district within the county 2428  
and shall send to each county treasurer a copy of the 2429  
determination at the time that moneys are paid to the county 2430  
treasurer under this division. 2431

Twenty-five per cent of the net value of standing timber sold 2432  
from state forest lands and state forest nurseries located in a 2433  
county shall be transferred from the forestry holding account 2434  
redistribution fund to the state forest fund. Ten per cent of that 2435  
net value shall be transferred from the forestry holding account 2436  
redistribution fund to the general revenue fund. The remaining 2437  
sixty-five per cent of the net value shall be transferred from the 2438  
forestry holding account redistribution fund and paid to the 2439  
county treasurer for the use of the general fund of that county 2440  
~~from the amount so received as provided in this division, an~~ 2441  
~~amount equal to sixty five per cent of the net value of the~~ 2442  
~~standing timber sold from lands and nurseries located in that~~ 2443  
~~county. The~~ 2444

The county auditor shall do all of the following: 2445

(1) Retain for the use of the general fund of the county 2446  
one-fourth of the amount received by the county under division (D) 2447  
of this section; 2448

(2) Pay into the general fund of any township located within 2449  
the county and containing such lands and nurseries one-fourth of 2450  
the amount received by the county from standing timber sold from 2451  
lands and nurseries located in the township; 2452

(3) Request the board of education of any school district 2453

located within the county and containing such lands and nurseries 2454  
to identify which fund or funds of the district should receive the 2455  
moneys available to the school district under division (D)(3) of 2456  
this section. After receiving notice from the board, the county 2457  
auditor shall pay into the fund or funds so identified one-half of 2458  
the amount received by the county from standing timber sold from 2459  
lands and nurseries located in the school district, distributed 2460  
proportionately as identified by the board. 2461

The division of forestry shall not supply logs, lumber, or 2462  
other forest products or minerals, taken from the state forest 2463  
lands or state forest nurseries, to any other agency or 2464  
subdivision of the state unless payment is made therefor in the 2465  
amount of the actual prevailing value thereof. This section is 2466  
applicable to the moneys so received. ~~All moneys received from the 2467  
sale of reforestation tree stock or other revenues derived from 2468  
the operation of the state forests, facilities, or equipment shall 2469  
be paid into the state forest fund.~~ 2470

~~The fund shall not be expended for any purpose other than the 2471  
administration, operation, maintenance, development, or 2472  
utilization of the state forests, forest nurseries, and forest 2473  
programs, for facilities or equipment incident to them, or for the 2474  
further purchase of lands for state forest or forest nursery 2475  
purposes.~~ 2476

**Sec. 3311.059.** The procedure prescribed in this section may 2477  
be used in lieu of a transfer prescribed under section 3311.231 of 2478  
the Revised Code. 2479

(A) Subject to divisions (B) and (C) of this section, a board 2480  
of education of a local school district may by a resolution 2481  
approved by a majority of all its members propose to sever that 2482  
local school district from the territory of the educational 2483  
service center in which the local school district is currently 2484

included and to instead annex the local school district to the 2485  
territory of another educational service center, the current 2486  
territory of which is adjacent to the territory of the educational 2487  
service center in which the local school district is currently 2488  
included. The resolution shall promptly be filed with the 2489  
governing board of each educational service center affected by the 2490  
resolution and with the superintendent of public instruction. 2491

(B) The resolution adopted under division (A) of this section 2492  
shall not be effective unless it is approved by ~~both the governing~~ 2493  
~~board of the educational service center to which the board of~~ 2494  
~~education proposes to annex the local school district and the~~ 2495  
state board of education. In deciding whether to approve the 2496  
resolution, the state board shall consider the impact of an 2497  
annexation on both the school district and the educational service 2498  
center to which the district is proposed to be annexed, including 2499  
the ability of that service center to deliver services in a 2500  
cost-effective and efficient manner. The severance of the local 2501  
school district from one educational service center and its 2502  
annexation to another educational service center under this 2503  
section shall not be effective until one year after the first day 2504  
of July following the later of the date that the ~~governing board~~ 2505  
~~of the educational service center to which the local school~~ 2506  
~~district is proposed to be annexed~~ state board of education 2507  
approves the resolution or the date the board of elections 2508  
certifies the results of the referendum election as provided in 2509  
division (C) of this section. 2510

(C) Within sixty days following the date of the adoption of 2511  
the resolution under division (A) of this section, the electors of 2512  
the local school district may petition for a referendum vote on 2513  
the resolution. The question whether to approve or disapprove the 2514  
resolution shall be submitted to the electors of such school 2515  
district if a number of qualified electors equal to twenty per 2516



cent of the number of electors in the school district who voted 2517  
for the office of governor at the most recent general election for 2518  
that office sign a petition asking that the question of whether 2519  
the resolution shall be disapproved be submitted to the electors. 2520  
The petition shall be filed with the board of elections of the 2521  
county in which the school district is located. If the school 2522  
district is located in more than one county, the petition shall be 2523  
filed with the board of elections of the county in which the 2524  
majority of the territory of the school district is located. The 2525  
board shall certify the validity and sufficiency of the signatures 2526  
on the petition. 2527

The board of elections shall immediately notify the board of 2528  
education of the local school district and the governing board of 2529  
each educational service center affected by the resolution that 2530  
the petition has been filed. 2531

The effect of the resolution shall be stayed until the board 2532  
of elections certifies the validity and sufficiency of the 2533  
signatures on the petition. If the board of elections determines 2534  
that the petition does not contain a sufficient number of valid 2535  
signatures and sixty days have passed since the adoption of the 2536  
resolution, the resolution shall become effective as provided in 2537  
division (B) of this section. 2538

If the board of elections certifies that the petition 2539  
contains a sufficient number of valid signatures, the board shall 2540  
submit the question to the qualified electors of the school 2541  
district on the day of the next general or primary election held 2542  
at least seventy-five days after the board of elections certifies 2543  
the validity and sufficiency of signatures on the petition. The 2544  
election shall be conducted and canvassed and the results shall be 2545  
certified in the same manner as in regular elections for the 2546  
election of members of a board of education. 2547

If a majority of the electors voting on the question 2548

disapprove the resolution, the resolution shall not become 2549  
effective. If a majority of the electors voting on the question 2550  
approve the resolution, the resolution shall become effective as 2551  
provided in division (B) of this section. 2552

(D) Upon the effective date of the severance of the local 2553  
school district from one educational service center and its 2554  
annexation to another educational service center as provided in 2555  
division (B) of this section, the governing board of each 2556  
educational service center shall take such steps for the election 2557  
of members of the governing board and for organization of the 2558  
governing board as prescribed in Chapter 3313. of the Revised 2559  
Code. 2560

(E) If a school district is severed from one educational 2561  
service center and annexed to another service center under this 2562  
section, the board of education of that school district shall not 2563  
propose a subsequent severance and annexation action under this 2564  
section that would be effective sooner than five years after the 2565  
effective date of the next previous severance and annexation 2566  
action under this section. 2567

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 2568  
and division (D) of section 3311.52 of the Revised Code, this 2569  
section and sections 3327.011, 3327.012, and 3327.02 of the 2570  
Revised Code do not apply to any joint vocational or cooperative 2571  
education school district. 2572

In all city, local, and exempted village school districts 2573  
where resident school pupils in grades kindergarten through eight 2574  
live more than two miles from the school for which the state board 2575  
of education prescribes minimum standards pursuant to division (D) 2576  
of section 3301.07 of the Revised Code and to which they are 2577  
assigned by the board of education of the district of residence or 2578  
to and from the nonpublic or community school which they attend 2579

the board of education shall provide transportation for such 2580  
pupils to and from such school except as provided in section 2581  
3327.02 of the Revised Code. 2582

In all city, local, and exempted village school districts the 2583  
board may provide transportation for resident school pupils in 2584  
grades nine through twelve to and from the high school to which 2585  
they are assigned by the board of education of the district of 2586  
residence or to and from the nonpublic or community high school 2587  
which they attend for which the state board of education 2588  
prescribes minimum standards pursuant to division (D) of section 2589  
3301.07 of the Revised Code. 2590

A board of education shall not be required to transport 2591  
elementary or high school pupils to and from a nonpublic or 2592  
community school where such transportation would require more than 2593  
thirty minutes of direct travel time as measured by school bus 2594  
from the ~~collection point~~ public school building to which the 2595  
pupils would be assigned if attending the public school designated 2596  
by the district of residence. 2597

Where it is impractical to transport a pupil by school 2598  
conveyance, a board of education may offer payment, in lieu of 2599  
providing such transportation in accordance with section 3327.02 2600  
of the Revised Code. 2601

In all city, local, and exempted village school districts the 2602  
board shall provide transportation for all children who are so 2603  
crippled that they are unable to walk to and from the school for 2604  
which the state board of education prescribes minimum standards 2605  
pursuant to division (D) of section 3301.07 of the Revised Code 2606  
and which they attend. In case of dispute whether the child is 2607  
able to walk to and from the school, the health commissioner shall 2608  
be the judge of such ability. In all city, exempted village, and 2609  
local school districts the board shall provide transportation to 2610  
and from school or special education classes for educable mentally 2611

retarded children in accordance with standards adopted by the 2612  
state board of education. 2613

When transportation of pupils is provided the conveyance 2614  
shall be run on a time schedule that shall be adopted and put in 2615  
force by the board not later than ten days after the beginning of 2616  
the school term. 2617

The cost of any transportation service authorized by this 2618  
section shall be paid first out of federal funds, if any, 2619  
available for the purpose of pupil transportation, and secondly 2620  
out of state appropriations, in accordance with regulations 2621  
adopted by the state board of education. 2622

No transportation of any pupils shall be provided by any 2623  
board of education to or from any school which in the selection of 2624  
pupils, faculty members, or employees, practices discrimination 2625  
against any person on the grounds of race, color, religion, or 2626  
national origin. 2627

**Sec. 3334.01.** As used in this chapter: 2628

(A) "Aggregate original principal amount" means the aggregate 2629  
of the initial offering prices to the public of college savings 2630  
bonds, exclusive of accrued interest, if any. "Aggregate original 2631  
principal amount" does not mean the aggregate accreted amount 2632  
payable at maturity or redemption of such bonds. 2633

(B) "Beneficiary" means: 2634

(1) An individual designated by the purchaser under a tuition 2635  
payment contract or through a scholarship program as the 2636  
individual on whose behalf tuition credits purchased under the 2637  
contract or awarded through the scholarship program will be 2638  
applied toward the payment of undergraduate, graduate, or 2639  
professional tuition; or 2640

(2) An individual designated by the contributor under a 2641

variable college savings program contract as the individual whose 2642  
tuition and other higher education expenses will be paid from a 2643  
variable college savings program account. 2644

(C) "Capital appreciation bond" means a bond for which the 2645  
following is true: 2646

(1) The principal amount is less than the amount payable at 2647  
maturity or early redemption; and 2648

(2) No interest is payable on a current basis. 2649

(D) "Tuition credit" means a credit of the Ohio tuition trust 2650  
authority purchased under section 3334.09 of the Revised Code. 2651

(E) "College savings bonds" means revenue and other 2652  
obligations issued on behalf of the state or any agency or issuing 2653  
authority thereof as a zero-coupon or capital appreciation bond, 2654  
and designated as college savings bonds as provided in this 2655  
chapter. "College savings bond issue" means any issue of bonds of 2656  
which any part has been designated as college savings bonds. 2657

(F) "Institution of higher education" means a state 2658  
institution of higher education, a private college, university, or 2659  
other postsecondary institution located in this state that 2660  
possesses a certificate of authorization issued by the Ohio board 2661  
of regents pursuant to Chapter 1713. of the Revised Code or a 2662  
certificate of registration issued by the state board of career 2663  
colleges and schools under Chapter 3332. of the Revised Code, or 2664  
an accredited college, university, or other postsecondary 2665  
institution located outside this state that is accredited by an 2666  
accrediting organization or professional association recognized by 2667  
the authority. To be considered an institution of higher 2668  
education, an institution shall meet the definition of an eligible 2669  
educational institution under section 529 of the Internal Revenue 2670  
Code. 2671

(G) "Issuing authority" means any authority, commission, 2672

body, agency, or individual empowered by the Ohio Constitution or 2673  
the Revised Code to issue bonds or any other debt obligation of 2674  
the state or any agency or department thereof. "Issuer" means the 2675  
issuing authority or, if so designated under division (B) of 2676  
section 3334.04 of the Revised Code, the treasurer of state. 2677

(H) "Tuition" means the charges imposed to attend an 2678  
institution of higher education as an undergraduate, graduate, or 2679  
professional student and all fees required as a condition of 2680  
enrollment, as determined by the Ohio tuition trust authority. 2681  
"Tuition" does not include laboratory fees, room and board, or 2682  
other similar fees and charges. 2683

(I) "Weighted average tuition" means the tuition cost 2684  
resulting from the following calculation: 2685

(1) Add the products of the annual undergraduate tuition 2686  
charged to Ohio residents at each four-year state university 2687  
multiplied by that institution's total number of undergraduate 2688  
fiscal year equated students; and 2689

(2) Divide the gross total of the products from division 2690  
(I)(1) of this section by the total number of undergraduate fiscal 2691  
year equated students attending four-year state universities. 2692

When making this calculation, the "annual undergraduate 2693  
tuition charged to Ohio residents" shall not incorporate any 2694  
tuition reductions that vary in amount among individual recipients 2695  
and that are awarded to Ohio residents based upon their particular 2696  
circumstances, beyond any minimum amount awarded uniformly to all 2697  
Ohio residents. In addition, any tuition reductions awarded 2698  
uniformly to all Ohio residents shall be incorporated into this 2699  
calculation. 2700

(J) "Zero-coupon bond" means a bond which has a stated 2701  
interest rate of zero per cent and on which no interest is payable 2702  
until the maturity or early redemption of the bond, and is offered 2703

at a substantial discount from its original stated principal 2704  
amount. 2705

(K) "State institution of higher education" includes the 2706  
state universities listed in section 3345.011 of the Revised Code, 2707  
community colleges created pursuant to Chapter 3354. of the 2708  
Revised Code, university branches created pursuant to Chapter 2709  
3355. of the Revised Code, technical colleges created pursuant to 2710  
Chapter 3357. of the Revised Code, state community colleges 2711  
created pursuant to Chapter 3358. of the Revised Code, the medical 2712  
college of Ohio at Toledo, and the northeastern Ohio universities 2713  
college of medicine. 2714

(L) "Four-year state university" means those state 2715  
universities listed in section 3345.011 of the Revised Code. 2716

(M) "Principal amount" refers to the initial offering price 2717  
to the public of an obligation, exclusive of the accrued interest, 2718  
if any. "Principal amount" does not refer to the aggregate 2719  
accrued amount payable at maturity or redemption of an 2720  
obligation. 2721

(N) "Scholarship program" means a program registered with the 2722  
Ohio tuition trust authority pursuant to section 3334.17 of the 2723  
Revised Code. 2724

(O) "Internal Revenue Code" means the "Internal Revenue Code 2725  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 2726

(P) "Other higher education expenses" means room and board 2727  
and books, supplies, equipment, and nontuition-related fees 2728  
associated with the cost of attendance of a beneficiary at an 2729  
institution of higher education, but only to the extent that such 2730  
expenses meet the definition of "qualified higher education 2731  
expenses" under section 529 of the Internal Revenue Code. "Other 2732  
higher education expenses" does not include tuition as defined in 2733  
division (H) of this section. 2734

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

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

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

**Sec. 3354.121.** (A) Each community college district may acquire, by purchase, lease, lease-purchase, lease with option to purchase, or otherwise, construct, equip, furnish, reconstruct, alter, enlarge, remodel, renovate, rehabilitate, improve, maintain, repair, and operate, and lease to or from others, auxiliary facilities or education facilities, ~~except housing and dining facilities,~~ and may pay for the facilities out of available receipts of such district. To pay all or part of the costs of auxiliary facilities or education facilities, ~~except housing and dining facilities,~~ and any combination of them, and to refund obligations previously issued for such purpose, each community college district may issue obligations in the manner provided by and subject to the applicable provisions of section 3345.12 of the Revised Code.

(B) Except as otherwise provided in this section, the definitions set forth in section 3345.12 of the Revised Code apply to this section.

(C) Fee variations provided for in division (G) of section 3354.09 of the Revised Code need not be applied to fees pledged to secure obligations.

(D) The obligations authorized by this section are not bonded



indebtedness of the community college district, shall not 2765  
constitute general obligations or the pledge of the full faith and 2766  
credit of such district, and the holders or owners thereof shall 2767  
have no right to require the board to levy or collect any taxes 2768  
for the payment of bond service charges, but they shall have the 2769  
right to payment thereof solely from the available receipts and 2770  
funds pledged for such payment as authorized by section 3345.12 of 2771  
the Revised Code and this section. 2772

The bond proceedings may provide the method whereby the 2773  
general administrative overhead expense of the district shall be 2774  
allocated among the several operations and facilities of the 2775  
district for purposes of determining any operating and maintenance 2776  
expenses payable from the pledged available receipts prior to the 2777  
provision for payment of bond service charges, and for other 2778  
purposes of the bond proceedings. 2779

(E) The powers granted in this section are in addition to any 2780  
other powers at any time granted by the Constitution and laws of 2781  
the state, and not in derogation thereof or restrictions thereon. 2782

**Sec. 3357.112.** (A) Each technical college district may 2783  
acquire, by purchase, lease, lease-purchase, lease with option to 2784  
purchase, or otherwise, construct, equip, furnish, reconstruct, 2785  
alter, enlarge, remodel, renovate, rehabilitate, improve, 2786  
maintain, repair, and operate, and lease to or from others, 2787  
auxiliary facilities or education facilities, ~~except housing and~~ 2788  
~~dining facilities,~~ and may pay for the facilities out of available 2789  
receipts of such district. To pay all or part of the costs of 2790  
auxiliary facilities or education facilities, ~~except housing and~~ 2791  
~~dining facilities,~~ and any combination of them, and to refund 2792  
obligations previously issued for such purpose, each technical 2793  
college district may issue obligations in the manner provided by 2794  
and subject to the applicable provisions of section 3345.12 of the 2795

|  |  |
|--|--|
| Revised Code.  | 2796   |
| (B) Except as otherwise provided in this section, the definitions set forth in section 3345.12 of the Revised Code apply to this section.  | 2797<br>2798<br>2799   |
| (C) Fee variations provided for in division (G) of section 3357.09 of the Revised Code need not be applied to fees pledged to secure obligations.  | 2800<br>2801<br>2802   |
| (D) The obligations authorized by this section are not bonded indebtedness of the technical college district, shall not constitute general obligations or the pledge of the full faith and credit of such district, and the holders or owners thereof shall have no right to require the board to levy or collect any taxes for the payment of bond service charges, but they shall have the right to payment thereof solely from the available receipts and funds pledged for such payment as authorized by section 3345.12 of the Revised Code and this section. | 2803<br>2804<br>2805<br>2806<br>2807<br>2808<br>2809<br>2810<br>2811 |
| The bond proceedings may provide the method whereby the general administrative overhead expense of the district shall be allocated among the several operations and facilities of the district for purposes of determining any operating and maintenance expenses payable from the pledged available receipts prior to the provision for payment of bond service charges, and for other purposes of the bond proceedings.  | 2812<br>2813<br>2814<br>2815<br>2816<br>2817<br>2818                 |
| (E) The powers granted in this section are in addition to any other powers at any time granted by the Constitution and laws of the state, and not in derogation thereof or restrictions thereon.   | 2819<br>2820<br>2821   |
| <b>Sec. 3383.09.</b> (A) There is hereby created in the state treasury the arts <u>and sports</u> facilities building fund, which shall consist of proceeds of obligations authorized to pay costs of <u>Ohio</u> arts facilities <del>projects</del> <u>and Ohio sports facilities</u> for which  | 2822<br>2823<br>2824<br>2825   |

appropriations are made by the general assembly. All investment 2826  
earnings of the fund shall be credited to the fund. 2827

~~(B) There is hereby created in the state treasury the sports 2828  
facilities building fund, which shall consist of proceeds of 2829  
obligations authorized to pay costs of sports facilities projects 2830  
for which appropriations are made by the general assembly. All 2831  
investment earnings of the fund shall be credited to the fund. 2832~~

~~(C) The director of budget and management may transfer, to 2833  
the Ohio arts and sports facilities commission administration 2834  
fund, investment earnings credited to the arts ~~facilities building~~ 2835  
~~fund~~ and the sports facilities building fund that exceed the 2836  
amounts required to meet estimated federal arbitrage rebate 2837  
requirements when requested of the director of budget and 2838  
management by the chairperson or executive director of the 2839  
commission. 2840~~

**Sec. 3701.881.** (A) As used in this section: 2841

(1) "Applicant" means both of the following: 2842

(a) A person who is under final consideration for appointment 2843  
or employment with a home health agency in a position as a person 2844  
responsible for the care, custody, or control of a child; 2845

(b) A person who is under final consideration for employment 2846  
with a home health agency in a full-time, part-time, or temporary 2847  
position that involves providing direct care to an older adult. 2848  
With regard to persons providing direct care to older adults, 2849  
"applicant" does not include a person who provides direct care as 2850  
a volunteer without receiving or expecting to receive any form of 2851  
remuneration other than reimbursement for actual expenses. 2852

(2) "Criminal records check" and "older adult" have the same 2853  
meanings as in section 109.572 of the Revised Code. 2854

(3) "Home health agency" means a person or government entity, 2855

|  |      |
|--|------|
| other than a nursing home, residential care facility, or hospice   | 2856 |
| care program, that has the primary function of providing any of    | 2857 |
| the following services to a patient at a place of residence used   | 2858 |
| as the patient's home:   | 2859 |
| (a) Skilled nursing care;  | 2860 |
| (b) Physical therapy;  | 2861 |
| (c) Speech-language pathology;                                     | 2862 |
| (d) Occupational therapy;  | 2863 |
| (e) Medical social services;                                       | 2864 |
| (f) Home health aide services.                                     | 2865 |
| (4) "Home health aide services" means any of the following         | 2866 |
| services provided by an individual employed with or contracted for | 2867 |
| by a home health agency:   | 2868 |
| (a) Hands-on bathing or assistance with a tub bath or shower;      | 2869 |
| (b) Assistance with dressing, ambulation, and toileting;           | 2870 |
| (c) Catheter care but not insertion;                               | 2871 |
| (d) Meal preparation and feeding.                                  | 2872 |
| (5) "Hospice care program" has the same meaning as in section      | 2873 |
| 3712.01 of the Revised Code.                                       | 2874 |
| (6) "Medical social services" means services provided by a         | 2875 |
| social worker under the direction of a patient's attending         | 2876 |
| physician.   | 2877 |
| (7) "Minor drug possession offense" has the same meaning as        | 2878 |
| in section 2925.01 of the Revised Code.                            | 2879 |
| (8) "Nursing home," "residential care facility," and "skilled      | 2880 |
| nursing care" have the same meanings as in section 3721.01 of the  | 2881 |
| Revised Code.  | 2882 |
| (9) "Occupational therapy" has the same meaning as in section      | 2883 |

|  |  |
|--|--|
| 4755.01 of the Revised Code.   | 2884   |
| (10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.  | 2885<br>2886   |
| (11) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.  | 2887<br>2888<br>2889   |
| (12) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.   | 2890<br>2891   |
| (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 investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof that the applicant has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check. | 2892<br>2893<br>2894<br>2895<br>2896<br>2897<br>2898<br>2899<br>2900<br>2901<br>2902<br>2903<br>2904<br>2905<br>2906<br>2907<br>2908<br>2909<br>2910<br>2911<br>2912<br>2913<br>2914<br>2915 |

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

(3) An applicant who receives pursuant to division (B)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the home health agency shall not employ that applicant for any position for which a criminal records check is required by division (B)(1) of this section.

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

(a) A violation of section 2903.01, 2903.02, 2903.03,

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2948  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2949  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2950  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2951  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2952  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2953  
2925.06, or 3716.11 of the Revised Code, a violation of section 2954  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2955  
violation of section 2919.23 of the Revised Code that would have 2956  
been a violation of section 2905.04 of the Revised Code as it 2957  
existed prior to July 1, 1996, had the violation been committed 2958  
prior to that date, a violation of section 2925.11 of the Revised 2959  
Code that is not a minor drug possession offense, or felonious 2960  
sexual penetration in violation of former section 2907.12 of the 2961  
Revised Code; 2962

(b) A violation of an existing or former law of this state, 2963  
any other state, or the United States that is substantially 2964  
equivalent to any of the offenses listed in division (C)(1)(a) of 2965  
this section. 2966

(2) Except as provided in rules adopted by the department of 2967  
health in accordance with division (F) of this section and subject 2968  
to division (C)(3) of this section, no home health agency shall 2969  
employ a person in a position that involves providing direct care 2970  
to an older adult if the person previously has been convicted of 2971  
or pleaded guilty to any of the following: 2972

(a) A violation of section 2903.01, 2903.02, 2903.03, 2973  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2974  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2975  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2976  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2977  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2978  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2979

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2980  
2925.22, 2925.23, or 3716.11 of the Revised Code. 2981

(b) A violation of an existing or former law of this state, 2982  
any other state, or the United States that is substantially 2983  
equivalent to any of the offenses listed in division (C)(2)(a) of 2984  
this section. 2985

(3)(a) A home health agency may employ conditionally an 2986  
applicant for whom a criminal records check request is required 2987  
under division (B) of this section as a person responsible for the 2988  
care, custody, or control of a child until the criminal records 2989  
check regarding the applicant required by this section is 2990  
completed and the agency receives the results of the criminal 2991  
records check. If the results of the criminal records check 2992  
indicate that, pursuant to division (C)(1) of this section, the 2993  
applicant does not qualify for employment, the agency shall 2994  
release the applicant from employment unless the agency chooses to 2995  
employ the applicant pursuant to division (F) of this section. 2996

(b)(i) A home health agency may employ conditionally an 2997  
applicant for whom a criminal records check request is required 2998  
under division (B) of this section in a position that involves 2999  
providing direct care to an older adult or in a position that 3000  
involves both responsibility for the care, custody, and control of 3001  
a child and the provision of direct care to older adults prior to 3002  
obtaining the results of a criminal records check regarding the 3003  
individual, provided that the agency shall request a criminal 3004  
records check regarding the individual in accordance with division 3005  
(B)(1) of this section not later than five business days after the 3006  
individual begins conditional employment. In the circumstances 3007  
described in division (I)(2) of this section, a home health agency 3008  
may employ conditionally in a position that involves providing 3009  
direct care to an older adult an applicant who has been referred 3010  
to the home health agency by an employment service that supplies 3011



full-time, part-time, or temporary staff for positions involving 3012  
the direct care of older adults and for whom, pursuant to that 3013  
division, a criminal records check is not required under division 3014  
(B) of this section. In the circumstances described in division 3015  
(I)(4) of this section, a home health agency may employ 3016  
conditionally in a position that involves both responsibility for 3017  
the care, custody, and control of a child and the provision of 3018  
direct care to older adults an applicant who has been referred to 3019  
the home health agency by an employment service that supplies 3020  
full-time, part-time, or temporary staff for positions involving 3021  
both responsibility for the care, custody, and control of a child 3022  
and the provision of direct care to older adults and for whom, 3023  
pursuant to that division, a criminal records check is not 3024  
required under division (B) of this section. 3025

(ii) A home health agency that employs an individual 3026  
conditionally under authority of division (C)(3)(b)(i) of this 3027  
section shall terminate the individual's employment if the results 3028  
of the criminal records check requested under division (B)(1) of 3029  
this section or described in division (I)(2) or (4) of this 3030  
section, other than the results of any request for information 3031  
from the federal bureau of investigation, are not obtained within 3032  
the period ending ~~sixty~~ thirty days after the date the request is 3033  
made. Regardless of when the results of the criminal records check 3034  
are obtained, if the individual was employed conditionally in a 3035  
position that involves the provision of direct care to older 3036  
adults and the results indicate that the individual has been 3037  
convicted of or pleaded guilty to any of the offenses listed or 3038  
described in division (C)(2) of this section, or if the individual 3039  
was employed conditionally in a position that involves both 3040  
responsibility for the care, custody, and control of a child and 3041  
the provision of direct care to older adults and the results 3042  
indicate that the individual has been convicted of or pleaded 3043  
guilty to any of the offenses listed or described in division 3044

(C)(1) or (2) of this section, the agency shall terminate the 3045  
individual's employment unless the agency chooses to employ the 3046  
individual pursuant to division (F) of this section. Termination 3047  
of employment under this division shall be considered just cause 3048  
for discharge for purposes of division (D)(2) of section 4141.29 3049  
of the Revised Code if the individual makes any attempt to deceive 3050  
the agency about the individual's criminal record. 3051

(D)(1) Each home health agency shall pay to the bureau of 3052  
criminal identification and investigation the fee prescribed 3053  
pursuant to division (C)(3) of section 109.572 of the Revised Code 3054  
for each criminal records check conducted in accordance with that 3055  
section upon the request pursuant to division (B)(1) of this 3056  
section of the chief administrator of the home health agency. 3057

(2) A home health agency may charge an applicant a fee for 3058  
the costs it incurs in obtaining a criminal records check under 3059  
this section, unless the medical assistance program established 3060  
under Chapter 5111. of the Revised Code reimburses the agency for 3061  
the costs. A fee charged under division (D)(2) of this section 3062  
shall not exceed the amount of fees the agency pays under division 3063  
(D)(1) of this section. If a fee is charged under division (D)(2) 3064  
of this section, the agency shall notify the applicant at the time 3065  
of the applicant's initial application for employment of the 3066  
amount of the fee and that, unless the fee is paid, the agency 3067  
will not consider the applicant for employment. 3068

(E) The report of any criminal records check conducted by the 3069  
bureau of criminal identification and investigation in accordance 3070  
with section 109.572 of the Revised Code and pursuant to a request 3071  
made under division (B)(1) of this section is not a public record 3072  
for the purposes of section 149.43 of the Revised Code and shall 3073  
not be made available to any person other than the following: 3074

(1) The individual who is the subject of the criminal records 3075  
check or the individual's representative; 3076

|   |  |
|---|--|
| (2) The home health agency requesting the criminal records check or its representative;   | 3077<br>3078   |
| (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 home health agency;  | 3079<br>3080<br>3081<br>3082   |
| (4) Any 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;   | 3083<br>3084<br>3085<br>3086   |
| (5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1), (2), (3), or (4) of this section.   | 3087<br>3088<br>3089   |
| (F) The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the home health agency may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but who meets standards in regard to rehabilitation set by the department or employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(2) of this section but meets personal character standards set by the department. | 3090<br>3091<br>3092<br>3093<br>3094<br>3095<br>3096<br>3097<br>3098<br>3099 |
| (G) Any person required by division (B)(1) of this section to request a criminal records check shall inform each person, at the time of initial application for employment that the person is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that   | 3100<br>3101<br>3102<br>3103<br>3104<br>3105<br>3106<br>3107                 |

position. 3108

(H) In a tort or other civil action for damages that is 3109  
brought as the result of an injury, death, or loss to person or 3110  
property caused by an individual who a home health agency employs 3111  
in a position that involves providing direct care to older adults, 3112  
all of the following shall apply: 3113

(1) If the agency employed the individual in good faith and 3114  
reasonable reliance on the report of a criminal records check 3115  
requested under this section, the agency shall not be found 3116  
negligent solely because of its reliance on the report, even if 3117  
the information in the report is determined later to have been 3118  
incomplete or inaccurate; 3119

(2) If the agency employed the individual in good faith on a 3120  
conditional basis pursuant to division (C)(3)(b) of this section, 3121  
the agency shall not be found negligent solely because it employed 3122  
the individual prior to receiving the report of a criminal records 3123  
check requested under this section; 3124

(3) If the agency in good faith employed the individual 3125  
according to the personal character standards established in rules 3126  
adopted under division (F) of this section, the agency shall not 3127  
be found negligent solely because the individual prior to being 3128  
employed had been convicted of or pleaded guilty to an offense 3129  
listed or described in division (C)(1) or (2) of this section. 3130

(I)(1) The chief administrator of a home health agency is not 3131  
required to request that the superintendent of the bureau of 3132  
criminal identification and investigation conduct a criminal 3133  
records check of an applicant for a position that involves the 3134  
provision of direct care to older adults if the applicant has been 3135  
referred to the agency by an employment service that supplies 3136  
full-time, part-time, or temporary staff for positions involving 3137  
the direct care of older adults and both of the following apply: 3138

(a) The chief administrator receives from the employment 3139  
service or the applicant a report of the results of a criminal 3140  
records check regarding the applicant that has been conducted by 3141  
the superintendent within the one-year period immediately 3142  
preceding the applicant's referral; 3143

(b) The report of the criminal records check demonstrates 3144  
that the person has not been convicted of or pleaded guilty to an 3145  
offense listed or described in division (C)(2) of this section, or 3146  
the report demonstrates that the person has been convicted of or 3147  
pleaded guilty to one or more of those offenses, but the home 3148  
health agency chooses to employ the individual pursuant to 3149  
division (F) of this section. 3150

(2) The chief administrator of a home health agency is not 3151  
required to request that the superintendent of the bureau of 3152  
criminal identification and investigation conduct a criminal 3153  
records check of an applicant for a position that involves 3154  
providing direct care to older adults and may employ the applicant 3155  
conditionally in a position of that nature as described in this 3156  
division, if the applicant has been referred to the agency by an 3157  
employment service that supplies full-time, part-time, or 3158  
temporary staff for positions involving the direct care of older 3159  
adults and if the chief administrator receives from the employment 3160  
service or the applicant a letter from the employment service that 3161  
is on the letterhead of the employment service, dated, and signed 3162  
by a supervisor or another designated official of the employment 3163  
service and that states that the employment service has requested 3164  
the superintendent to conduct a criminal records check regarding 3165  
the applicant, that the requested criminal records check will 3166  
include a determination of whether the applicant has been 3167  
convicted of or pleaded guilty to any offense listed or described 3168  
in division (C)(2) of this section, that, as of the date set forth 3169  
on the letter, the employment service had not received the results 3170

of the criminal records check, and that, when the employment 3171  
service receives the results of the criminal records check, it 3172  
promptly will send a copy of the results to the home health 3173  
agency. If a home health agency employs an applicant conditionally 3174  
in accordance with this division, the employment service, upon its 3175  
receipt of the results of the criminal records check, promptly 3176  
shall send a copy of the results to the home health agency, and 3177  
division (C)(3)(b) of this section applies regarding the 3178  
conditional employment. 3179

(3) The chief administrator of a home health agency is not 3180  
required to request that the superintendent of the bureau of 3181  
criminal identification and investigation conduct a criminal 3182  
records check of an applicant for a position that involves both 3183  
responsibility for the care, custody, and control of a child and 3184  
the provision of direct care to older adults if the applicant has 3185  
been referred to the agency by an employment service that supplies 3186  
full-time, part-time, or temporary staff for positions involving 3187  
both responsibility for the care, custody, and control of a child 3188  
and the provision of direct care to older adults and both of the 3189  
following apply: 3190

(a) The chief administrator receives from the employment 3191  
service or applicant a report of a criminal records check of the 3192  
type described in division (I)(1)(a) of this section; 3193

(b) The report of the criminal records check demonstrates 3194  
that the person has not been convicted of or pleaded guilty to an 3195  
offense listed or described in division (C)(1) or (2) of this 3196  
section, or the report demonstrates that the person has been 3197  
convicted of or pleaded guilty to one or more of those offenses, 3198  
but the home health agency chooses to employ the individual 3199  
pursuant to division (F) of this section. 3200

(4) The chief administrator of a home health agency is not 3201  
required to request that the superintendent of the bureau of 3202

criminal identification and investigation conduct a criminal 3203  
records check of an applicant for a position that involves both 3204  
responsibility for the care, custody, and control of a child and 3205  
the provision of direct care to older adults and may employ the 3206  
applicant conditionally in a position of that nature as described 3207  
in this division, if the applicant has been referred to the agency 3208  
by an employment service that supplies full-time, part-time, or 3209  
temporary staff for positions involving both responsibility for 3210  
the care, custody, and control of a child and the direct care of 3211  
older adults and if the chief administrator receives from the 3212  
employment service or the applicant a letter from the employment 3213  
service that is on the letterhead of the employment service, 3214  
dated, and signed by a supervisor or another designated official 3215  
of the employment service and that states that the employment 3216  
service has requested the superintendent to conduct a criminal 3217  
records check regarding the applicant, that the requested criminal 3218  
records check will include a determination of whether the 3219  
applicant has been convicted of or pleaded guilty to any offense 3220  
listed or described in division (C)(1) or (2) of this section, 3221  
that, as of the date set forth on the letter, the employment 3222  
service had not received the results of the criminal records 3223  
check, and that, when the employment service receives the results 3224  
of the criminal records check, it promptly will send a copy of the 3225  
results to the home health agency. If a home health agency employs 3226  
an applicant conditionally in accordance with this division, the 3227  
employment service, upon its receipt of the results of the 3228  
criminal records check, promptly shall send a copy of the results 3229  
to the home health agency, and division (C)(3)(b) of this section 3230  
applies regarding the conditional employment. 3231

**Sec. 3712.09.** (A) As used in this section: 3232

(1) "Applicant" means a person who is under final 3233  
consideration for employment with a hospice care program in a 3234

full-time, part-time, or temporary position that involves 3235  
providing direct care to an older adult. "Applicant" does not 3236  
include a person who provides direct care as a volunteer without 3237  
receiving or expecting to receive any form of remuneration other 3238  
than reimbursement for actual expenses. 3239

(2) "Criminal records check" and "older adult" have the same 3240  
meanings as in section 109.572 of the Revised Code. 3241

(B)(1) Except as provided in division (I) of this section, 3242  
the chief administrator of a hospice care program shall request 3243  
that the superintendent of the bureau of criminal identification 3244  
and investigation conduct a criminal records check with respect to 3245  
each applicant. If an applicant for whom a criminal records check 3246  
request is required under this division does not present proof of 3247  
having been a resident of this state for the five-year period 3248  
immediately prior to the date the criminal records check is 3249  
requested or provide evidence that within that five-year period 3250  
the superintendent has requested information about the applicant 3251  
from the federal bureau of investigation in a criminal records 3252  
check, the chief administrator shall request that the 3253  
superintendent obtain information from the federal bureau of 3254  
investigation as part of the criminal records check of the 3255  
applicant. Even if an applicant for whom a criminal records check 3256  
request is required under this division presents proof of having 3257  
been a resident of this state for the five-year period, the chief 3258  
administrator may request that the superintendent include 3259  
information from the federal bureau of investigation in the 3260  
criminal records check. 3261

(2) A person required by division (B)(1) of this section to 3262  
request a criminal records check shall do both of the following: 3263

(a) Provide to each applicant for whom a criminal records 3264  
check request is required under that division a copy of the form 3265  
prescribed pursuant to division (C)(1) of section 109.572 of the 3266



Revised Code and a standard fingerprint impression sheet 3267  
prescribed pursuant to division (C)(2) of that section, and obtain 3268  
the completed form and impression sheet from the applicant; 3269

(b) Forward the completed form and impression sheet to the 3270  
superintendent of the bureau of criminal identification and 3271  
investigation. 3272

(3) An applicant provided the form and fingerprint impression 3273  
sheet under division (B)(2)(a) of this section who fails to 3274  
complete the form or provide fingerprint impressions shall not be 3275  
employed in any position for which a criminal records check is 3276  
required by this section. 3277

(C)(1) Except as provided in rules adopted by the public 3278  
health council in accordance with division (F) of this section and 3279  
subject to division (C)(2) of this section, no hospice care 3280  
program shall employ a person in a position that involves 3281  
providing direct care to an older adult if the person has been 3282  
convicted of or pleaded guilty to any of the following: 3283

(a) A violation of section 2903.01, 2903.02, 2903.03, 3284  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3285  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3286  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3287  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3288  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3289  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3290  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3291  
2925.22, 2925.23, or 3716.11 of the Revised Code. 3292

(b) A violation of an existing or former law of this state, 3293  
any other state, or the United States that is substantially 3294  
equivalent to any of the offenses listed in division (C)(1)(a) of 3295  
this section. 3296

(2)(a) A hospice care program may employ conditionally an 3297

applicant for whom a criminal records check request is required 3298  
under division (B) of this section prior to obtaining the results 3299  
of a criminal records check regarding the individual, provided 3300  
that the program shall request a criminal records check regarding 3301  
the individual in accordance with division (B)(1) of this section 3302  
not later than five business days after the individual begins 3303  
conditional employment. In the circumstances described in division 3304  
(I)(2) of this section, a hospice care program may employ 3305  
conditionally an applicant who has been referred to the hospice 3306  
care program by an employment service that supplies full-time, 3307  
part-time, or temporary staff for positions involving the direct 3308  
care of older adults and for whom, pursuant to that division, a 3309  
criminal records check is not required under division (B) of this 3310  
section. 3311

(b) A hospice care program that employs an individual 3312  
conditionally under authority of division (C)(2)(a) of this 3313  
section shall terminate the individual's employment if the results 3314  
of the criminal records check requested under division (B) of this 3315  
section or described in division (I)(2) of this section, other 3316  
than the results of any request for information from the federal 3317  
bureau of investigation, are not obtained within the period ending 3318  
~~sixty~~ thirty days after the date the request is made. Regardless 3319  
of when the results of the criminal records check are obtained, if 3320  
the results indicate that the individual has been convicted of or 3321  
pleaded guilty to any of the offenses listed or described in 3322  
division (C)(1) of this section, the program shall terminate the 3323  
individual's employment unless the program chooses to employ the 3324  
individual pursuant to division (F) of this section. Termination 3325  
of employment under this division shall be considered just cause 3326  
for discharge for purposes of division (D)(2) of section 4141.29 3327  
of the Revised Code if the individual makes any attempt to deceive 3328  
the program about the individual's criminal record. 3329

(D)(1) Each hospice care program shall pay to the bureau of 3330  
criminal identification and investigation the fee prescribed 3331  
pursuant to division (C)(3) of section 109.572 of the Revised Code 3332  
for each criminal records check conducted pursuant to a request 3333  
made under division (B) of this section. 3334

(2) A hospice care program may charge an applicant a fee not 3335  
exceeding the amount the program pays under division (D)(1) of 3336  
this section. A program may collect a fee only if both of the 3337  
following apply: 3338

(a) The program notifies the person at the time of initial 3339  
application for employment of the amount of the fee and that, 3340  
unless the fee is paid, the person will not be considered for 3341  
employment; 3342

(b) The medical assistance program established under Chapter 3343  
5111. of the Revised Code does not reimburse the program the fee 3344  
it pays under division (D)(1) of this section. 3345

(E) The report of a criminal records check conducted pursuant 3346  
to a request made under this section is not a public record for 3347  
the purposes of section 149.43 of the Revised Code and shall not 3348  
be made available to any person other than the following: 3349

(1) The individual who is the subject of the criminal records 3350  
check or the individual's representative; 3351

(2) The chief administrator of the program requesting the 3352  
criminal records check or the administrator's representative; 3353

(3) The administrator of any other facility, agency, or 3354  
program that provides direct care to older adults that is owned or 3355  
operated by the same entity that owns or operates the hospice care 3356  
program; 3357

(4) A court, hearing officer, or other necessary individual 3358  
involved in a case dealing with a denial of employment of the 3359

applicant or dealing with employment or unemployment benefits of 3360  
the applicant; 3361

(5) Any person to whom the report is provided pursuant to, 3362  
and in accordance with, division (I)(1) or (2) of this section. 3363

(F) The public health council shall adopt rules in accordance 3364  
with Chapter 119. of the Revised Code to implement this section. 3365  
The rules shall specify circumstances under which a hospice care 3366  
program may employ a person who has been convicted of or pleaded 3367  
guilty to an offense listed or described in division (C)(1) of 3368  
this section but meets personal character standards set by the 3369  
council. 3370

(G) The chief administrator of a hospice care program shall 3371  
inform each individual, at the time of initial application for a 3372  
position that involves providing direct care to an older adult, 3373  
that the individual is required to provide a set of fingerprint 3374  
impressions and that a criminal records check is required to be 3375  
conducted if the individual comes under final consideration for 3376  
employment. 3377

(H) In a tort or other civil action for damages that is 3378  
brought as the result of an injury, death, or loss to person or 3379  
property caused by an individual who a hospice care program 3380  
employs in a position that involves providing direct care to older 3381  
adults, all of the following shall apply: 3382

(1) If the program employed the individual in good faith and 3383  
reasonable reliance on the report of a criminal records check 3384  
requested under this section, the program shall not be found 3385  
negligent solely because of its reliance on the report, even if 3386  
the information in the report is determined later to have been 3387  
incomplete or inaccurate; 3388

(2) If the program employed the individual in good faith on a 3389  
conditional basis pursuant to division (C)(2) of this section, the 3390

program shall not be found negligent solely because it employed 3391  
the individual prior to receiving the report of a criminal records 3392  
check requested under this section; 3393

(3) If the program in good faith employed the individual 3394  
according to the personal character standards established in rules 3395  
adopted under division (F) of this section, the program shall not 3396  
be found negligent solely because the individual prior to being 3397  
employed had been convicted of or pleaded guilty to an offense 3398  
listed or described in division (C)(1) of this section. 3399

(I)(1) The chief administrator of a hospice care program is 3400  
not required to request that the superintendent of the bureau of 3401  
criminal identification and investigation conduct a criminal 3402  
records check of an applicant if the applicant has been referred 3403  
to the program by an employment service that supplies full-time, 3404  
part-time, or temporary staff for positions involving the direct 3405  
care of older adults and both of the following apply: 3406

(a) The chief administrator receives from the employment 3407  
service or the applicant a report of the results of a criminal 3408  
records check regarding the applicant that has been conducted by 3409  
the superintendent within the one-year period immediately 3410  
preceding the applicant's referral; 3411

(b) The report of the criminal records check demonstrates 3412  
that the person has not been convicted of or pleaded guilty to an 3413  
offense listed or described in division (C)(1) of this section, or 3414  
the report demonstrates that the person has been convicted of or 3415  
pleaded guilty to one or more of those offenses, but the hospice 3416  
care program chooses to employ the individual pursuant to division 3417  
(F) of this section. 3418

(2) The chief administrator of a hospice care program is not 3419  
required to request that the superintendent of the bureau of 3420  
criminal identification and investigation conduct a criminal 3421

records check of an applicant and may employ the applicant 3422  
conditionally as described in this division, if the applicant has 3423  
been referred to the program by an employment service that 3424  
supplies full-time, part-time, or temporary staff for positions 3425  
involving the direct care of older adults and if the chief 3426  
administrator receives from the employment service or the 3427  
applicant a letter from the employment service that is on the 3428  
letterhead of the employment service, dated, and signed by a 3429  
supervisor or another designated official of the employment 3430  
service and that states that the employment service has requested 3431  
the superintendent to conduct a criminal records check regarding 3432  
the applicant, that the requested criminal records check will 3433  
include a determination of whether the applicant has been 3434  
convicted of or pleaded guilty to any offense listed or described 3435  
in division (C)(1) of this section, that, as of the date set forth 3436  
on the letter, the employment service had not received the results 3437  
of the criminal records check, and that, when the employment 3438  
service receives the results of the criminal records check, it 3439  
promptly will send a copy of the results to the hospice care 3440  
program. If a hospice care program employs an applicant 3441  
conditionally in accordance with this division, the employment 3442  
service, upon its receipt of the results of the criminal records 3443  
check, promptly shall send a copy of the results to the hospice 3444  
care program, and division (C)(2)(b) of this section applies 3445  
regarding the conditional employment. 3446

**Sec. 3734.02.** (A) The director of environmental protection, 3447  
in accordance with Chapter 119. of the Revised Code, shall adopt 3448  
and may amend, suspend, or rescind rules having uniform 3449  
application throughout the state governing solid waste facilities 3450  
and the inspections of and issuance of permits and licenses for 3451  
all solid waste facilities in order to ensure that the facilities 3452  
will be located, maintained, and operated, and will undergo 3453

closure and post-closure care, in a sanitary manner so as not to 3454  
create a nuisance, cause or contribute to water pollution, create 3455  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 3456  
257.3-8, as amended. The rules may include, without limitation, 3457  
financial assurance requirements for closure and post-closure care 3458  
and corrective action and requirements for taking corrective 3459  
action in the event of the surface or subsurface discharge or 3460  
migration of explosive gases or leachate from a solid waste 3461  
facility, or of ground water contamination resulting from the 3462  
transfer or disposal of solid wastes at a facility, beyond the 3463  
boundaries of any area within a facility that is operating or is 3464  
undergoing closure or post-closure care where solid wastes were 3465  
disposed of or are being disposed of. The rules shall not concern 3466  
or relate to personnel policies, salaries, wages, fringe benefits, 3467  
or other conditions of employment of employees of persons owning 3468  
or operating solid waste facilities. The director, in accordance 3469  
with Chapter 119. of the Revised Code, shall adopt and may amend, 3470  
suspend, or rescind rules governing the issuance, modification, 3471  
revocation, suspension, or denial of variances from the director's 3472  
solid waste rules, including, without limitation, rules adopted 3473  
under this chapter governing the management of scrap tires. 3474

Variances shall be issued, modified, revoked, suspended, or 3475  
rescinded in accordance with this division, rules adopted under 3476  
it, and Chapter 3745. of the Revised Code. The director may order 3477  
the person to whom a variance is issued to take such action within 3478  
such time as the director may determine to be appropriate and 3479  
reasonable to prevent the creation of a nuisance or a hazard to 3480  
the public health or safety or the environment. Applications for 3481  
variances shall contain such detail plans, specifications, and 3482  
information regarding objectives, procedures, controls, and other 3483  
pertinent data as the director may require. The director shall 3484  
grant a variance only if the applicant demonstrates to the 3485  
director's satisfaction that construction and operation of the 3486

solid waste facility in the manner allowed by the variance and any 3487  
terms or conditions imposed as part of the variance will not 3488  
create a nuisance or a hazard to the public health or safety or 3489  
the environment. In granting any variance, the director shall 3490  
state the specific provision or provisions whose terms are to be 3491  
varied and also shall state specific terms or conditions imposed 3492  
upon the applicant in place of the provision or provisions. The 3493  
director may hold a public hearing on an application for a 3494  
variance or renewal of a variance at a location in the county 3495  
where the operations that are the subject of the application for 3496  
the variance are conducted. The director shall give not less than 3497  
twenty days' notice of the hearing to the applicant by certified 3498  
mail and shall publish at least one notice of the hearing in a 3499  
newspaper with general circulation in the county where the hearing 3500  
is to be held. The director shall make available for public 3501  
inspection at the principal office of the environmental protection 3502  
agency a current list of pending applications for variances and a 3503  
current schedule of pending variance hearings. The director shall 3504  
make a complete stenographic record of testimony and other 3505  
evidence submitted at the hearing. Within ten days after the 3506  
hearing, the director shall make a written determination to issue, 3507  
renew, or deny the variance and shall enter the determination and 3508  
the basis for it into the record of the hearing. The director 3509  
shall issue, renew, or deny an application for a variance or 3510  
renewal of a variance within six months of the date upon which the 3511  
director receives a complete application with all pertinent 3512  
information and data required. No variance shall be issued, 3513  
revoked, modified, or denied until the director has considered the 3514  
relative interests of the applicant, other persons and property 3515  
affected by the variance, and the general public. Any variance 3516  
granted under this division shall be for a period specified by the 3517  
director and may be renewed from time to time on such terms and 3518  
for such periods as the director determines to be appropriate. No 3519



application shall be denied and no variance shall be revoked or 3520  
modified without a written order stating the findings upon which 3521  
the denial, revocation, or modification is based. A copy of the 3522  
order shall be sent to the applicant or variance holder by 3523  
certified mail. 3524

(B) The director shall prescribe and furnish the forms 3525  
necessary to administer and enforce this chapter. The director may 3526  
cooperate with and enter into agreements with other state, local, 3527  
or federal agencies to carry out the purposes of this chapter. The 3528  
director may exercise all incidental powers necessary to carry out 3529  
the purposes of this chapter. 3530

The director may use moneys in the infectious waste 3531  
management fund created in section 3734.021 of the Revised Code 3532  
exclusively for administering and enforcing the provisions of this 3533  
chapter governing the management of infectious wastes. Of each 3534  
registration and renewal fee collected under rules adopted under 3535  
division (A)(2)(a) of section 3734.021 or under section 3734.022 3536  
of the Revised Code, the director, within forty-five days of its 3537  
receipt, shall remit from the fund one-half of the fee received to 3538  
the board of health of the health district in which the registered 3539  
premises is located, or, in the instance of an infectious wastes 3540  
transporter, to the board of health of the health district in 3541  
which the transporter's principal place of business is located. 3542  
However, if the board of health having jurisdiction over a 3543  
registrant's premises or principal place of business is not on the 3544  
approved list under section 3734.08 of the Revised Code, the 3545  
director shall not make that payment to the board of health. 3546

(C) Except as provided in this division and divisions (N)(2) 3547  
and (3) of this section, no person shall establish a new solid 3548  
waste facility or infectious waste treatment facility, or modify 3549  
an existing solid waste facility or infectious waste treatment 3550  
facility, without submitting an application for a permit with 3551

accompanying detail plans, specifications, and information 3552  
regarding the facility and method of operation and receiving a 3553  
permit issued by the director, except that no permit shall be 3554  
required under this division to install or operate a solid waste 3555  
facility for sewage sludge treatment or disposal when the 3556  
treatment or disposal is authorized by a current permit issued 3557  
under Chapter 3704. or 6111. of the Revised Code. 3558

No person shall continue to operate a solid waste facility 3559  
for which the director has denied a permit for which an 3560  
application was required under division (A)(3) of section 3734.05 3561  
of the Revised Code, or for which the director has disapproved 3562  
plans and specifications required to be filed by an order issued 3563  
under division (A)(5) of that section, after the date prescribed 3564  
for commencement of closure of the facility in the order issued 3565  
under division (A)(6) of section 3734.05 of the Revised Code 3566  
denying the permit application or approval. 3567

On and after the effective date of the rules adopted under 3568  
division (A) of this section and division (D) of section 3734.12 3569  
of the Revised Code governing solid waste transfer facilities, no 3570  
person shall establish a new, or modify an existing, solid waste 3571  
transfer facility without first submitting an application for a 3572  
permit with accompanying engineering detail plans, specifications, 3573  
and information regarding the facility and its method of operation 3574  
to the director and receiving a permit issued by the director. 3575

No person shall establish a new compost facility or continue 3576  
to operate an existing compost facility that accepts exclusively 3577  
source separated yard wastes without submitting a completed 3578  
registration for the facility to the director in accordance with 3579  
rules adopted under divisions (A) and (N)(3) of this section. 3580

This division does not apply to an infectious waste treatment 3581  
facility that meets any of the following conditions: 3582

(1) Is owned or operated by the generator of the wastes and 3583  
exclusively treats, by methods, techniques, and practices 3584  
established by rules adopted under division (C)(1) or (3) of 3585  
section 3734.021 of the Revised Code, wastes that are generated at 3586  
any premises owned or operated by that generator regardless of 3587  
whether the wastes are generated on the premises where the 3588  
generator's treatment facility is located or, if the generator is 3589  
a hospital as defined in section 3727.01 of the Revised Code, 3590  
infectious wastes that are described in division (A)(1)(g), (h), 3591  
or (i) of section 3734.021 of the Revised Code; 3592

(2) Holds a license or renewal of a license to operate a 3593  
crematory facility issued under Chapter 4717. and a permit issued 3594  
under Chapter 3704. of the Revised Code; 3595

(3) Treats or disposes of dead animals or parts thereof, or 3596  
the blood of animals, and is subject to any of the following: 3597

(a) Inspection under the "Federal Meat Inspection Act," 81 3598  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 3599

(b) Chapter 918. of the Revised Code; 3600

(c) Chapter 953. of the Revised Code. 3601

(D) Neither this chapter nor any rules adopted under it apply 3602  
to single-family residential premises; to infectious wastes 3603  
generated by individuals for purposes of their own care or 3604  
treatment that are disposed of with solid wastes from the 3605  
individual's residence; to the temporary storage of solid wastes, 3606  
other than scrap tires, prior to their collection for disposal; to 3607  
the storage of one hundred or fewer scrap tires unless they are 3608  
stored in such a manner that, in the judgment of the director or 3609  
the board of health of the health district in which the scrap 3610  
tires are stored, the storage causes a nuisance, a hazard to 3611  
public health or safety, or a fire hazard; or to the collection of 3612  
solid wastes, other than scrap tires, by a political subdivision 3613

or a person holding a franchise or license from a political 3614  
subdivision of the state; to composting, as defined in section 3615  
1511.01 of the Revised Code, conducted in accordance with section 3616  
1511.022 of the Revised Code; or to any person who is licensed to 3617  
transport raw rendering material to a compost facility pursuant to 3618  
section 953.23 of the Revised Code. 3619

(E)(1) As used in this division ~~and section 3734.18 of the~~ 3620  
~~Revised Code:~~ 3621

(a) "On-site facility" means a facility that stores, treats, 3622  
or disposes of hazardous waste that is generated on the premises 3623  
of the facility. 3624

(b) "Off-site facility" means a facility that stores, treats, 3625  
or disposes of hazardous waste that is generated off the premises 3626  
of the facility and includes such a facility that is also an 3627  
on-site facility. 3628

(c) "Satellite facility" means any of the following: 3629

(i) An on-site facility that also receives hazardous waste 3630  
from other premises owned by the same person who generates the 3631  
waste on the facility premises; 3632

(ii) An off-site facility operated so that all of the 3633  
hazardous waste it receives is generated on one or more premises 3634  
owned by the person who owns the facility; 3635

(iii) An on-site facility that also receives hazardous waste 3636  
that is transported uninterruptedly and directly to the facility 3637  
through a pipeline from a generator who is not the owner of the 3638  
facility. 3639

(2) Except as provided in division (E)(3) of this section, no 3640  
person shall establish or operate a hazardous waste facility, or 3641  
use a solid waste facility for the storage, treatment, or disposal 3642  
of any hazardous waste, without a hazardous waste facility 3643

installation and operation permit issued in accordance with 3644  
 section 3734.05 of the Revised Code and subject to the payment of 3645  
 an application fee not to exceed one thousand five hundred 3646  
 dollars, payable upon application for a hazardous waste facility 3647  
 installation and operation permit and upon application for a 3648  
 renewal permit issued under division (H) of section 3734.05 of the 3649  
 Revised Code, to be credited to the hazardous waste facility 3650  
 management fund created in section 3734.18 of the Revised Code. 3651  
 The term of a hazardous waste facility installation and operation 3652  
 permit shall not exceed five years. 3653

In addition to the application fee, there is hereby levied an 3654  
 annual permit fee to be paid by the permit holder upon the 3655  
 anniversaries of the date of issuance of the hazardous waste 3656  
 facility installation and operation permit and of any subsequent 3657  
 renewal permits and to be credited to the hazardous waste facility 3658  
 management fund. Annual permit fees totaling forty thousand 3659  
 dollars or more for any one facility may be paid on a quarterly 3660  
 basis with the first quarterly payment each year being due on the 3661  
 anniversary of the date of issuance of the hazardous waste 3662  
 facility installation and operation permit and of any subsequent 3663  
 renewal permits. The annual permit fee shall be determined for 3664  
 each permit holder by the director in accordance with the 3665  
 following schedule: 3666

| TYPE OF BASIC           |                        |        | 3667 |
|-------------------------|------------------------|--------|------|
| MANAGEMENT UNIT         | TYPE OF FACILITY       | FEE    | 3668 |
| Storage facility using: |                        |        | 3669 |
| Containers              | On-site, off-site, and |        | 3670 |
|                         | satellite              | \$ 500 | 3671 |
| Tanks                   | On-site, off-site, and |        | 3672 |
|                         | satellite              | 500    | 3673 |
| Waste pile              | On-site, off-site, and |        | 3674 |
|                         | satellite              | 3,000  | 3675 |
| Surface impoundment     | On-site and satellite  | 8,000  | 3676 |

|                           |                        |        |      |
|---------------------------|------------------------|--------|------|
|                           | Off-site               | 10,000 | 3677 |
| Disposal facility using:  |                        |        | 3678 |
| Deep well injection       | On-site and satellite  | 15,000 | 3679 |
|                           | Off-site               | 25,000 | 3680 |
| Landfill                  | On-site and satellite  | 25,000 | 3681 |
|                           | Off-site               | 40,000 | 3682 |
| Land application          | On-site and satellite  | 2,500  | 3683 |
|                           | Off-site               | 5,000  | 3684 |
| Surface impoundment       | On-site and satellite  | 10,000 | 3685 |
|                           | Off-site               | 20,000 | 3686 |
| Treatment facility using: |                        |        | 3687 |
| Tanks                     | On-site, off-site, and |        | 3688 |
|                           | satellite              | 700    | 3689 |
| Surface impoundment       | On-site and satellite  | 8,000  | 3690 |
|                           | Off-site               | 10,000 | 3691 |
| Incinerator               | On-site and satellite  | 5,000  | 3692 |
|                           | Off-site               | 10,000 | 3693 |
| Other forms               |                        |        | 3694 |
| of treatment              | On-site, off-site, and |        | 3695 |
|                           | satellite              | 1,000  | 3696 |

A hazardous waste disposal facility that disposes of 3697  
hazardous waste by deep well injection and that pays the annual 3698  
permit fee established in section 6111.046 of the Revised Code is 3699  
not subject to the permit fee established in this division for 3700  
disposal facilities using deep well injection unless the director 3701  
determines that the facility is not in compliance with applicable 3702  
requirements established under this chapter and rules adopted 3703  
under it. 3704

In determining the annual permit fee required by this 3705  
section, the director shall not require additional payments for 3706  
multiple units of the same method of storage, treatment, or 3707  
disposal or for individual units that are used for both storage 3708

and treatment. A facility using more than one method of storage, 3709  
treatment, or disposal shall pay the permit fee indicated by the 3710  
schedule for each such method. 3711

The director shall not require the payment of that portion of 3712  
an annual permit fee of any permit holder that would apply to a 3713  
hazardous waste management unit for which a permit has been 3714  
issued, but for which construction has not yet commenced. Once 3715  
construction has commenced, the director shall require the payment 3716  
of a part of the appropriate fee indicated by the schedule that 3717  
bears the same relationship to the total fee that the number of 3718  
days remaining until the next anniversary date at which payment of 3719  
the annual permit fee is due bears to three hundred sixty-five. 3720

The director, by rules adopted in accordance with Chapters 3721  
119. and 3745. of the Revised Code, shall prescribe procedures for 3722  
collecting the annual permit fee established by this division and 3723  
may prescribe other requirements necessary to carry out this 3724  
division. 3725

(3) The prohibition against establishing or operating a 3726  
hazardous waste facility without a hazardous waste facility 3727  
installation and operation permit does not apply to either of the 3728  
following: 3729

(a) A facility that is operating in accordance with a permit 3730  
renewal issued under division (H) of section 3734.05 of the 3731  
Revised Code, a revision issued under division (I) of that section 3732  
as it existed prior to August 20, 1996, or a modification issued 3733  
by the director under division (I) of that section on and after 3734  
August 20, 1996; 3735

(b) Except as provided in division (J) of section 3734.05 of 3736  
the Revised Code, a facility that will operate or is operating in 3737  
accordance with a permit by rule, or that is not subject to permit 3738  
requirements, under rules adopted by the director. In accordance 3739

with Chapter 119. of the Revised Code, the director shall adopt, 3740  
and subsequently may amend, suspend, or rescind, rules for the 3741  
purposes of division (E)(3)(b) of this section. Any rules so 3742  
adopted shall be consistent with and equivalent to regulations 3743  
pertaining to interim status adopted under the "Resource 3744  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 3745  
6921, as amended, except as otherwise provided in this chapter. 3746

If a modification is requested or proposed for a facility 3747  
described in division (E)(3)(a) or (b) of this section, division 3748  
(I)(7) of section 3734.05 of the Revised Code applies. 3749

(F) No person shall store, treat, or dispose of hazardous 3750  
waste identified or listed under this chapter and rules adopted 3751  
under it, regardless of whether generated on or off the premises 3752  
where the waste is stored, treated, or disposed of, or transport 3753  
or cause to be transported any hazardous waste identified or 3754  
listed under this chapter and rules adopted under it to any other 3755  
premises, except at or to any of the following: 3756

(1) A hazardous waste facility operating under a permit 3757  
issued in accordance with this chapter; 3758

(2) A facility in another state operating under a license or 3759  
permit issued in accordance with the "Resource Conservation and 3760  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 3761  
amended; 3762

(3) A facility in another nation operating in accordance with 3763  
the laws of that nation; 3764

(4) A facility holding a permit issued pursuant to Title I of 3765  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 3766  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 3767

(5) A hazardous waste facility as described in division 3768  
(E)(3)(a) or (b) of this section. 3769



(G) The director, by order, may exempt any person generating, 3770  
collecting, storing, treating, disposing of, or transporting solid 3771  
wastes or hazardous waste, or processing solid wastes that consist 3772  
of scrap tires, in such quantities or under such circumstances 3773  
that, in the determination of the director, are unlikely to 3774  
adversely affect the public health or safety or the environment 3775  
from any requirement to obtain a registration certificate, permit, 3776  
or license or comply with the manifest system or other 3777  
requirements of this chapter. Such an exemption shall be 3778  
consistent with and equivalent to any regulations adopted by the 3779  
administrator of the United States environmental protection agency 3780  
under the "Resource Conservation and Recovery Act of 1976," 90 3781  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 3782  
provided in this chapter. 3783

(H) No person shall engage in filling, grading, excavating, 3784  
building, drilling, or mining on land where a hazardous waste 3785  
facility, or a solid waste facility, was operated without prior 3786  
authorization from the director, who shall establish the procedure 3787  
for granting such authorization by rules adopted in accordance 3788  
with Chapter 119. of the Revised Code. 3789

A public utility that has main or distribution lines above or 3790  
below the land surface located on an easement or right-of-way 3791  
across land where a solid waste facility was operated may engage 3792  
in any such activity within the easement or right-of-way without 3793  
prior authorization from the director for purposes of performing 3794  
emergency repair or emergency replacement of its lines; of the 3795  
poles, towers, foundations, or other structures supporting or 3796  
sustaining any such lines; or of the appurtenances to those 3797  
structures, necessary to restore or maintain existing public 3798  
utility service. A public utility may enter upon any such easement 3799  
or right-of-way without prior authorization from the director for 3800  
purposes of performing necessary or routine maintenance of those 3801

portions of its existing lines; of the existing poles, towers, 3802  
foundations, or other structures sustaining or supporting its 3803  
lines; or of the appurtenances to any such supporting or 3804  
sustaining structure, located on or above the land surface on any 3805  
such easement or right-of-way. Within twenty-four hours after 3806  
commencing any such emergency repair, replacement, or maintenance 3807  
work, the public utility shall notify the director or the 3808  
director's authorized representative of those activities and shall 3809  
provide such information regarding those activities as the 3810  
director or the director's representative may request. Upon 3811  
completion of the emergency repair, replacement, or maintenance 3812  
activities, the public utility shall restore any land of the solid 3813  
waste facility disturbed by those activities to the condition 3814  
existing prior to the commencement of those activities. 3815

(I) No owner or operator of a hazardous waste facility, in 3816  
the operation of the facility, shall cause, permit, or allow the 3817  
emission therefrom of any particulate matter, dust, fumes, gas, 3818  
mist, smoke, vapor, or odorous substance that, in the opinion of 3819  
the director, unreasonably interferes with the comfortable 3820  
enjoyment of life or property by persons living or working in the 3821  
vicinity of the facility, or that is injurious to public health. 3822  
Any such action is hereby declared to be a public nuisance. 3823

(J) Notwithstanding any other provision of this chapter, in 3824  
the event the director finds an imminent and substantial danger to 3825  
public health or safety or the environment that creates an 3826  
emergency situation requiring the immediate treatment, storage, or 3827  
disposal of hazardous waste, the director may issue a temporary 3828  
emergency permit to allow the treatment, storage, or disposal of 3829  
the hazardous waste at a facility that is not otherwise authorized 3830  
by a hazardous waste facility installation and operation permit to 3831  
treat, store, or dispose of the waste. The emergency permit shall 3832  
not exceed ninety days in duration and shall not be renewed. The 3833

director shall adopt, and may amend, suspend, or rescind, rules in 3834  
accordance with Chapter 119. of the Revised Code governing the 3835  
issuance, modification, revocation, and denial of emergency 3836  
permits. 3837

(K) No owner or operator of a sanitary landfill shall 3838  
knowingly accept for disposal, or dispose of, any infectious 3839  
wastes, other than those subject to division (A)(1)(c) of section 3840  
3734.021 of the Revised Code, that have not been treated to render 3841  
them noninfectious. For the purposes of this division, 3842  
certification by the owner or operator of the treatment facility 3843  
where the wastes were treated on the shipping paper required by 3844  
rules adopted under division (D)(2) of that section creates a 3845  
rebuttable presumption that the wastes have been so treated. 3846

(L) The director, in accordance with Chapter 119. of the 3847  
Revised Code, shall adopt, and may amend, suspend, or rescind, 3848  
rules having uniform application throughout the state establishing 3849  
a training and certification program that shall be required for 3850  
employees of boards of health who are responsible for enforcing 3851  
the solid waste and infectious waste provisions of this chapter 3852  
and rules adopted under them and for persons who are responsible 3853  
for the operation of solid waste facilities or infectious waste 3854  
treatment facilities. The rules shall provide all of the 3855  
following, without limitation: 3856

(1) The program shall be administered by the director and 3857  
shall consist of a course on new solid waste and infectious waste 3858  
technologies, enforcement procedures, and rules; 3859

(2) The course shall be offered on an annual basis; 3860

(3) Those persons who are required to take the course under 3861  
division (L) of this section shall do so triennially; 3862

(4) Persons who successfully complete the course shall be 3863  
certified by the director; 3864

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

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

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

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

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the

boundaries of a national park or recreation area, but that has not 3896  
been acquired or is not administered by the secretary of the 3897  
United States department of the interior, located in this state, 3898  
or any candidate area located in this state and identified for 3899  
potential inclusion in the national park system in the edition of 3900  
the "national park system plan" submitted under paragraph (b) of 3901  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 3902  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 3903  
application for the permit, unless the facility or proposed 3904  
facility is or is to be used exclusively for the disposal of solid 3905  
wastes generated within the park or recreation area and the 3906  
director determines that the facility or proposed facility will 3907  
not degrade any of the natural or cultural resources of the park 3908  
or recreation area. The director shall not issue a variance under 3909  
division (A) of this section and rules adopted under it, or issue 3910  
an exemption order under division (G) of this section, that would 3911  
authorize any such establishment or expansion of a solid waste 3912  
facility within the boundaries of any such park or recreation 3913  
area, state park purchase area, or candidate area, other than a 3914  
solid waste facility exclusively for the disposal of solid wastes 3915  
generated within the park or recreation area when the director 3916  
determines that the facility will not degrade any of the natural 3917  
or cultural resources of the park or recreation area. 3918

(N)(1) The rules adopted under division (A) of this section, 3919  
other than those governing variances, do not apply to scrap tire 3920  
collection, storage, monocell, monofill, and recovery facilities. 3921  
Those facilities are subject to and governed by rules adopted 3922  
under sections 3734.70 to 3734.73 of the Revised Code, as 3923  
applicable. 3924

(2) Division (C) of this section does not apply to scrap tire 3925  
collection, storage, monocell, monofill, and recovery facilities. 3926  
The establishment and modification of those facilities are subject 3927

to sections 3734.75 to 3734.78 and section 3734.81 of the Revised Code, as applicable.

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

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

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

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

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

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

(b) An off-site facility operated so that all of the

hazardous waste it receives is generated on one or more premises 3958  
owned by the person who owns the facility; 3959

(c) An on-site facility that also receives hazardous waste 3960  
that is transported uninterruptedly and directly to the facility 3961  
through a pipeline from a generator who is not the owner of the 3962  
facility. 3963

(B) A treatment or disposal facility that is subject to the 3964  
fees that are levied under this section may be both an on-site 3965  
facility and an off-site facility. The determination of whether an 3966  
on-site facility fee or an off-site facility fee is to be paid for 3967  
a hazardous waste that is treated or disposed of at the facility 3968  
shall be based on whether that hazardous waste was generated on or 3969  
off the premises of the facility. 3970

(C) There are hereby levied fees on the disposal of hazardous 3971  
waste to be collected according to the following schedule at each 3972  
disposal facility to which a hazardous waste facility installation 3973  
and operation permit or renewal of a permit has been issued under 3974  
this chapter or that is operating in accordance with a permit by 3975  
rule under rules adopted by the director of environmental 3976  
protection: 3977

(1) For disposal facilities that are off-site facilities ~~as~~ 3978  
~~defined in division (E) of section 3734.02 of the Revised Code,~~ 3979  
fees shall be levied at the rate of four dollars and fifty cents 3980  
per ton for hazardous waste disposed of by deep well injection and 3981  
nine dollars per ton for hazardous waste disposed of by land 3982  
application or landfilling. The owner or operator of the facility, 3983  
as a trustee for the state, shall collect the fees and forward 3984  
them to the director in accordance with rules adopted under this 3985  
section. 3986

(2) For disposal facilities that are on-site or satellite 3987  
facilities, ~~as defined in division (E) of section 3734.02 of the~~ 3988

~~Revised Code~~, fees shall be levied at the rate of two dollars per 3989  
ton for hazardous waste disposed of by deep well injection and 3990  
four dollars per ton for hazardous waste disposed of by land 3991  
application or landfilling. The maximum annual disposal fee for an 3992  
on-site disposal facility that disposes of one hundred thousand 3993  
tons or less of hazardous waste in a year is twenty-five thousand 3994  
dollars. The maximum annual disposal fee for an on-site facility 3995  
that disposes of more than one hundred thousand tons of hazardous 3996  
waste in a year by land application or landfilling is fifty 3997  
thousand dollars, and the maximum annual fee for an on-site 3998  
facility that disposes of more than one hundred thousand tons of 3999  
hazardous waste in a year by deep well injection is one hundred 4000  
thousand dollars. The maximum annual disposal fee for a satellite 4001  
facility that disposes of one hundred thousand tons or less of 4002  
hazardous waste in a year is thirty-seven thousand five hundred 4003  
dollars, and the maximum annual disposal fee for a satellite 4004  
facility that disposes of more than one hundred thousand tons of 4005  
hazardous waste in a year is seventy-five thousand dollars, except 4006  
that a satellite facility defined under division ~~(E)~~(A)(3)(b) of 4007  
this section ~~3734.02 of the Revised Code~~ that receives hazardous 4008  
waste from a single generation site is subject to the same maximum 4009  
annual disposal fees as an on-site disposal facility. The owner or 4010  
operator shall pay the fee to the director each year upon the 4011  
anniversary of the date of issuance of the owner's or operator's 4012  
installation and operation permit during the term of that permit 4013  
and any renewal permit issued under division (H) of section 4014  
3734.05 of the Revised Code or on the anniversary of the date of a 4015  
permit by rule. If payment is late, the owner or operator shall 4016  
pay an additional ten per cent of the amount of the fee for each 4017  
month that it is late. 4018

~~(B)~~(D) There are hereby levied fees at the rate of two 4019  
dollars per ton on hazardous waste that is treated at treatment 4020  
facilities that are not on-site or satellite facilities, ~~as~~ 4021



~~defined in division (E) of section 3734.02 of the Revised Code, to~~ 4022  
which a hazardous waste facility installation and operation permit 4023  
or renewal of a permit has been issued under this chapter, whose 4024  
owner or operator is operating in accordance with a permit by rule 4025  
under rules adopted by the director, or that are not subject to 4026  
the hazardous waste facility installation and operation permit 4027  
requirements under rules adopted by the director. 4028

~~(C)~~(E) There are hereby levied additional fees on the 4029  
treatment and disposal of hazardous waste at the rate of ten per 4030  
cent of the applicable fees prescribed in division ~~(A)~~(C) or 4031  
~~(B)~~(D) of this section for the purposes of paying the costs of 4032  
municipal corporations and counties for conducting reviews of 4033  
applications for hazardous waste facility installation and 4034  
operation permits for proposed new or modified hazardous waste 4035  
landfills within their boundaries, emergency response actions with 4036  
respect to releases of hazardous waste from hazardous waste 4037  
facilities within their boundaries, monitoring the operation of 4038  
such hazardous waste facilities, and local waste management 4039  
planning programs. The owner or operator of a facility located 4040  
within a municipal corporation, as a trustee for the municipal 4041  
corporation, shall collect the fees levied by this division and 4042  
forward them to the treasurer of the municipal corporation or such 4043  
officer as, by virtue of the charter, has the duties of the 4044  
treasurer in accordance with rules adopted under this section. The 4045  
owner or operator of a facility located in an unincorporated area, 4046  
as a trustee of the county in which the facility is located, shall 4047  
collect the fees levied by this division and forward them to the 4048  
county treasurer of that county in accordance with rules adopted 4049  
under this section. The owner or operator shall pay the fees 4050  
levied by this division to the treasurer or such other officer of 4051  
the municipal corporation or to the county treasurer each year 4052  
upon the anniversary of the date of issuance of the owner's or 4053  
operator's installation and operation permit during the term of 4054

that permit and any renewal permit issued under division (H) of 4055  
section 3734.05 of the Revised Code or on the anniversary of the 4056  
date of a permit by rule or the date on which the facility became 4057  
exempt from hazardous waste facility installation and operation 4058  
permit requirements under rules adopted by the director. If 4059  
payment is late, the owner or operator shall pay an additional ten 4060  
per cent of the amount of the fee for each month that the payment 4061  
is late. 4062

Moneys received by a municipal corporation under this 4063  
division shall be paid into a special fund of the municipal 4064  
corporation and used exclusively for the purposes of conducting 4065  
reviews of applications for hazardous waste facility installation 4066  
and operation permits for new or modified hazardous waste 4067  
landfills located or proposed within the municipal corporation, 4068  
conducting emergency response actions with respect to releases of 4069  
hazardous waste from facilities located within the municipal 4070  
corporation, monitoring operation of such hazardous waste 4071  
facilities, and conducting waste management planning programs 4072  
within the municipal corporation through employees of the 4073  
municipal corporation or pursuant to contracts entered into with 4074  
persons or political subdivisions. Moneys received by a board of 4075  
county commissioners under this division shall be paid into a 4076  
special fund of the county and used exclusively for those purposes 4077  
within the unincorporated area of the county through employees of 4078  
the county or pursuant to contracts entered into with persons or 4079  
political subdivisions. 4080

~~(D)~~(F) As used in this section, "treatment" or "treated" does 4081  
not include any method, technique, or process designed to recover 4082  
energy or material resources from the waste or to render the waste 4083  
amenable for recovery. The fees levied by division ~~(B)~~(D) of this 4084  
section do not apply to hazardous waste that is treated and 4085  
disposed of on the same premises or by the same person. 4086

~~(E)~~(G) The director, by rules adopted in accordance with 4087  
Chapters 119. and 3745. of the Revised Code, shall prescribe any 4088  
dates not specified in this section and procedures for collecting 4089  
and forwarding the fees prescribed by this section and may 4090  
prescribe other requirements that are necessary to carry out this 4091  
section. 4092

The director shall deposit the moneys collected under 4093  
divisions ~~(A)~~(C) and ~~(B)~~(D) of this section into one or more 4094  
minority banks, as "minority bank" is defined in division (F)(1) 4095  
of section 135.04 of the Revised Code, to the credit of the 4096  
hazardous waste facility management fund, which is hereby created 4097  
in the state treasury, except that the director shall deposit to 4098  
the credit of the underground injection control fund created in 4099  
section 6111.046 of the Revised Code moneys in excess of fifty 4100  
thousand dollars that are collected during a fiscal year under 4101  
division ~~(A)~~(C)(2) of this section from the fee levied on the 4102  
disposal of hazardous waste by deep well injection at an on-site 4103  
disposal facility that disposes of more than one hundred thousand 4104  
tons of hazardous waste in a year. 4105

The environmental protection agency may use moneys in the 4106  
hazardous waste facility management fund for administration of the 4107  
hazardous waste program established under this chapter and, in 4108  
accordance with this section, may request approval by the 4109  
controlling board for that use on an annual basis. In addition, 4110  
the agency may use and pledge moneys in that fund for repayment of 4111  
and for interest on any loans made by the Ohio water development 4112  
authority to the agency for the hazardous waste program 4113  
established under this chapter without the necessity of requesting 4114  
approval by the controlling board, which use and pledge shall have 4115  
priority over any other use of the moneys in the fund. 4116

Until September 28, 1996, the director also may use moneys in 4117  
the fund to pay the start-up costs of administering Chapter 3746. 4118

of the Revised Code. 4119

If moneys in the fund that the agency uses in accordance with 4120  
this chapter are reimbursed by grants or other moneys from the 4121  
United States government, the grants or other moneys shall be 4122  
placed in the fund. 4123

Before the agency makes any expenditure from the fund other 4124  
than for repayment of and interest on any loan made by the Ohio 4125  
water development authority to the agency in accordance with this 4126  
section, the controlling board shall approve the expenditure. 4127

**Sec. 3734.57.** (A) For the purposes of paying the state's 4128  
long-term operation costs or matching share for actions taken 4129  
under the "Comprehensive Environmental Response, Compensation, and 4130  
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 4131  
amended; paying the costs of measures for proper clean-up of sites 4132  
where polychlorinated biphenyls and substances, equipment, and 4133  
devices containing or contaminated with polychlorinated biphenyls 4134  
have been stored or disposed of; paying the costs of conducting 4135  
surveys or investigations of solid waste facilities or other 4136  
locations where it is believed that significant quantities of 4137  
hazardous waste were disposed of and for conducting enforcement 4138  
actions arising from the findings of such surveys or 4139  
investigations; paying the costs of acquiring and cleaning up, or 4140  
providing financial assistance for cleaning up, any hazardous 4141  
waste facility or solid waste facility containing significant 4142  
quantities of hazardous waste, that constitutes an imminent and 4143  
substantial threat to public health or safety or the environment; 4144  
and, from July 1, 2003, through June 30, 2006, for the purposes of 4145  
paying the costs of administering and enforcing the laws 4146  
pertaining to solid wastes, infectious wastes, and construction 4147  
and demolition debris, including, without limitation, ground water 4148  
evaluations related to solid wastes, infectious wastes, and 4149

construction and demolition debris, under this chapter and Chapter 4150  
3714. of the Revised Code and any rules adopted under them, and 4151  
paying a share of the administrative costs of the environmental 4152  
protection agency pursuant to section 3745.014 of the Revised 4153  
Code, the following fees are hereby levied on the disposal of 4154  
solid wastes in this state: 4155

(1) One dollar per ton on and after July 1, 1993; 4156

(2) An additional one dollar per ton on and after July 1, 4157  
2003, through June 30, 2006. 4158

The owner or operator of a solid waste disposal facility 4159  
shall collect the fees levied under this division as a trustee for 4160  
the state and shall prepare and file with the director of 4161  
environmental protection monthly returns indicating the total 4162  
tonnage of solid wastes received for disposal at the gate of the 4163  
facility and the total amount of the fees collected under this 4164  
division. Not later than thirty days after the last day of the 4165  
month to which such a return applies, the owner or operator shall 4166  
mail to the director the return for that month together with the 4167  
fees collected during that month as indicated on the return. The 4168  
owner or operator may request an extension of not more than thirty 4169  
days for filing the return and remitting the fees, provided that 4170  
the owner or operator has submitted such a request in writing to 4171  
the director together with a detailed description of why the 4172  
extension is requested, the director has received the request not 4173  
later than the day on which the return is required to be filed, 4174  
and the director has approved the request. If the fees are not 4175  
remitted within ~~sixty~~ thirty days after the last day of the month 4176  
during which they were collected or are not remitted by the last 4177  
day of an extension approved by the director, the owner or 4178  
operator shall pay an additional fifty per cent of the amount of 4179  
the fees for each month that they are late. 4180

One-half of the moneys remitted to the director under 4181

division (A)(1) of this section shall be credited to the hazardous 4182  
waste facility management fund created in section 3734.18 of the 4183  
Revised Code, and one-half shall be credited to the hazardous 4184  
waste clean-up fund created in section 3734.28 of the Revised 4185  
Code. The moneys remitted to the director under division (A)(2) of 4186  
this section shall be credited to the solid waste fund, which is 4187  
hereby created in the state treasury. The environmental protection 4188  
agency shall use moneys in the solid waste fund only to pay the 4189  
costs of administering and enforcing the laws pertaining to solid 4190  
wastes, infectious wastes, and construction and demolition debris, 4191  
including, without limitation, ground water evaluations related to 4192  
solid wastes, infectious wastes, and construction and demolition 4193  
debris, under this chapter and Chapter 3714. of the Revised Code 4194  
and rules adopted under them and to pay a share of the 4195  
administrative costs of the environmental protection agency 4196  
pursuant to section 3745.014 of the Revised Code. 4197

The fees levied under this division and divisions (B) and (C) 4198  
of this section are in addition to all other applicable fees and 4199  
taxes and shall be added to any other fee or amount specified in a 4200  
contract that is charged by the owner or operator of a solid waste 4201  
disposal facility or to any other fee or amount that is specified 4202  
in a contract entered into on or after March 4, 1992, and that is 4203  
charged by a transporter of solid wastes. 4204

(B) For the purpose of preparing, revising, and implementing 4205  
the solid waste management plan of the county or joint solid waste 4206  
management district, including, without limitation, the 4207  
development and implementation of solid waste recycling or 4208  
reduction programs; providing financial assistance to boards of 4209  
health within the district, if solid waste facilities are located 4210  
within the district, for the enforcement of this chapter and rules 4211  
adopted and orders and terms and conditions of permits, licenses, 4212  
and variances issued under it, other than the hazardous waste 4213

provisions of this chapter and rules adopted and orders and terms 4214  
and conditions of permits issued under those provisions; providing 4215  
financial assistance to the county to defray the added costs of 4216  
maintaining roads and other public facilities and of providing 4217  
emergency and other public services resulting from the location 4218  
and operation of a solid waste facility within the county under 4219  
the district's approved solid waste management plan; paying the 4220  
costs incurred by boards of health for collecting and analyzing 4221  
water samples from public or private wells on lands adjacent to 4222  
solid waste facilities that are contained in the approved or 4223  
amended plan of the district; paying the costs of developing and 4224  
implementing a program for the inspection of solid wastes 4225  
generated outside the boundaries of this state that are disposed 4226  
of at solid waste facilities included in the district's approved 4227  
solid waste management plan or amended plan; providing financial 4228  
assistance to boards of health within the district for enforcing 4229  
laws prohibiting open dumping; providing financial assistance to 4230  
local law enforcement agencies within the district for enforcing 4231  
laws and ordinances prohibiting littering; providing financial 4232  
assistance to boards of health of health districts within the 4233  
district that are on the approved list under section 3734.08 of 4234  
the Revised Code for the training and certification required for 4235  
their employees responsible for solid waste enforcement by rules 4236  
adopted under division (L) of section 3734.02 of the Revised Code; 4237  
providing financial assistance to individual municipal 4238  
corporations and townships within the district to defray their 4239  
added costs of maintaining roads and other public facilities and 4240  
of providing emergency and other public services resulting from 4241  
the location and operation within their boundaries of a 4242  
composting, energy or resource recovery, incineration, or 4243  
recycling facility that either is owned by the district or is 4244  
furnishing solid waste management facility or recycling services 4245  
to the district pursuant to a contract or agreement with the board 4246

of county commissioners or directors of the district; and payment 4247  
of any expenses that are agreed to, awarded, or ordered to be paid 4248  
under section 3734.35 of the Revised Code and of any 4249  
administrative costs incurred pursuant to that section, the solid 4250  
waste management policy committee of a county or joint solid waste 4251  
management district may levy fees upon the following activities: 4252

(1) The disposal at a solid waste disposal facility located 4253  
in the district of solid wastes generated within the district; 4254

(2) The disposal at a solid waste disposal facility within 4255  
the district of solid wastes generated outside the boundaries of 4256  
the district, but inside this state; 4257

(3) The disposal at a solid waste disposal facility within 4258  
the district of solid wastes generated outside the boundaries of 4259  
this state. 4260

If any such fees are levied prior to January 1, 1994, fees 4261  
levied under division (B)(1) of this section always shall be equal 4262  
to one-half of the fees levied under division (B)(2) of this 4263  
section, and fees levied under division (B)(3) of this section, 4264  
which shall be in addition to fees levied under division (B)(2) of 4265  
this section, always shall be equal to fees levied under division 4266  
(B)(1) of this section, except as otherwise provided in this 4267  
division. The solid waste management plan of the county or joint 4268  
district approved under section 3734.521 or 3734.55 of the Revised 4269  
Code and any amendments to it, or the resolution adopted under 4270  
this division, as appropriate, shall establish the rates of the 4271  
fees levied under divisions (B)(1), (2), and (3) of this section, 4272  
if any, and shall specify whether the fees are levied on the basis 4273  
of tons or cubic yards as the unit of measurement. Although the 4274  
fees under divisions (A)(1) and (2) of this section are levied on 4275  
the basis of tons as the unit of measurement, the solid waste 4276  
management plan of the district and any amendments to it or the 4277  
solid waste management policy committee in its resolution levying 4278



fees under this division may direct that the fees levied under 4279  
those divisions be levied on the basis of cubic yards as the unit 4280  
of measurement based upon a conversion factor of three cubic yards 4281  
per ton generally or one cubic yard per ton for baled wastes if 4282  
the fees under divisions (B)(1) to (3) of this section are being 4283  
levied on the basis of cubic yards as the unit of measurement 4284  
under the plan, amended plan, or resolution. 4285

On and after January 1, 1994, the fee levied under division 4286  
(B)(1) of this section shall be not less than one dollar per ton 4287  
nor more than two dollars per ton, the fee levied under division 4288  
(B)(2) of this section shall be not less than two dollars per ton 4289  
nor more than four dollars per ton, and the fee levied under 4290  
division (B)(3) of this section shall be not more than the fee 4291  
levied under division (B)(1) of this section, except as otherwise 4292  
provided in this division and notwithstanding any schedule of 4293  
those fees established in the solid waste management plan of a 4294  
county or joint district approved under section 3734.55 of the 4295  
Revised Code or a resolution adopted and ratified under this 4296  
division that is in effect on that date. If the fee that a 4297  
district is levying under division (B)(1) of this section on that 4298  
date under its approved plan or such a resolution is less than one 4299  
dollar per ton, the fee shall be one dollar per ton on and after 4300  
January 1, 1994, and if the fee that a district is so levying 4301  
under that division exceeds two dollars per ton, the fee shall be 4302  
two dollars per ton on and after that date. If the fee that a 4303  
district is so levying under division (B)(2) of this section is 4304  
less than two dollars per ton, the fee shall be two dollars per 4305  
ton on and after that date, and if the fee that the district is so 4306  
levying under that division exceeds four dollars per ton, the fee 4307  
shall be four dollars per ton on and after that date. On that 4308  
date, the fee levied by a district under division (B)(3) of this 4309  
section shall be equal to the fee levied under division (B)(1) of 4310  
this section. Except as otherwise provided in this division, the 4311

fees established by the operation of this amendment shall remain 4312  
in effect until the district's resolution levying fees under this 4313  
division is amended or repealed in accordance with this division 4314  
to amend or abolish the schedule of fees, the schedule of fees is 4315  
amended or abolished in an amended plan of the district approved 4316  
under section 3734.521 or division (A) or (D) of section 3734.56 4317  
of the Revised Code, or the schedule of fees is amended or 4318  
abolished through an amendment to the district's plan under 4319  
division (E) of section 3734.56 of the Revised Code; the 4320  
notification of the amendment or abolishment of the fees has been 4321  
given in accordance with this division; and collection of the 4322  
amended fees so established commences, or collection of the fees 4323  
ceases, in accordance with this division. 4324

The solid waste management policy committee of a district 4325  
levying fees under divisions (B)(1) to (3) of this section on 4326  
October 29, 1993, under its solid waste management plan approved 4327  
under section 3734.55 of the Revised Code or a resolution adopted 4328  
and ratified under this division that are within the ranges of 4329  
rates prescribed by this amendment, by adoption of a resolution 4330  
not later than December 1, 1993, and without the necessity for 4331  
ratification of the resolution under this division, may amend 4332  
those fees within the prescribed ranges, provided that the 4333  
estimated revenues from the amended fees will not substantially 4334  
exceed the estimated revenues set forth in the district's budget 4335  
for calendar year 1994. Not later than seven days after the 4336  
adoption of such a resolution, the committee shall notify by 4337  
certified mail the owner or operator of each solid waste disposal 4338  
facility that is required to collect the fees of the adoption of 4339  
the resolution and of the amount of the amended fees. Collection 4340  
of the amended fees shall take effect on the first day of the 4341  
first month following the month in which the notification is sent 4342  
to the owner or operator. The fees established in such a 4343  
resolution shall remain in effect until the district's resolution 4344

levying fees that was adopted and ratified under this division is 4345  
amended or repealed, and the amendment or repeal of the resolution 4346  
is ratified, in accordance with this division, to amend or abolish 4347  
the fees, the schedule of fees is amended or abolished in an 4348  
amended plan of the district approved under section 3734.521 or 4349  
division (A) or (D) of section 3734.56 of the Revised Code, or the 4350  
schedule of fees is amended or abolished through an amendment to 4351  
the district's plan under division (E) of section 3734.56 of the 4352  
Revised Code; the notification of the amendment or abolishment of 4353  
the fees has been given in accordance with this division; and 4354  
collection of the amended fees so established commences, or 4355  
collection of the fees ceases, in accordance with this division. 4356

Prior to the approval of the solid waste management plan of 4357  
the district under section 3734.55 of the Revised Code, the solid 4358  
waste management policy committee of a district may levy fees 4359  
under this division by adopting a resolution establishing the 4360  
proposed amount of the fees. Upon adopting the resolution, the 4361  
committee shall deliver a copy of the resolution to the board of 4362  
county commissioners of each county forming the district and to 4363  
the legislative authority of each municipal corporation and 4364  
township under the jurisdiction of the district and shall prepare 4365  
and publish the resolution and a notice of the time and location 4366  
where a public hearing on the fees will be held. Upon adopting the 4367  
resolution, the committee shall deliver written notice of the 4368  
adoption of the resolution; of the amount of the proposed fees; 4369  
and of the date, time, and location of the public hearing to the 4370  
director and to the fifty industrial, commercial, or institutional 4371  
generators of solid wastes within the district that generate the 4372  
largest quantities of solid wastes, as determined by the 4373  
committee, and to their local trade associations. The committee 4374  
shall make good faith efforts to identify those generators within 4375  
the district and their local trade associations, but the 4376  
nonprovision of notice under this division to a particular 4377

generator or local trade association does not invalidate the 4378  
proceedings under this division. The publication shall occur at 4379  
least thirty days before the hearing. After the hearing, the 4380  
committee may make such revisions to the proposed fees as it 4381  
considers appropriate and thereafter, by resolution, shall adopt 4382  
the revised fee schedule. Upon adopting the revised fee schedule, 4383  
the committee shall deliver a copy of the resolution doing so to 4384  
the board of county commissioners of each county forming the 4385  
district and to the legislative authority of each municipal 4386  
corporation and township under the jurisdiction of the district. 4387  
Within sixty days after the delivery of a copy of the resolution 4388  
adopting the proposed revised fees by the policy committee, each 4389  
such board and legislative authority, by ordinance or resolution, 4390  
shall approve or disapprove the revised fees and deliver a copy of 4391  
the ordinance or resolution to the committee. If any such board or 4392  
legislative authority fails to adopt and deliver to the policy 4393  
committee an ordinance or resolution approving or disapproving the 4394  
revised fees within sixty days after the policy committee 4395  
delivered its resolution adopting the proposed revised fees, it 4396  
shall be conclusively presumed that the board or legislative 4397  
authority has approved the proposed revised fees. 4398

In the case of a county district or a joint district formed 4399  
by two or three counties, the committee shall declare the proposed 4400  
revised fees to be ratified as the fee schedule of the district 4401  
upon determining that the board of county commissioners of each 4402  
county forming the district has approved the proposed revised fees 4403  
and that the legislative authorities of a combination of municipal 4404  
corporations and townships with a combined population within the 4405  
district comprising at least sixty per cent of the total 4406  
population of the district have approved the proposed revised 4407  
fees, provided that in the case of a county district, that 4408  
combination shall include the municipal corporation having the 4409  
largest population within the boundaries of the district, and 4410

provided further that in the case of a joint district formed by 4411  
two or three counties, that combination shall include for each 4412  
county forming the joint district the municipal corporation having 4413  
the largest population within the boundaries of both the county in 4414  
which the municipal corporation is located and the joint district. 4415  
In the case of a joint district formed by four or more counties, 4416  
the committee shall declare the proposed revised fees to be 4417  
ratified as the fee schedule of the joint district upon 4418  
determining that the boards of county commissioners of a majority 4419  
of the counties forming the district have approved the proposed 4420  
revised fees; that, in each of a majority of the counties forming 4421  
the joint district, the proposed revised fees have been approved 4422  
by the municipal corporation having the largest population within 4423  
the county and the joint district; and that the legislative 4424  
authorities of a combination of municipal corporations and 4425  
townships with a combined population within the joint district 4426  
comprising at least sixty per cent of the total population of the 4427  
joint district have approved the proposed revised fees. 4428

For the purposes of this division, only the population of the 4429  
unincorporated area of a township shall be considered. For the 4430  
purpose of determining the largest municipal corporation within 4431  
each county under this division, a municipal corporation that is 4432  
located in more than one solid waste management district, but that 4433  
is under the jurisdiction of one county or joint solid waste 4434  
management district in accordance with division (A) of section 4435  
3734.52 of the Revised Code shall be considered to be within the 4436  
boundaries of the county in which a majority of the population of 4437  
the municipal corporation resides. 4438

The committee may amend the schedule of fees levied pursuant 4439  
to a resolution or amended resolution adopted and ratified under 4440  
this division by adopting a resolution establishing the proposed 4441  
amount of the amended fees. The committee may abolish the fees 4442

levied pursuant to such a resolution or amended resolution by 4443  
adopting a resolution proposing to repeal them. Upon adopting such 4444  
a resolution, the committee shall proceed to obtain ratification 4445  
of the resolution in accordance with this division. 4446

Not later than fourteen days after declaring the fees or 4447  
amended fees to be ratified under this division, the committee 4448  
shall notify by certified mail the owner or operator of each solid 4449  
waste disposal facility that is required to collect the fees of 4450  
the ratification and the amount of the fees. Collection of any 4451  
fees or amended fees ratified on or after March 24, 1992, shall 4452  
commence on the first day of the second month following the month 4453  
in which notification is sent to the owner or operator. 4454

Not later than fourteen days after declaring the repeal of 4455  
the district's schedule of fees to be ratified under this 4456  
division, the committee shall notify by certified mail the owner 4457  
or operator of each facility that is collecting the fees of the 4458  
repeal. Collection of the fees shall cease on the first day of the 4459  
second month following the month in which notification is sent to 4460  
the owner or operator. 4461

Not later than fourteen days after the director issues an 4462  
order approving a district's solid waste management plan under 4463  
section 3734.55 of the Revised Code or amended plan under division 4464  
(A) or (D) of section 3734.56 of the Revised Code that establishes 4465  
or amends a schedule of fees levied by the district, or the 4466  
ratification of an amendment to the district's approved plan or 4467  
amended plan under division (E) of section 3734.56 of the Revised 4468  
Code that establishes or amends a schedule of fees, as 4469  
appropriate, the committee shall notify by certified mail the 4470  
owner or operator of each solid waste disposal facility that is 4471  
required to collect the fees of the approval of the plan or 4472  
amended plan, or the amendment to the plan, as appropriate, and 4473  
the amount of the fees or amended fees. In the case of an initial 4474

or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that establishes or amends a schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees or amended fees. Collection of any fees set forth in a plan or amended plan approved by the director on or after April 16, 1993, or an amendment of a plan or amended plan under division (E) of section 3734.56 of the Revised Code that is ratified on or after April 16, 1993, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

Not later than fourteen days after the director issues an order approving a district's plan under section 3734.55 of the Revised Code or amended plan under division (A) or (D) of section 3734.56 of the Revised Code that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section, or an amendment to the district's approved plan or amended plan abolishing the schedule of fees is ratified pursuant to division (E) of section 3734.56 of the Revised Code, as appropriate, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the approval of the plan or amended plan, or the amendment of the plan or amended plan, as appropriate, and the abolishment of the fees. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that abolishes the schedule of fees levied

under divisions (B)(1) to (3) of this section by a district 4508  
resulting from the change, the committee, within fourteen days 4509  
after the change takes effect pursuant to division (G) of that 4510  
section, shall notify by certified mail the owner or operator of 4511  
each solid waste disposal facility that is required to collect the 4512  
fees that the change has taken effect and of the abolishment of 4513  
the fees. Collection of the fees shall cease on the first day of 4514  
the second month following the month in which notification is sent 4515  
to the owner or operator. 4516

Except as otherwise provided in this division, if the 4517  
schedule of fees that a district is levying under divisions (B)(1) 4518  
to (3) of this section pursuant to a resolution or amended 4519  
resolution adopted and ratified under this division, the solid 4520  
waste management plan of the district approved under section 4521  
3734.55 of the Revised Code, an amended plan approved under 4522  
division (A) or (D) of section 3734.56 of the Revised Code, or an 4523  
amendment to the district's approved plan or amended plan under 4524  
division (E) of section 3734.56 of the Revised Code, is amended by 4525  
the adoption and ratification of an amendment to the resolution or 4526  
amended resolution or an amendment of the district's approved plan 4527  
or amended plan, the fees in effect immediately prior to the 4528  
approval of the plan or the amendment of the resolution, amended 4529  
resolution, plan, or amended plan, as appropriate, shall continue 4530  
to be collected until collection of the amended fees commences 4531  
pursuant to this division. 4532

If, in the case of a change in district composition involving 4533  
the withdrawal of a county from a joint district, the director 4534  
completes the actions required under division (G)(1) or (3) of 4535  
section 3734.521 of the Revised Code, as appropriate, forty-five 4536  
days or more before the beginning of a calendar year, the policy 4537  
committee of each of the districts resulting from the change that 4538  
obtained the director's approval of an initial or amended plan in 4539



connection with the change, within fourteen days after the 4540  
director's completion of the required actions, shall notify by 4541  
certified mail the owner or operator of each solid waste disposal 4542  
facility that is required to collect the district's fees that the 4543  
change is to take effect on the first day of January immediately 4544  
following the issuance of the notice and of the amount of the fees 4545  
or amended fees levied under divisions (B)(1) to (3) of this 4546  
section pursuant to the district's initial or amended plan as so 4547  
approved or, if appropriate, the abolishment of the district's 4548  
fees by that initial or amended plan. Collection of any fees set 4549  
forth in such a plan or amended plan shall commence on the first 4550  
day of January immediately following the issuance of the notice. 4551  
If such an initial or amended plan abolishes a schedule of fees, 4552  
collection of the fees shall cease on that first day of January. 4553

If, in the case of a change in district composition involving 4554  
the withdrawal of a county from a joint district, the director 4555  
completes the actions required under division (G)(1) or (3) of 4556  
section 3734.521 of the Revised Code, as appropriate, less than 4557  
forty-five days before the beginning of a calendar year, the 4558  
director, on behalf of each of the districts resulting from the 4559  
change that obtained the director's approval of an initial or 4560  
amended plan in connection with the change proceedings, shall 4561  
notify by certified mail the owner or operator of each solid waste 4562  
disposal facility that is required to collect the district's fees 4563  
that the change is to take effect on the first day of January 4564  
immediately following the mailing of the notice and of the amount 4565  
of the fees or amended fees levied under divisions (B)(1) to (3) 4566  
of this section pursuant to the district's initial or amended plan 4567  
as so approved or, if appropriate, the abolishment of the 4568  
district's fees by that initial or amended plan. Collection of any 4569  
fees set forth in such a plan or amended plan shall commence on 4570  
the first day of the second month following the month in which 4571  
notification is sent to the owner or operator. If such an initial 4572

or amended plan abolishes a schedule of fees, collection of the 4573  
fees shall cease on the first day of the second month following 4574  
the month in which notification is sent to the owner or operator. 4575

In the case of a change in district composition, the schedule 4576  
of fees that the former districts that existed prior to the change 4577  
were levying under divisions (B)(1) to (3) of this section 4578  
pursuant to a resolution or amended resolution adopted and 4579  
ratified under this division, the solid waste management plan of a 4580  
former district approved under section 3734.521 or 3734.55 of the 4581  
Revised Code, an amended plan approved under section 3734.521 or 4582  
division (A) or (D) of section 3734.56 of the Revised Code, or an 4583  
amendment to a former district's approved plan or amended plan 4584  
under division (E) of section 3734.56 of the Revised Code, and 4585  
that were in effect on the date that the director completed the 4586  
actions required under division (G)(1) or (3) of section 3734.521 4587  
of the Revised Code shall continue to be collected until the 4588  
collection of the fees or amended fees of the districts resulting 4589  
from the change is required to commence, or if an initial or 4590  
amended plan of a resulting district abolishes a schedule of fees, 4591  
collection of the fees is required to cease, under this division. 4592  
Moneys so received from the collection of the fees of the former 4593  
districts shall be divided among the resulting districts in 4594  
accordance with division (B) of section 343.012 of the Revised 4595  
Code and the agreements entered into under division (B) of section 4596  
343.01 of the Revised Code to establish the former and resulting 4597  
districts and any amendments to those agreements. 4598

For the purposes of the provisions of division (B) of this 4599  
section establishing the times when newly established or amended 4600  
fees levied by a district are required to commence and the 4601  
collection of fees that have been amended or abolished is required 4602  
to cease, "fees" or "schedule of fees" includes, in addition to 4603  
fees levied under divisions (B)(1) to (3) of this section, those 4604

levied under section 3734.573 or 3734.574 of the Revised Code. 4605

(C) For the purposes of defraying the added costs to a 4606  
municipal corporation or township of maintaining roads and other 4607  
public facilities and of providing emergency and other public 4608  
services, and compensating a municipal corporation or township for 4609  
reductions in real property tax revenues due to reductions in real 4610  
property valuations resulting from the location and operation of a 4611  
solid waste disposal facility within the municipal corporation or 4612  
township, a municipal corporation or township in which such a 4613  
solid waste disposal facility is located may levy a fee of not 4614  
more than twenty-five cents per ton on the disposal of solid 4615  
wastes at a solid waste disposal facility located within the 4616  
boundaries of the municipal corporation or township regardless of 4617  
where the wastes were generated. 4618

The legislative authority of a municipal corporation or 4619  
township may levy fees under this division by enacting an 4620  
ordinance or adopting a resolution establishing the amount of the 4621  
fees. Upon so doing the legislative authority shall mail a 4622  
certified copy of the ordinance or resolution to the board of 4623  
county commissioners or directors of the county or joint solid 4624  
waste management district in which the municipal corporation or 4625  
township is located or, if a regional solid waste management 4626  
authority has been formed under section 343.011 of the Revised 4627  
Code, to the board of trustees of that regional authority, the 4628  
owner or operator of each solid waste disposal facility in the 4629  
municipal corporation or township that is required to collect the 4630  
fee by the ordinance or resolution, and the director of 4631  
environmental protection. Although the fees levied under this 4632  
division are levied on the basis of tons as the unit of 4633  
measurement, the legislative authority, in its ordinance or 4634  
resolution levying the fees under this division, may direct that 4635  
the fees be levied on the basis of cubic yards as the unit of 4636

measurement based upon a conversion factor of three cubic yards 4637  
per ton generally or one cubic yard per ton for baled wastes. 4638

Not later than five days after enacting an ordinance or 4639  
adopting a resolution under this division, the legislative 4640  
authority shall so notify by certified mail the owner or operator 4641  
of each solid waste disposal facility that is required to collect 4642  
the fee. Collection of any fee levied on or after March 24, 1992, 4643  
shall commence on the first day of the second month following the 4644  
month in which notification is sent to the owner or operator. 4645

(D)(1) The fees levied under divisions (A), (B), and (C) of 4646  
this section do not apply to the disposal of solid wastes that: 4647

(a) Are disposed of at a facility owned by the generator of 4648  
the wastes when the solid waste facility exclusively disposes of 4649  
solid wastes generated at one or more premises owned by the 4650  
generator regardless of whether the facility is located on a 4651  
premises where the wastes are generated; 4652

(b) Are disposed of at facilities that exclusively dispose of 4653  
wastes that are generated from the combustion of coal, or from the 4654  
combustion of primarily coal in combination with scrap tires, that 4655  
is not combined in any way with garbage at one or more premises 4656  
owned by the generator. 4657

(2) Except as provided in section 3734.571 of the Revised 4658  
Code, any fees levied under division (B)(1) of this section apply 4659  
to solid wastes originating outside the boundaries of a county or 4660  
joint district that are covered by an agreement for the joint use 4661  
of solid waste facilities entered into under section 343.02 of the 4662  
Revised Code by the board of county commissioners or board of 4663  
directors of the county or joint district where the wastes are 4664  
generated and disposed of. 4665

(3) When solid wastes, other than solid wastes that consist 4666  
of scrap tires, are burned in a disposal facility that is an 4667

incinerator or energy recovery facility, the fees levied under 4668  
divisions (A), (B), and (C) of this section shall be levied upon 4669  
the disposal of the fly ash and bottom ash remaining after burning 4670  
of the solid wastes and shall be collected by the owner or 4671  
operator of the sanitary landfill where the ash is disposed of. 4672

(4) When solid wastes are delivered to a solid waste transfer 4673  
facility, the fees levied under divisions (A), (B), and (C) of 4674  
this section shall be levied upon the disposal of solid wastes 4675  
transported off the premises of the transfer facility for disposal 4676  
and shall be collected by the owner or operator of the solid waste 4677  
disposal facility where the wastes are disposed of. 4678

(5) The fees levied under divisions (A), (B), and (C) of this 4679  
section do not apply to sewage sludge that is generated by a waste 4680  
water treatment facility holding a national pollutant discharge 4681  
elimination system permit and that is disposed of through 4682  
incineration, land application, or composting or at another 4683  
resource recovery or disposal facility that is not a landfill. 4684

(6) The fees levied under divisions (A), (B), and (C) of this 4685  
section do not apply to solid wastes delivered to a solid waste 4686  
composting facility for processing. When any unprocessed solid 4687  
waste or compost product is transported off the premises of a 4688  
composting facility and disposed of at a landfill, the fees levied 4689  
under divisions (A), (B), and (C) of this section shall be 4690  
collected by the owner or operator of the landfill where the 4691  
unprocessed waste or compost product is disposed of. 4692

(7) When solid wastes that consist of scrap tires are 4693  
processed at a scrap tire recovery facility, the fees levied under 4694  
divisions (A), (B), and (C) of this section shall be levied upon 4695  
the disposal of the fly ash and bottom ash or other solid wastes 4696  
remaining after the processing of the scrap tires and shall be 4697  
collected by the owner or operator of the solid waste disposal 4698  
facility where the ash or other solid wastes are disposed of. 4699

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

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

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in a similar capacity under a county charter, in a county district or to the county treasurer or other official designated by the board of directors in a joint district and kept in a separate and distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall

be kept by the board in a separate and distinct fund to the credit 4732  
of the district. Moneys in the special fund of the county or joint 4733  
district arising from the fees levied under division (B) of this 4734  
section and the fee levied under division (A) of section 3734.573 4735  
of the Revised Code shall be expended by the board of county 4736  
commissioners or directors of the district in accordance with the 4737  
district's solid waste management plan or amended plan approved 4738  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 4739  
exclusively for the following purposes: 4740

(1) Preparation of the solid waste management plan of the 4741  
district under section 3734.54 of the Revised Code, monitoring 4742  
implementation of the plan, and conducting the periodic review and 4743  
amendment of the plan required by section 3734.56 of the Revised 4744  
Code by the solid waste management policy committee; 4745

(2) Implementation of the approved solid waste management 4746  
plan or amended plan of the district, including, without 4747  
limitation, the development and implementation of solid waste 4748  
recycling or reduction programs; 4749

(3) Providing financial assistance to boards of health within 4750  
the district, if solid waste facilities are located within the 4751  
district, for enforcement of this chapter and rules, orders, and 4752  
terms and conditions of permits, licenses, and variances adopted 4753  
or issued under it, other than the hazardous waste provisions of 4754  
this chapter and rules adopted and orders and terms and conditions 4755  
of permits issued under those provisions; 4756

(4) Providing financial assistance to each county within the 4757  
district to defray the added costs of maintaining roads and other 4758  
public facilities and of providing emergency and other public 4759  
services resulting from the location and operation of a solid 4760  
waste facility within the county under the district's approved 4761  
solid waste management plan or amended plan; 4762

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

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

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

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

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is



furnishing solid waste management facility or recycling services 4794  
to the district pursuant to a contract or agreement with the board 4795  
of county commissioners or directors of the district; 4796

(10) Payment of any expenses that are agreed to, awarded, or 4797  
ordered to be paid under section 3734.35 of the Revised Code and 4798  
of any administrative costs incurred pursuant to that section. In 4799  
the case of a joint solid waste management district, if the board 4800  
of county commissioners of one of the counties in the district is 4801  
negotiating on behalf of affected communities, as defined in that 4802  
section, in that county, the board shall obtain the approval of 4803  
the board of directors of the district in order to expend moneys 4804  
for administrative costs incurred. 4805

Prior to the approval of the district's solid waste 4806  
management plan under section 3734.55 of the Revised Code, moneys 4807  
in the special fund of the district arising from the fees shall be 4808  
expended for those purposes in the manner prescribed by the solid 4809  
waste management policy committee by resolution. 4810

Notwithstanding division (G)(6) of this section as it existed 4811  
prior to October 29, 1993, or any provision in a district's solid 4812  
waste management plan prepared in accordance with division 4813  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 4814  
prior to that date, any moneys arising from the fees levied under 4815  
division (B)(3) of this section prior to January 1, 1994, may be 4816  
expended for any of the purposes authorized in divisions (G)(1) to 4817  
(10) of this section. 4818

(H) The director shall adopt rules in accordance with Chapter 4819  
119. of the Revised Code prescribing procedures for collecting and 4820  
forwarding the fees levied under divisions (B) and (C) of this 4821  
section to the boards of county commissioners or directors of 4822  
county or joint solid waste management districts and to the 4823  
treasurers or other officers of municipal corporations or to the 4824  
clerks of townships. The rules also shall prescribe the dates for 4825

forwarding the fees to the boards and officials and may prescribe 4826  
any other requirements the director considers necessary or 4827  
appropriate to implement and administer divisions (A), (B), and 4828  
(C) of this section. Collection of the fees levied under division 4829  
(A)(1) of this section shall commence on July 1, 1993. Collection 4830  
of the fees levied under division (A)(2) of this section shall 4831  
commence on January 1, 1994. 4832

**Sec. 3769.021.** The state racing commission shall appoint a 4833  
secretary, who shall serve during the pleasure of the commission. 4834  
The secretary shall devote ~~his~~ full time to the duties of the 4835  
office and shall not hold any other office or employment. To be 4836  
eligible for appointment as secretary, a person ~~must~~ shall meet 4837  
the qualifications required of a commissioner under section 4838  
3769.02 of the Revised Code, ~~and the~~ except that the secretary 4839  
shall be a qualified elector and resident of the state and does 4840  
not need to additionally satisfy the qualification of a 4841  
commissioner to be a resident of this state for not less than five 4842  
years immediately preceding appointment. The secretary is subject 4843  
to the restrictions applying to a commissioner under that section. 4844

The secretary shall be paid a salary fixed pursuant to 4845  
section 124.14 of the Revised Code and shall be allowed actual and 4846  
necessary traveling expenses when on commission business. The 4847  
salary and expenses shall be paid out of the state racing 4848  
commission operating fund created by section 3769.03 of the 4849  
Revised Code. 4850

The secretary shall attend all meetings of the commission. ~~He~~ 4851  
The secretary shall keep a complete record of its proceedings and 4852  
preserve, at its general office, all books, maps, documents, and 4853  
papers entrusted to its care. 4854

~~He~~ The secretary shall be the executive officer of the 4855  
commission and be responsible for keeping all commission records 4856

and the carrying out of the rules and orders of the commission. He 4857  
The secretary shall perform ~~such~~ any other duties ~~as~~ the 4858  
commission prescribes. 4859

**Sec. 3769.087.** (A) In addition to the commission of eighteen 4860  
per cent retained by each permit holder as provided in section 4861  
3769.08 of the Revised Code, each permit holder shall retain an 4862  
additional amount equal to four per cent of the total of all 4863  
moneys wagered on each racing day on all wagering pools other than 4864  
win, place, and show, of which amount retained an amount equal to 4865  
three per cent of the total of all moneys wagered on each racing 4866  
day on those pools shall be paid by check, draft, or money order 4867  
to the tax commissioner, as a tax. Subject to the restrictions 4868  
contained in divisions (B), (C), and (M) of section 3769.08 of the 4869  
Revised Code, from such additional moneys paid to the tax 4870  
commissioner: 4871

(1) Four-sixths shall be allocated to fund distribution as 4872  
provided in division (M) of section 3769.08 of the Revised Code. 4873

(2) One-twelfth shall be paid into the Ohio fairs fund 4874  
created by section 3769.082 of the Revised Code. 4875

(3) One-twelfth of the additional moneys paid to the tax 4876  
commissioner by thoroughbred racing permit holders shall be paid 4877  
into the Ohio thoroughbred race fund created by section 3769.083 4878  
of the Revised Code. 4879

(4) One-twelfth of the additional moneys paid to the tax 4880  
commissioner by harness horse racing permit holders shall be paid 4881  
to the Ohio standardbred development fund created by section 4882  
3769.085 of the Revised Code. 4883

(5) One-twelfth of the additional moneys paid to the tax 4884  
commissioner by quarter horse racing permit holders shall be paid 4885  
to the Ohio quarter horse development fund created by section 4886

3769.086 of the Revised Code. 4887

(6) One-sixth shall be paid into the state racing commission 4888  
operating fund created by section 3769.03 of the Revised Code. 4889

The remaining one per cent that is retained of the total of 4890  
all moneys wagered on each racing day on all pools other than win, 4891  
place, and show, shall be retained by racing permit holders, and, 4892  
except as otherwise provided in section 3769.089 of the Revised 4893  
Code, racing permit holders shall use one-half for purse money and 4894  
retain one-half. 4895

(B) In addition to the commission of eighteen per cent 4896  
retained by each permit holder as provided in section 3769.08 of 4897  
the Revised Code and the additional amount retained by each permit 4898  
holder as provided in division (A) of this section, each permit 4899  
holder shall retain an additional amount equal to one-half of one 4900  
per cent of the total of all moneys wagered on each racing day on 4901  
all wagering pools other than win, place, and show. Except as 4902  
provided in division (C) of this section, from the additional 4903  
amount retained under this division, each permit holder shall 4904  
retain an amount equal to one-quarter of one per cent of the total 4905  
of all moneys wagered on each racing day on all pools other than 4906  
win, place, and show and shall pay that amount by check, draft, or 4907  
money order to the tax commissioner, as a tax. The tax 4908  
commissioner shall pay the amount of the tax received under this 4909  
division to the state racing commission operating fund created by 4910  
section 3769.03 of the Revised Code. 4911

Except as provided in division (C) of this section, the 4912  
remaining one-quarter of one per cent that is retained from the 4913  
total of all moneys wagered on each racing day on all pools other 4914  
than win, place, and show shall be retained by the permit holder, 4915  
and the permit holder shall use one-half for purse money and 4916  
retain one-half. 4917

(C) During the period commencing on July 1, 2003, and ending 4918  
on and including June 30, ~~2004~~ 2005, the additional amount 4919  
retained by each permit holder under division (B) of this section 4920  
shall be paid by check, draft, or money order to the tax 4921  
commissioner, as a tax. The tax commissioner shall pay the amount 4922  
of the tax received under this division to the state racing 4923  
commission operating fund created by section 3769.03 of the 4924  
Revised Code. 4925

**Sec. 3770.07.** (A) ~~Lottery~~ (1) Except as provided in division 4926  
(A)(2) of this section, lottery prize awards shall be claimed by 4927  
the holder of the winning lottery ticket, or by the executor or 4928  
administrator, or the trustee of a trust, of the estate of a 4929  
deceased holder of a winning lottery ticket, in a manner to be 4930  
determined by the state lottery commission, within one hundred 4931  
eighty days after the date on which ~~such~~ the prize award was 4932  
announced if the lottery game is an on-line game, and within one 4933  
hundred eighty days after the close of the game if the lottery 4934  
game is an instant game. ~~if~~ 4935

(2) An eligible person serving on active military duty in any 4936  
branch of the United States armed forces during a war or national 4937  
emergency declared in accordance with federal law may submit a 4938  
delayed claim for a lottery prize award. The eligible person shall 4939  
do so by notifying the commission about the claim not later than 4940  
the five hundred fortieth day after the date on which the prize 4941  
award was announced if the lottery game is an on-line game or the 4942  
date on which the lottery game closed if the lottery game is an 4943  
instant game. 4944

(3) If no valid claim to the a lottery prize award is made 4945  
within the prescribed period, the prize money ~~or,~~ the cost of 4946  
goods and services awarded as prizes, or, ~~if such~~ goods or 4947  
services awarded as prizes are resold by the commission, the 4948

proceeds from ~~such~~ their sale, shall be returned to the state 4949  
lottery fund and distributed in accordance with section 3770.06 of 4950  
the Revised Code. 4951

(4) As used in this division: 4952

(a) "Eligible person" means a person who is entitled to a 4953  
lottery prize award and who falls into either of the following 4954  
categories: 4955

(i) While on active military duty in this state, the person, 4956  
as the result of a war or national emergency declared in 4957  
accordance with federal law, is transferred out of this state 4958  
before the one hundred eightieth day after the date on which the 4959  
winner of the lottery prize award is selected. 4960

(ii) While serving in the reserve forces in this state, the 4961  
person, as the result of a war or national emergency declared in 4962  
accordance with federal law, is placed on active military duty and 4963  
is transferred out of this state before the expiration of the one 4964  
hundred eightieth day after the date on which the prize drawing 4965  
occurs for an on-line game or before the expiration of the one 4966  
hundred eightieth day following the close of an instant game as 4967  
determined by the commission. 4968

(b) "Active military duty" means that a person is covered by 4969  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 4970  
U.S.C. 501 et. seq, as amended, or the "Uniformed Services 4971  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 4972  
38 U.S.C. 4301 et. seq., as amended. 4973

(B) If a prize winner, as defined in section 3770.10 of the 4974  
Revised Code, is under eighteen years of age, or is under some 4975  
other legal disability, and the prize money or the cost of goods 4976  
or services awarded as a prize exceeds one thousand dollars, the 4977  
director of the state lottery commission shall order that payment 4978  
be made to the order of the legal guardian of that prize winner. 4979

If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner.

(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral.

(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable, or subject to garnishment, attachment, execution, withholding, or deduction, except as follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a winning ticket holder; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when the director is to make a payment pursuant to ~~sections~~ section 3770.071 or 3770.073 of the Revised Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code.

(2) The commission shall adopt rules pursuant to section 3770.03 of the Revised Code concerning the payment of prize awards upon the death of a prize winner. ~~Upon the death of a prize winner,~~ as defined in section 3770.10 of the Revised Code. Upon the death of a prize winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer

or employee of the auditor of state actively coordinating and 5012  
certifying commission drawings, or any blood relative or spouse of 5013  
such an officer or employee of the commission or auditor of state 5014  
living as a member of ~~such~~ the officer's or employee's household, 5015  
nor shall any such officer, employee, blood relative, or spouse 5016  
attempt to claim a lottery prize award. 5017

(F) The director may prohibit vendors to the commission and 5018  
their employees from being awarded a lottery prize award. 5019

(G) Upon the payment of prize awards pursuant to this 5020  
section, the director and the commission are discharged from all 5021  
further liability ~~therefor~~ for their payment. 5022

**Sec. 3781.19.** There is hereby established in the department 5023  
of commerce a board of building appeals consisting of five members 5024  
who shall be appointed by the governor with the advice and consent 5025  
of the senate. Terms of office shall be for four years, commencing 5026  
on the fourteenth day of October and ending on the thirteenth day 5027  
of October. Each member shall hold office from the date of ~~his~~ 5028  
appointment until the end of the term for which ~~he~~ the member was 5029  
appointed. Any member appointed to fill a vacancy occurring prior 5030  
to the expiration of the term for which ~~his~~ the member's 5031  
predecessor was appointed shall hold office for the remainder of 5032  
such term. Any member shall continue in office subsequent to the 5033  
expiration date of ~~his~~ the member's term until ~~his~~ a successor 5034  
takes office, or until a period of sixty days has elapsed, 5035  
whichever occurs first. One member shall be an attorney-at-law, 5036  
admitted to the bar of this state and of the remaining members, 5037  
one shall be a registered architect and one shall be a 5038  
professional engineer, each of whom shall be duly licensed to 5039  
practice their respective professions in this state, one shall be 5040  
a fire prevention officer qualified under section 3737.66 of the 5041  
Revised Code, and one shall be a person with recognized ability in 5042



the plumbing or pipefitting profession. No member of the board of 5043  
building standards shall be a member of the board of building 5044  
appeals. Each member shall be paid an amount fixed pursuant to 5045  
Chapter 124. of the Revised Code per diem. The department shall 5046  
provide and assign to the board such employees as are required by 5047  
the board to perform its functions. The board may adopt its own 5048  
rules of procedure not inconsistent with sections 3781.06 to 5049  
3781.18 and 3791.04 of the Revised Code, and may change them in 5050  
its discretion. The board may establish reasonable fees, based on 5051  
actual costs for administration of filing and processing, not to 5052  
exceed ~~one~~ two hundred dollars, for the costs of filing and 5053  
processing appeals. A full and complete record of all proceedings 5054  
of the board shall be kept and be open to public inspection. 5055

In the enforcement by any department of the state or any 5056  
political subdivision of this chapter and Chapter 3791., and 5057  
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 5058  
4105.011, and 4105.11 of the Revised Code and any rule made 5059  
thereunder, such department is the agency referred to in sections 5060  
119.07, 119.08, and 119.10 of the Revised Code. 5061

The appropriate municipal or county board of appeals, where 5062  
one exists, certified pursuant to section 3781.20 of the Revised 5063  
Code shall conduct the adjudication hearing referred to in 5064  
sections 119.09 to 119.13 and required by section 3781.031 of the 5065  
Revised Code. If there is no certified municipal or county board 5066  
of appeals, the board of building appeals shall conduct the 5067  
adjudication hearing. If the adjudication hearing concerns section 5068  
3781.111 of the Revised Code or any rule made thereunder, 5069  
reasonable notice of the time, date, place, and subject of the 5070  
hearing shall be given to any local corporation, association, or 5071  
other organization composed of or representing handicapped 5072  
persons, as defined in section 3781.111 of the Revised Code, or if 5073  
there is no local organization, then to any statewide corporation, 5074

association, or other organization composed of or representing 5075  
handicapped persons. 5076

In addition to the provisions of Chapter 119. of the Revised 5077  
Code, the municipal, county, or state board of building appeals, 5078  
as the agency conducting the adjudication hearing, may reverse or 5079  
modify the order of the enforcing agency if it finds that the 5080  
order is contrary to this chapter and Chapters 3791. and 4104., 5081  
and sections 3737.41, 3737.42, 4105.011 and 4105.11 of the Revised 5082  
Code and any rule made thereunder or to a fair interpretation or 5083  
application of such laws or any rule made thereunder, or that a 5084  
variance from the provisions of such laws or any rule made 5085  
thereunder, in the specific case, will not be contrary to the 5086  
public interest where a literal enforcement of such provisions 5087  
will result in unnecessary hardship. 5088

The state board of building appeals or a certified municipal 5089  
or county board of appeals shall render its decision within thirty 5090  
days after the date of the adjudication hearing. Following the 5091  
adjudication hearing, any municipal or county officer, official 5092  
municipal or county board, or person who was a party to the 5093  
hearing before the municipal or county board of appeals may apply 5094  
to the state board of appeals for a de novo hearing before the 5095  
state board, or may appeal directly to the court of common pleas 5096  
pursuant to section 3781.031 of the Revised Code. 5097

In addition, any local corporation, association, or other 5098  
organization composed of or representing handicapped persons as 5099  
defined in section 3781.111 of the Revised Code, or, if no local 5100  
corporation, association, or organization exists, then any 5101  
statewide corporation, association, or other organization composed 5102  
of or representing handicapped persons may apply for the de novo 5103  
hearing or appeal to the court of common pleas from any decision 5104  
of a certified municipal or county board of appeals interpreting, 5105  
applying, or granting a variance from section 3781.111 of the 5106

Revised Code and any rule made thereunder. Application for a de  
5107  
novo hearing before the state board shall be made no later than  
5108  
thirty days after the municipal or county board renders its  
5109  
decision.  
5110

The state board of building appeals or the appropriate  
5111  
certified local board of building appeals shall grant variances  
5112  
and exemptions from the requirements of section 3781.108 of the  
5113  
Revised Code in accordance with rules adopted by the board of  
5114  
building standards pursuant to division (J) of section 3781.10 of  
5115  
the Revised Code.  
5116

The state board of building appeals or the appropriate  
5117  
certified local board of building appeals shall, in granting a  
5118  
variance or exemption from section 3781.108 of the Revised Code,  
5119  
in addition to any other considerations the state or the  
5120  
appropriate local board determines appropriate, consider the  
5121  
architectural and historical significance of the building.  
5122

**Sec. 4701.03.** (A) The accountancy board annually shall elect  
5123  
a president, secretary, and treasurer from its members. The board  
5124  
may adopt and amend rules for the orderly conduct of its affairs  
5125  
and for the administration of this chapter. The board may adopt  
5126  
and amend rules defining the practice of public accounting, rules  
5127  
of professional conduct appropriate to establish and maintain a  
5128  
high standard of integrity and dignity in registrants and  
5129  
certificate holders under this chapter, and rules regulating the  
5130  
sole proprietorship, partnership, limited liability company,  
5131  
professional association, corporation-for-profit, or other legal  
5132  
entity practice of public accounting. A majority of the board  
5133  
shall constitute a quorum for the transaction of business.  
5134

(B) The board shall keep and hold open for public inspection  
5135  
all records of its proceedings.  
5136

(C) The board may employ any clerks that are necessary to  
5137

assist it in the performance of its duties and the keeping of its 5138  
records. If the board employs an executive director, the executive 5139  
director shall be paid in accordance with pay range 18 of ~~salary~~ 5140  
schedule E-1 ~~listed in~~ of section 124.152 of the Revised Code, or, 5141  
if the director was employed and being paid on June 28, 2003, in 5142  
accordance with step 7 in pay range 18 of schedule E-1 of former 5143  
section 124.152 of the Revised Code and continued to be so paid on 5144  
June 29, 2003, the executive director shall be paid in accordance 5145  
with pay range 18 of salary schedule E-1 for step seven only of 5146  
section 124.152 of the Revised Code. 5147

**Sec. 4707.05.** Except as otherwise provided in section 4707.25 5148  
of the Revised Code, all fees and charges collected by the 5149  
department of agriculture pursuant to this chapter shall be paid 5150  
into the state treasury to the credit of the auctioneers fund, 5151  
which is hereby created. All expenses incurred by the department 5152  
in administering this chapter shall be paid out of the fund. The 5153  
total expenses incurred by the department in the administration of 5154  
this chapter shall not exceed the total fees, charges, fines, and 5155  
penalties imposed under sections 4707.08, 4707.10, and 4707.99 of 5156  
the Revised Code and paid to the treasurer of state. The 5157  
department may conduct education programs for the enlightenment 5158  
and benefit of all auctioneers who have paid fees pursuant to 5159  
sections 4707.08 and 4707.10 of the Revised Code. 5160

Out of the moneys credited pursuant to this section, the fund 5161  
shall be assessed a proportionate share of the administrative 5162  
costs of the department in accordance with procedures prescribed 5163  
by the director of agriculture and approved by the director of 5164  
budget and management. The assessment shall be paid from the 5165  
auctioneers fund to the division of administration fund. 5166

At the end of each fiscal year, if the balance of the fund is 5167  
greater than three hundred thousand dollars, the director of 5168

agriculture shall request the director of budget and management 5169  
to, and the director of budget and management shall, transfer 5170  
twenty-five per cent of the balance that is in excess of three 5171  
hundred thousand dollars to the auction recovery fund created in 5172  
section 4707.25 of the Revised Code. 5173

**Sec. 4723.431.** (A) Except as provided in division ~~(C)~~(D)(1) 5174  
of this section, a clinical nurse specialist, certified 5175  
nurse-midwife, or certified nurse practitioner may practice only 5176  
in accordance with a standard care arrangement entered into with 5177  
each physician or podiatrist with whom the nurse collaborates. A 5178  
copy of the standard care arrangement shall be retained on file at 5179  
each site where the nurse practices. Prior approval of the 5180  
standard care arrangement by the board of nursing is not required, 5181  
but the board may periodically review it for compliance with this 5182  
section. 5183

A clinical nurse specialist, certified nurse-midwife, or 5184  
certified nurse practitioner may enter into a standard care 5185  
arrangement with one or more collaborating physicians or 5186  
podiatrists. Each physician or podiatrist must be actively engaged 5187  
in direct clinical practice in this state and practicing in a 5188  
specialty that is the same as or similar to the nurse's nursing 5189  
specialty. If a collaborating physician or podiatrist enters into 5190  
standard care arrangements with more than three nurses who hold 5191  
certificates to prescribe issued under section 4723.48 of the 5192  
Revised Code, the physician or podiatrist shall not collaborate at 5193  
the same time with more than three of the nurses in the 5194  
prescribing component of their practices. 5195

(B) A standard care arrangement shall be in writing and, 5196  
except as provided in division ~~(C)~~(D)(2) of this section, shall 5197  
contain all of the following: 5198

(1) Criteria for referral of a patient by the clinical nurse 5199

|  |      |
|--|------|
| specialist, certified nurse-midwife, or certified nurse            | 5200 |
| practitioner to a collaborating physician or podiatrist;           | 5201 |
| (2) A process for the clinical nurse specialist, certified         | 5202 |
| nurse-midwife, or certified nurse practitioner to obtain a         | 5203 |
| consultation with a collaborating physician or podiatrist;         | 5204 |
| (3) A plan for coverage in instances of emergency or planned       | 5205 |
| absences of either the clinical nurse specialist, certified        | 5206 |
| nurse-midwife, or certified nurse practitioner or a collaborating  | 5207 |
| physician or podiatrist that provides the means whereby a          | 5208 |
| physician or podiatrist is available for emergency care;           | 5209 |
| (4) The process for resolution of disagreements regarding          | 5210 |
| matters of patient management between the clinical nurse           | 5211 |
| specialist, certified nurse-midwife, or certified nurse            | 5212 |
| practitioner and a collaborating physician or podiatrist;          | 5213 |
| (5) A procedure for a regular review of the referrals by the       | 5214 |
| clinical nurse specialist, certified nurse-midwife, or certified   | 5215 |
| nurse practitioner to other health care professionals and the care | 5216 |
| outcomes for a random sample of all patients seen by the nurse;    | 5217 |
| (6) If the clinical nurse specialist or certified nurse            | 5218 |
| practitioner regularly provides services to infants, a policy for  | 5219 |
| care of infants up to age one and recommendations for              | 5220 |
| collaborating physician visits for children from birth to age      | 5221 |
| three;   | 5222 |
| (7) Any other criteria required by rule of the board adopted       | 5223 |
| pursuant to section 4723.07 or 4723.50 of the Revised Code.        | 5224 |
| (C) A standard care arrangement entered into pursuant to this      | 5225 |
| section may permit a clinical nurse specialist, certified          | 5226 |
| nurse-midwife, or certified nurse practitioner to supervise        | 5227 |
| services provided by a home health agency as defined in section    | 5228 |
| 3701.881 of the Revised Code.                                      | 5229 |

(D)(1) A clinical nurse specialist who does not hold a certificate to prescribe and whose nursing specialty is mental health or psychiatric mental health, as determined by the board, is not required to enter into a standard care arrangement, but shall practice in collaboration with one or more physicians.

(2) If a clinical nurse specialist practicing in either of the specialties specified in division ~~(C)~~(D)(1) of this section holds a certificate to prescribe, the nurse shall enter into a standard care arrangement with one or more physicians. The standard care arrangement must meet the requirements of division (B) of this section, but only to the extent necessary to address the prescribing component of the nurse's practice.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

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

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

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

(3) For the purpose of section 4758.24 of the Revised Code,

|  |                                      |
|--|--------------------------------------|
| all of the following:  | 5260                                 |
| (a) Good moral character requirements for an individual who seeks or holds a license or certificate issued under this chapter;   | 5261<br>5262                         |
| (b) The documents that an individual seeking such a license or certificate must submit to the board;   | 5263<br>5264                         |
| (c) Requirements to obtain the license or certificate that are in addition to the requirements established under sections 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45 of the Revised Code. The additional requirements may include preceptorships.  | 5265<br>5266<br>5267<br>5268<br>5269 |
| (4) Procedures for renewal of a chemical dependency counselor I license under section 4758.27 of the Revised Code;   | 5270<br>5271                         |
| (5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license or certificate issued under this chapter;  | 5272<br>5273<br>5274<br>5275         |
| (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; | 5276<br>5277<br>5278<br>5279<br>5280 |
| (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;   | 5281<br>5282<br>5283<br>5284<br>5285 |
| (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;  | 5286<br>5287<br>5288                 |
| (9) Criteria for employees of the board to follow when   | 5289                                 |



performing their duties under division (B) of section 4758.35 of 5290  
the Revised Code; 5291

(10) For the purpose of division (A)(1) of section 4758.40 of 5292  
the Revised Code, course requirements for a ~~master's~~ degree in 5293  
behavioral sciences that shall, at a minimum, include at least 5294  
sixty quarter hours, or the equivalent number of semester hours, 5295  
in all of the following courses: 5296

(a) Theories of counseling and psychotherapy; 5297

(b) Counseling procedures; 5298

(c) Group process and techniques; 5299

(d) Relationship therapy; 5300

(e) Research methods and statistics; 5301

(f) Fundamentals of assessment and diagnosis, including 5302  
measurement and appraisal; 5303

(g) Psychopathology; 5304

(h) Human development; 5305

(i) Cultural competence in counseling; 5306

(j) Ethics. 5307

(11) For the purpose of division (A)(3) of section 4758.40, 5308  
division (A)(3) of section 4758.41, and division (A)(3) of section 5309  
4758.42, training requirements for chemical dependency that shall, 5310  
at a minimum, include qualifications for the individuals who 5311  
provide the training and instruction in all of the following 5312  
courses: 5313

(a) Theories of addiction; 5314

(b) Counseling procedures and strategies with addicted 5315  
populations; 5316

(c) Group process and techniques working with addicted 5317

|   |      |
|---|------|
| populations;  | 5318 |
| (d) Assessment and diagnosis of addiction;                              | 5319 |
| (e) Relationship counseling with addicted populations;                  | 5320 |
| (f) Pharmacology;   | 5321 |
| (g) Prevention strategies;  | 5322 |
| (h) Treatment planning;   | 5323 |
| (i) Legal and ethical issues.   | 5324 |
| (12) For the purpose of division (B)(2)(b) of section 4758.40           | 5325 |
| and division (B)(2) of section 4758.41 of the Revised Code,             | 5326 |
| requirements for the forty clock hours of training on the version       | 5327 |
| of the diagnostic and statistical manual of mental disorders that       | 5328 |
| is current at the time of the training, including the number of         | 5329 |
| the clock hours that must be on substance-related disorders, <u>the</u> | 5330 |
| <u>number of the clock hours that must be on chemical dependency</u>    | 5331 |
| <u>conditions</u> , and the number of the clock hours that must be on   | 5332 |
| awareness of other mental and emotional disorders;                      | 5333 |
| (13) For the purpose of division (A)(1) of section 4758.41 of           | 5334 |
| the Revised Code, course requirements for a bachelor's degree in        | 5335 |
| behavioral sciences;  | 5336 |
| (14) For the purpose of division (A) of section 4758.43 of              | 5337 |
| the Revised Code, training requirements for chemical dependency         | 5338 |
| counseling that shall, at a minimum, include qualifications for         | 5339 |
| the individuals who provide the training and instruction in one or      | 5340 |
| more of the courses listed in division (A)(11) of this section as       | 5341 |
| selected by the individual seeking the chemical dependency              | 5342 |
| counselor assistant certificate;  | 5343 |
| (15) For the purpose of division (A)(3) of section 4758.44,             | 5344 |
| division (A)(3) of section 4758.45, and division (A)(2) of section      | 5345 |
| 4758.53 of the Revised Code, requirements for prevention-related        | 5346 |
| education;  | 5347 |

(16) For the purpose of section 4758.51 of the Revised Code, 5348  
continuing education requirements for individuals who hold a 5349  
license or certificate issued under this chapter; 5350

(17) For the purpose of section 4758.51 of the Revised Code, 5351  
the number of hours of continuing education that an individual 5352  
must complete to have an expired license or certificate restored 5353  
under section 4758.26 of the Revised Code; 5354

(18) For the purpose of section 4758.53 of the Revised Code, 5355  
the requirements an individual holding a registered applicant 5356  
certificate must complete to take an examination administered 5357  
pursuant to section 4758.22 of the Revised Code to obtain a 5358  
prevention specialist II certificate or prevention specialist I 5359  
certificate and the documentation the individual must submit to 5360  
the board showing that the individual has completed the 5361  
requirements; 5362

(19) The method of determining the amount of time an 5363  
individual must wait to apply to the board for a new registered 5364  
applicant certificate under division (B) of section 4758.53 of the 5365  
Revised Code; 5366

(20) The duties of an independent chemical dependency 5367  
counselor licensed under this chapter who supervises a chemical 5368  
dependency counselor III under section 4758.56*τi* independent 5369  
chemical dependency counselor or chemical dependency counselor III 5370  
licensed under this chapter who supervises a chemical dependency 5371  
counselor assistant under section 4758.59*τi* or prevention 5372  
specialist II or prevention specialist I certified under this 5373  
chapter or independent chemical dependency counselor, chemical 5374  
dependency counselor III, or chemical dependency counselor II 5375  
licensed under this chapter who supervises a registered applicant 5376  
under section 4758.61 of the Revised Code. The duties may differ. 5377

(21) Anything else necessary to administer this chapter. 5378

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

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

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

(A) Meet all of the following requirements:

(1) Hold from an accredited educational institution at least a master's degree in behavioral sciences that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;

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

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

(b) 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.

(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 5409  
section 4758.22 of the Revised Code for the purpose of determining 5410  
competence to practice as an independent chemical dependency 5411  
counselor. 5412

(B) Meet both of the following requirements: 5413

(1) Hold, on ~~the effective date of this section~~ December 23, 5414  
2002, a certificate or credentials that were accepted under 5415  
section 3793.07 of the Revised Code as authority to practice as a 5416  
certified chemical dependency counselor III or certified chemical 5417  
dependency counselor III-E; 5418

(2) Meet one of the following requirements: 5419

(a) Hold the degree described in division (A)(1) of this 5420  
section; 5421

(b) Have held a chemical dependency counselor III, II, or I 5422  
certificate for at least eight consecutive years and have not less 5423  
than forty clock hours of training on the version of the 5424  
diagnostic and statistical manual of mental disorders that is 5425  
current at the time of the training. The training must meet the 5426  
requirements specified in rules adopted under section 4758.20 of 5427  
the Revised Code ~~and have been provided by an~~. An individual 5428  
authorized under Chapter 4731. of the Revised Code to practice 5429  
medicine and surgery or osteopathic medicine and surgery, a 5430  
psychologist licensed under Chapter 4732. of the Revised Code, or 5431  
a professional clinical counselor or independent social worker 5432  
licensed under Chapter 4757. of the Revised Code may provide any 5433  
portion of the training. An independent chemical dependency 5434  
counselor licensed under this chapter who holds the degree 5435  
described in division (A)(1) of this section may provide the 5436  
portion of the training on chemical dependency conditions. 5437

**Sec. 4758.41.** An individual seeking a chemical dependency 5438

|  |      |
|--|------|
| counselor III license shall meet any of the following                          | 5439 |
| requirements:  | 5440 |
| (A) Meet all of the following requirements:                                    | 5441 |
| (1) Hold from an accredited educational institution a                          | 5442 |
| bachelor's degree in a behavioral science that meets the course                | 5443 |
| requirements specified in rules adopted under section 4758.20 of               | 5444 |
| the Revised Code;  | 5445 |
| (2) Have not less than four thousand hours of compensated                      | 5446 |
| work experience in either of the following, not less than eight                | 5447 |
| hundred work hours of which are in chemical dependency counseling:             | 5448 |
| (a) Chemical dependency services, substance abuse services,                    | 5449 |
| or both types of services;   | 5450 |
| (b) The practice of psychology, as defined in section 4732.01                  | 5451 |
| of the Revised Code, or the practice of professional counseling or             | 5452 |
| the practice of social work, both as defined in section 4757.01 of             | 5453 |
| the Revised Code.  | 5454 |
| (3) Have a minimum of two hundred seventy hours of training                    | 5455 |
| in chemical dependency that meets the requirements specified in                | 5456 |
| rules adopted under section 4758.20 of the Revised Code;                       | 5457 |
| (4) Pass one or more examinations administered pursuant to                     | 5458 |
| section 4758.22 of the Revised Code for the purpose of determining             | 5459 |
| competence to practice as a chemical dependency counselor III.                 | 5460 |
| (B) Meet both of the following requirements:                                   | 5461 |
| (1) Hold, on <del>the effective date of this section</del> <u>December 23,</u> | 5462 |
| <u>2002</u> , a certificate or credentials that were accepted under            | 5463 |
| section 3793.07 of the Revised Code as authority to practice as a              | 5464 |
| certified chemical dependency counselor III or certified chemical              | 5465 |
| dependency counselor III-E;  | 5466 |
| (2) Have not less than forty clock hours of training on the                    | 5467 |
| version of the diagnostic and statistical manual of mental                     | 5468 |

disorders that is current at the time of the training. The 5469  
training must meet the requirements specified in rules adopted 5470  
under section 4758.20 of the Revised Code ~~and have been provided~~ 5471  
~~by an.~~ An individual authorized under Chapter 4731. of the Revised 5472  
Code to practice medicine and surgery or osteopathic medicine and 5473  
surgery, a psychologist licensed under Chapter 4732. of the 5474  
Revised Code, or a professional clinical counselor or independent 5475  
social worker licensed under Chapter 4757. of the Revised Code may 5476  
provide any portion of the training. An independent chemical 5477  
dependency counselor licensed under this chapter who holds the 5478  
degree described in division (A)(1) of section 4758.40 of the 5479  
Revised Code may provide the portion of the training on chemical 5480  
dependency conditions. 5481

(C) Meet all of the following requirements: 5482

(1) Hold, on ~~the effective date of this section~~ December 23, 5483  
2002, a certificate or credentials that were accepted under 5484  
section 3793.07 of the Revised Code as authority to practice as a 5485  
certified chemical dependency counselor II; 5486

(2) Meet the requirement of division (B)(2) of this section; 5487

(3) Hold a bachelor's degree in a behavioral science. 5488

**Sec. 4758.42.** An individual seeking a chemical dependency 5489  
counselor II license shall meet either of the following 5490  
requirements: 5491

(A) Meet all of the following requirements: 5492

(1) Hold from an accredited educational institution an 5493  
associate's degree in a behavioral science or a bachelor's degree 5494  
in any field; 5495

(2)(a) If the individual holds an associate's degree, have 5496  
not less than five thousand hours of compensated or volunteer 5497  
work, field placement, intern, or practicum experience in either 5498

of the following, not less than one thousand hours of which are in 5499  
chemical dependency counseling: 5500

(i) Chemical dependency services, substance abuse services, 5501  
or both types of services; 5502

(ii) The practice of psychology, as defined in section 5503  
4732.01 of the Revised Code, or the practice of professional 5504  
counseling or the practice of social work, both as defined in 5505  
section 4757.01 of the Revised Code. 5506

(b) If the individual holds a bachelor's degree, have not 5507  
less than six thousand hours of compensated or volunteer work, 5508  
field placement, intern, or practicum experience in either of the 5509  
following, not less than one thousand two hundred hours of which 5510  
are in chemical dependency counseling: 5511

(i) Chemical dependency services, substance abuse services, 5512  
or both types of services; 5513

(ii) The practice of psychology, as defined in section 5514  
4732.01 of the Revised Code, or the practice of professional 5515  
counseling or the practice of social work, both as defined in 5516  
section 4757.01 of the Revised Code. 5517

(3) Have a minimum of two hundred seventy hours of training 5518  
in chemical dependency that meets the requirements specified in 5519  
rules adopted under section 4758.20 of the Revised Code; 5520

(4) Pass one or more examinations administered pursuant to 5521  
section 4758.22 of the Revised Code for the purpose of determining 5522  
competence to practice as a chemical dependency counselor II. 5523

~~(B) Meet both of the following requirements: 5524~~

~~(1) Hold a degree described in division (A)(1) of this 5525  
section; 5526~~

~~(2) Hold, on the effective date of this section December 23, 5527  
2002, a certificate or credentials that were accepted under 5528~~



section 3793.07 of the Revised Code as authority to practice as a 5529  
certified chemical dependency counselor II. 5530

**Sec. 4758.55.** ~~An~~ In addition to practicing chemical 5531  
dependency counseling, an individual holding a valid independent 5532  
chemical dependency counselor license may do all of the following: 5533

(A) Diagnose and treat chemical dependency conditions; 5534

(B) Perform treatment planning, assessment, crisis 5535  
intervention, individual and group counseling, case management, 5536  
and education services as they relate to abuse of and dependency 5537  
on alcohol and other drugs; 5538

(C) Refer individuals with nonchemical dependency conditions 5539  
to appropriate sources of help. 5540

**Sec. 4758.56.** (A) ~~An~~ In addition to practicing chemical 5541  
dependency counseling, an individual holding a valid chemical 5542  
dependency counselor III license may do all of the following: 5543

(1) Diagnose chemical dependency conditions under the 5544  
supervision of any of the following: 5545

(a) An independent chemical dependency counselor licensed 5546  
under this chapter; 5547

(b) An individual authorized under Chapter 4731. of the 5548  
Revised Code to practice medicine and surgery or osteopathic 5549  
medicine and surgery; 5550

(c) A psychologist licensed under Chapter 4732. of the 5551  
Revised Code; 5552

(d) A registered nurse licensed under Chapter 4723. of the 5553  
Revised Code or professional clinical counselor or independent 5554  
social worker licensed under Chapter 4757. of the Revised Code if 5555  
such supervision is consistent with the scope of practice of the 5556  
registered nurse, professional clinical counselor, or independent 5557

|  |                                      |
|--|--------------------------------------|
| social worker.   | 5558                                 |
| (2) Treat chemical dependency conditions;  | 5559                                 |
| (3) Perform treatment planning, assessment, crisis<br>intervention, individual and group counseling, case management,<br>and education services as they relate to abuse of and dependency<br>on alcohol and other drugs;   | 5560<br>5561<br>5562<br>5563         |
| (4) Refer individuals with nonchemical dependency conditions<br>to appropriate sources of help.  | 5564<br>5565                         |
| (B) A chemical dependency counselor III may not practice as<br>an individual practitioner.   | 5566<br>5567                         |
| <b>Sec. 4758.57.</b> (A) <del>An</del> <u>In addition to practicing chemical<br/>dependency counseling, an</u> individual holding a valid chemical<br>dependency counselor II license may do both of the following:  | 5568<br>5569<br>5570                 |
| (1) Perform <u>treatment planning</u> , assessment, crisis<br>intervention, individual and group counseling, case management,<br>and education services as they relate to abuse of and dependency<br>on alcohol and other drugs;   | 5571<br>5572<br>5573<br>5574         |
| (2) Refer individuals with nonchemical dependency conditions<br>to appropriate sources of help.  | 5575<br>5576                         |
| (B) A chemical dependency counselor II may not practice as an<br>individual practitioner.  | 5577<br>5578                         |
| <b>Sec. 4758.58.</b> (A) Until six years after <del>the effective date of<br/>this section</del> <u>December 23, 2002</u> , an individual holding a valid<br>chemical dependency counselor I certificate may do both of the<br>following <u>in addition to practicing chemical dependency<br/>counseling</u> : | 5579<br>5580<br>5581<br>5582<br>5583 |
| (1) Perform <u>treatment planning</u> , assessment, crisis<br>intervention, individual and group counseling, case management,<br>and education services as they relate to abuse of and dependency  | 5584<br>5585<br>5586                 |

|  |                              |
|--|------------------------------|
| on alcohol and other drugs;  | 5587                         |
| (2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.   | 5588<br>5589                 |
| (B) A chemical dependency counselor I may not practice as an individual practitioner.  | 5590<br>5591                 |
| <b>Sec. 4758.59.</b> (A) Subject to division (B) of this section, an individual holding a valid chemical dependency counselor assistant certificate may do both of the following <u>in addition to practicing chemical dependency counseling</u> :                 | 5592<br>5593<br>5594<br>5595 |
| (1) Perform <u>treatment planning</u> , assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of or dependency on alcohol and other drugs;   | 5596<br>5597<br>5598<br>5599 |
| (2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.   | 5600<br>5601                 |
| (B) An individual holding a valid chemical dependency counselor assistant certificate may <u>practice chemical dependency counseling and</u> perform the tasks specified in division (A) of this section only while under the supervision of any of the following: | 5602<br>5603<br>5604<br>5605 |
| (1) An independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter;   | 5606<br>5607                 |
| (2) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;   | 5608<br>5609<br>5610         |
| (3) A psychologist licensed under Chapter 4732. of the Revised Code;   | 5611<br>5612                 |
| (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  | 5613<br>5614<br>5615         |

such supervision is consistent with the scope of practice of the 5616  
registered nurse, professional clinical counselor, or independent 5617  
social worker. 5618

(C) A chemical dependency counselor assistant may not 5619  
practice as an individual practitioner. 5620

**Sec. 4758.61.** An individual who holds a valid registered 5621  
applicant certificate issued under this chapter may engage in the 5622  
practice of alcohol and other drug prevention services under the 5623  
supervision of ~~an individual holding a valid~~ any of the following: 5624

(A) A prevention specialist II certificate or prevention 5625  
specialist I certificate issued certified under this chapter; 5626

(B) An independent chemical dependency counselor, a chemical 5627  
dependency counselor III, or a chemical dependency counselor II 5628  
licensed under this chapter; 5629

(C) An individual authorized under Chapter 4731. of the 5630  
Revised Code to practice medicine and surgery or osteopathic 5631  
medicine and surgery; 5632

(D) A psychologist licensed under Chapter 4732. of the 5633  
Revised Code; 5634

(E) A registered nurse licensed under Chapter 4723. of the 5635  
Revised Code; 5636

(F) A professional clinical counselor, a professional 5637  
counselor, an independent social worker, or a social worker 5638  
licensed under Chapter 4757. of the Revised Code; 5639

(G) A school counselor licensed by the department of 5640  
education pursuant to section 3319.22 of the Revised Code; 5641

(H) A health education specialist certified by the national 5642  
commission for health education credentialing. 5643

Sec. 5101.27. (A) Except as permitted by this section, 5644  
section 5101.28 or 5101.29 of the Revised Code, or the rules 5645  
adopted under division (A) of section 5101.30 of the Revised Code, 5646  
or required by federal law, no person or government entity shall 5647  
solicit, disclose, receive, use, or knowingly permit, or 5648  
participate in the use of any information regarding a public 5649  
assistance recipient for any purpose not directly connected with 5650  
the administration of a public assistance program. 5651

(B) To the extent permitted by federal law, the department of 5652  
job and family services and county agencies shall do ~~both~~ all of 5653  
the following: 5654

(1) Release information regarding a public assistance 5655  
recipient for purposes directly connected to the administration of 5656  
the program to a government entity responsible for administering 5657  
that public assistance program; 5658

(2) Provide information regarding a public assistance 5659  
recipient to a law enforcement agency for the purpose of any 5660  
investigation, prosecution, or criminal or civil proceeding 5661  
relating to the administration of that public assistance program; 5662

(3) Provide, for purposes directly connected to the 5663  
administration of a program that assists needy individuals with 5664  
the costs of public utility services, information regarding a 5665  
recipient of financial assistance provided under a program 5666  
administered by the department or a county agency pursuant to 5667  
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 5668  
5115.07 of the Revised Code to an entity administering the public 5669  
utility services program. 5670

(C) To the extent permitted by federal law and section 5671  
1347.08 of the Revised Code, the department and county agencies 5672  
shall provide access to information regarding a public assistance 5673

|   |  |
|---|--|
| recipient to all of the following:  | 5674   |
| (1) The recipient;  | 5675   |
| (2) The authorized representative;  | 5676   |
| (3) The legal guardian of the recipient;  | 5677   |
| (4) The attorney of the recipient, if the attorney has<br>written authorization that complies with section 5101.271 of the<br>Revised Code from the recipient.  | 5678<br>5679<br>5680                         |
| (D) To the extent permitted by federal law and subject to<br>division (E) of this section, the department and county agencies<br>may do both of the following:  | 5681<br>5682<br>5683                         |
| (1) Release information about a public assistance recipient<br>if the recipient gives voluntary, written authorization that<br>complies with section 5101.271 of the Revised Code;  | 5684<br>5685<br>5686                         |
| (2) Release information regarding a public assistance<br>recipient to a state, federal, or federally assisted program that<br>provides cash or in-kind assistance or services directly to<br>individuals based on need or for the purpose of protecting<br>children to a government entity responsible for administering a<br>children's protective services program. | 5687<br>5688<br>5689<br>5690<br>5691<br>5692 |
| (E) Except when the release is required by division (B), (C),<br>or (D)(2) of this section, the department or county agency shall<br>release the information only in accordance with the authorization.<br>The department or county agency shall provide, at no cost, a copy<br>of each written authorization to the individual who signed it.                        | 5693<br>5694<br>5695<br>5696<br>5697         |
| (F) The department or county agency may release information<br>under division (D) of this section concerning the receipt of<br>medical assistance provided under a public assistance program only<br>if all of the following conditions are met:  | 5698<br>5699<br>5700<br>5701                 |
| (1) The release of information is for purposes directly<br>connected to the administration of or provision of medical   | 5702<br>5703                                 |

assistance provided under a public assistance program; 5704

(2) The information is released to persons or government 5705  
entities that are subject to standards of confidentiality and 5706  
safeguarding information substantially comparable to those 5707  
established for medical assistance provided under a public 5708  
assistance program; 5709

(3) The department or county agency has obtained an 5710  
authorization consistent with section 5101.271 of the Revised 5711  
Code. 5712

(G) Information concerning the receipt of medical assistance 5713  
provided under a public assistance program may be released only if 5714  
the release complies with this section and rules adopted by the 5715  
department pursuant to section 5101.30 of the Revised Code or, if 5716  
more restrictive, the Health Insurance Portability and 5717  
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 5718  
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 5719  
the United States department of health and human services to 5720  
implement the act. 5721

(H) The department of job and family services may adopt rules 5722  
defining "authorized representative" for purposes of division 5723  
(C)(2) of this section. 5724

**Sec. 5110.35.** The department of job and family services shall 5725  
adopt rules in accordance with Chapter 119. of the Revised Code to 5726  
implement the Ohio's best Rx program. The rules shall provide for 5727  
all of the following: 5728

(A) Determination of family income for the purpose of 5729  
division (A)(2) of section 5110.05 of the Revised Code; 5730

(B) For the purpose of division (B) of section 5110.06 5731  
5110.05 of the Revised Code, the application and annual 5732  
reapplication process for the program and documentation to be 5733

submitted with applications and reapplications for the purpose of 5734  
verifying eligibility; 5735

(C) For the purpose of division (B) of section ~~5110.06~~ 5736  
5110.05 of the Revised Code and subject to section 5110.351 of the 5737  
Revised Code, the application form for the program; 5738

(D) The method of providing information about the medicaid 5739  
program to applicants under section 5110.07 of the Revised Code; 5740

(E) For the purpose of section 5110.08 of the Revised Code, 5741  
eligibility determination procedures; 5742

(F) Subject to section 5110.352 of the Revised Code, 5743  
periodically increasing the maximum professional fee that 5744  
participating terminal distributors may charge Ohio's best Rx 5745  
program participants under section 5110.12 of the Revised Code or 5746  
the Ohio's best Rx program administrator may charge under a 5747  
contract entered into under section 5110.10 of the Revised Code; 5748

(G) Subject to section 5110.353 of the Revised Code, the 5749  
amount of the administrative fee, if any, participating terminal 5750  
distributors are to charge Ohio's best Rx program participants 5751  
under section 5110.12 of the Revised Code or the Ohio's best Rx 5752  
program administrator may charge under a contract entered into 5753  
under section 5110.10 of the Revised Code; 5754

(H) The electronic method for participating terminal 5755  
distributors and the Ohio's best Rx program administrator to 5756  
submit claims to the department under section 5110.16 of the 5757  
Revised Code; 5758

(I) Additional information participating terminal 5759  
distributors and the Ohio's best Rx program administrator shall 5760  
include on claims submitted under section 5110.16 of the Revised 5761  
Code that the department determines is necessary for the 5762  
department to be able to make payments under section 5110.17 of 5763  
the Revised Code; 5764



|   |                                      |
|---|--------------------------------------|
| (J) The method for making payments to participating terminal distributors or the Ohio's best Rx program administrator under section 5110.17 of the Revised Code;  | 5765<br>5766<br>5767                 |
| (K) Subject to section 5110.354 of the Revised Code, the percentage that is the rebate administration percentage;   | 5768<br>5769                         |
| (L) If the department determines it is best that participating manufacturers make rebates under section 5110.21 of the Revised Code on a basis other than quarterly, a schedule for payment of the rebates;   | 5770<br>5771<br>5772<br>5773         |
| (M) The process for the department of administrative services and state retirement systems to calculate and submit the information required by section 5110.25 of the Revised Code;   | 5774<br>5775<br>5776                 |
| (N) Procedures for making computations under sections 5110.21 and 5110.27 of the Revised Code;  | 5777<br>5778                         |
| (O) Standards and procedures for the use and preservation of records regarding the Ohio's best Rx program by the department and the Ohio's best Rx program administrator pursuant to section 5110.59 of the Revised Code;   | 5779<br>5780<br>5781<br>5782         |
| (P) For the purpose of section 5110.10 of the Revised Code, the standards and procedures governing the operation of the mail order system by the Ohio's best Rx program administrator;  | 5783<br>5784<br>5785                 |
| (Q) The efficient administration of other provisions of this chapter for which the department determines rules are necessary.   | 5786<br>5787                         |
| <b>Sec. 5111.022.</b> (A) As used in this section:  | 5788                                 |
| (1) "Community mental health facility" means a community mental health facility that has a quality assurance program accredited by the joint commission on accreditation of healthcare organizations or is certified by the department of mental health or department of job and family services. | 5789<br>5790<br>5791<br>5792<br>5793 |

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

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

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services of three to fourteen hours per service day, rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.

(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.

(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.

(E) Not later than ~~May 1~~ July 21, 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.

(F) On receipt of federal approval sought under division (E) of this section, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code ~~establishing statewide access and acuity standards for partial hospitalization mental health services and~~ for assertive community treatment and intensive home-based mental health services provided under medicaid pursuant to this section. The director shall consult with the department of mental health in adopting the rules.

**Sec. 5111.87.** (A) As used in this section and section 5111.871 of the Revised Code, "intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

(B) The director of job and family services may apply to the United States secretary of health and human services for both of the following:

(1) One or more medicaid waivers under which home and community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in an intermediate care facility for the mentally retarded;

(2) One or more medicaid waivers ~~that operate for three to four years each and~~ under which home and community-based services are provided in the form of either or both of the following:

(a) Early intervention services for children under three years of age that are provided or arranged by county boards of

mental retardation and developmental disabilities; 5854

(b) Therapeutic services for children who have autism and are 5855  
under six years of age at the time of enrollment. 5856

~~(C) No individual may receive services under an autism 5857  
component of the medicaid program established under a waiver 5858  
sought under division (B)(2)(b) of this section for more than 5859  
three years. An individual receiving intensive therapeutic 5860  
services under such an autism component is forever ineligible to 5861  
receive intensive therapeutic services, under any other component 5862  
of the medicaid program. 5863~~

~~(D)~~ The director of mental retardation and developmental 5864  
disabilities may request that the director of job and family 5865  
services apply for one or more medicaid waivers under this 5866  
section. 5867

~~(E)~~(D) Before applying for a waiver under this section, the 5868  
director of job and family services shall seek, accept, and 5869  
consider public comments. 5870

**Sec. 5119.18.** There is hereby created in the state treasury 5871  
the department of mental health trust fund. Not later than the 5872  
first day of September of each year, the director of mental health 5873  
shall certify to the director of budget and management the amount 5874  
of all of the unexpended, unencumbered balances of general revenue 5875  
fund appropriations made to the department of mental health for 5876  
the previous fiscal year, excluding funds appropriated for rental 5877  
payments to the Ohio public facilities commission. On receipt of 5878  
the certification, the director of budget and management shall 5879  
transfer cash to the trust fund in an amount up to, but not 5880  
exceeding, the total of the amounts certified by the director of 5881  
mental health. 5882

In addition, the trust fund shall receive all amounts, 5883

subject to any provisions in bond documents, received from the 5884  
sale or lease of lands and facilities by the department. 5885

All moneys in the trust fund shall be used by the department 5886  
of mental health for mental health purposes specified in division 5887  
(A) of section 5119.06 of the Revised Code. The use of moneys in 5888  
the trust fund pursuant to this section does not represent an 5889  
ongoing commitment to the continuation of the trust fund or to the 5890  
use of moneys in the trust fund. 5891

**Sec. 5123.352.** There is hereby created in the state treasury 5892  
the community mental retardation and developmental disabilities 5893  
trust fund. The director of mental retardation and developmental 5894  
disabilities, not later than sixty days after the end of each 5895  
fiscal year, shall certify to the director of budget and 5896  
management the amount of all the unexpended, unencumbered balances 5897  
of general revenue fund appropriations made to the department of 5898  
mental retardation and developmental disabilities for the fiscal 5899  
year, excluding appropriations for rental payments to the Ohio 5900  
public facilities commission, and the amount of any other funds 5901  
held by the department in excess of amounts necessary to meet the 5902  
department's operating costs and obligations pursuant to this 5903  
chapter and Chapter 5126. of the Revised Code. On receipt of the 5904  
certification, the director of budget and management shall 5905  
transfer cash to the trust fund in an amount up to, but not 5906  
exceeding, the total of the amounts certified by the director of 5907  
mental retardation and developmental disabilities, except in cases 5908  
in which the transfer will involve more than twenty million 5909  
dollars. In such cases, the director of budget and management 5910  
shall notify the controlling board and must receive the board's 5911  
approval of the transfer prior to making the transfer. 5912

Except for expenses paid under division (C) of section 5913  
5123.353 of the Revised Code, all moneys in the trust fund shall 5914

be distributed in accordance with section 5126.19 of the Revised Code. 5915  
5916

**Sec. 5731.47.** The fees of the sheriff or other officers for 5917  
services performed under ~~Chapter 5731. of the Revised Code~~ this 5918  
chapter and the expenses of the county auditor shall be certified 5919  
by the county auditor by a report filed with the tax commissioner. 5920  
If the tax commissioner finds that ~~such~~ those fees and expenses 5921  
are correct and reasonable in amount, the tax commissioner shall 5922  
indicate approval of the fees and expenses in writing to the 5923  
county auditor. The county auditor shall pay ~~such~~ those fees and 5924  
expenses out of the ~~state's share of the undivided inheritance~~ 5925  
~~taxes in the county treasury and undivided estate tax fund.~~ The 5926  
county auditor then shall deduct, from the amount required to be 5927  
credited to each of the funds or boards of education listed or 5928  
referred to in division (A) of section 5731.48 of the Revised 5929  
Code, a pro rata share of the amount so paid. The pro rata share 5930  
shall be computed on the basis of the proportions of the gross 5931  
taxes levied and paid under this chapter that are required to be 5932  
credited to the funds or boards of education listed or referred to 5933  
under that section. The county auditor shall draw warrants payable 5934  
from ~~such~~ those taxes on the county treasurer in favor of the fee 5935  
funds or officers personally entitled ~~thereto~~ to the fees and 5936  
expenses. If the fees and expenses approved by the tax 5937  
~~commissioner exceed the amount of the state's share of undivided~~ 5938  
~~inheritance taxes in the county treasury, the county auditor shall~~ 5939  
~~certify the amount of the excess to the tax commissioner, who~~ 5940  
~~shall certify the amount to the director of budget and management.~~ 5941  
~~The director shall provide for payment of the excess from the~~ 5942  
~~general revenue fund to the county treasury, and the county~~ 5943  
~~auditor shall draw warrants on the county treasurer in favor of~~ 5944  
~~the appropriate fee funds or officers.~~ 5945

Sec. 5731.48. (A) If a decedent dies on or after July 1, 5946  
1989, and before January 1, 2001, sixty-four per cent of the gross 5947  
amount of taxes levied and paid under this chapter shall be for 5948  
the use of the municipal corporation or township in which the tax 5949  
originates, and shall be credited as provided in division (A)(1), 5950  
(2), or (3) of this section: 5951

(1) To the general revenue fund in the case of a city; 5952

(2) To the general revenue fund of a village or to the board 5953  
of education of a village, for school purposes, as the village 5954  
council by resolution may approve; 5955

(3) To the general revenue fund or to the board of education 5956  
of the school district of which the township is a part, for school 5957  
purposes, as the board of township trustees by resolution may 5958  
approve, in the case of a township. 5959

The remainder of the taxes levied and paid shall be for the 5960  
use of the state and shall be credited to the general revenue fund 5961  
~~after any deduction for fees and costs charged under section~~ 5962  
~~5731.47 of the Revised Code.~~ 5963

(B) If a decedent dies on or after January 1, 2001, and 5964  
before January 1, 2002, seventy per cent of the gross amount of 5965  
taxes levied and paid under this chapter shall be for the use of 5966  
the municipal corporation or township in which the tax originates 5967  
and credited as provided in division (A)(1), (2), or (3) of this 5968  
section, and the remainder shall be for the use of the state and 5969  
credited to the general revenue fund ~~after any deduction for fees~~ 5970  
~~and costs charged under section 5731.47 of the Revised Code.~~ 5971

(C) If a decedent dies on or after January 1, 2002, eighty 5972  
per cent of the gross amount of taxes levied and paid under this 5973  
chapter, less any deduction from the municipal corporation's or 5974  
township's share of those taxes for fees or expenses charged under 5975

section 5731.47 of the Revised Code, shall be for the use of the 5976  
municipal corporation or township in which the tax originates and 5977  
credited as provided in division (A)(1), (2), or (3) of this 5978  
section, and the remainder, less any deduction from the state's 5979  
share of those taxes for fees or expenses charged under section 5980  
5731.47 of the Revised Code, shall be for the use of the state and 5981  
shall be credited to the general revenue fund ~~after any deduction~~ 5982  
~~for fees and costs charged under section 5731.47 of the Revised~~ 5983  
~~Code.~~ 5984

(D) If a municipal corporation is in default with respect to 5985  
the principal or interest of any outstanding notes or bonds, one 5986  
half of the taxes distributed under this section shall be credited 5987  
to the sinking or bond retirement fund of the municipal 5988  
corporation, and the residue shall be credited to the general 5989  
revenue fund. 5990

(E) The council, board of trustees, or other legislative 5991  
authority of a village or township may, by ordinance in the case 5992  
of a village, or by resolution in the case of a township, provide 5993  
that whenever there is money in the treasury of the village or 5994  
township from taxes levied under this chapter, not required for 5995  
immediate use, that money may be invested in federal, state, 5996  
county, or municipal bonds, upon which there has been no default 5997  
of the principal during the preceding five years. 5998

**Sec. 6301.03.** (A) In administering the "Workforce Investment 5999  
Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the 6000  
"Wagner-Peyser Act," 48 Stat. 113 (1933), 29 U.S.C.A. 49, as 6001  
amended, the funds received pursuant to those acts, and the 6002  
workforce development system, the director of job and family 6003  
services may make allocations and payment of funds for the local 6004  
administration of the workforce development activities established 6005  
under this chapter. Pursuant to the "Workforce Investment Act of 6006



1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, the governor 6007  
shall reserve not more than fifteen per cent of the amounts 6008  
allocated to the state under Title I of that act for adults, 6009  
dislocated workers, and youth for statewide activities, and not 6010  
more than twenty-five per cent of funds allocated for dislocated 6011  
workers under Title I of that act for statewide rapid response 6012  
activities. 6013

(B) The director shall allocate to local areas all funds 6014  
required to be allocated to local areas pursuant to the "Workforce 6015  
Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as 6016  
amended. The director shall make allocations only with funds 6017  
available ~~and in accordance with all of the following:~~ 6018

~~(1) If a board of county commissioners administering 6019  
workforce development activities at the local level designates the 6020  
county department of job and family services as its workforce 6021  
development agency, the director shall allocate the funds to that 6022  
county department. That county department shall deposit all funds 6023  
received pursuant to this section into the county public 6024  
assistance fund. 6025~~

~~(2) If a board of county commissioners administering 6026  
workforce development activities at the local level designates as 6027  
its workforce development agency an entity for which the board 6028  
maintains responsibility or control, but which is not the county 6029  
department of job and family services, the board. Local areas, as 6030  
defined by either section 101 of the "Workforce Investment Act of 6031  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or section 6032  
6301.01 of the Revised Code, and subrecipients of a local area 6033  
shall establish a ~~county~~ workforce development fund, and the 6034  
entity receiving ~~the~~ funds shall deposit all funds received under 6035  
this section into the ~~county~~ workforce development fund. All 6036  
expenditures for activities funded under this section shall be 6037  
made from the ~~county~~ workforce development fund. 6038~~

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

~~(4) If a municipal corporation administering workforce development activities at the local level is designated to receive funds under this section, the municipal corporation shall place all funds received under this section into a special fund and all expenditures for workforce development activities shall be made from that fund. The municipal corporation may use the funds in that fund only for the workforce development activities for which the funds are appropriated.~~

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

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

**Section 2.** That existing sections 9.24, 102.02, 123.01, 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3354.121,

3357.112, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 6070  
3769.021, 3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 6071  
4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 6072  
4758.58, 4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 6073  
5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 and sections 6074  
152.101 and 901.85 of the Revised Code are hereby repealed. 6075

**Section 3.** All items set forth in Sections 3.01 to 3.04 of 6076  
this act are hereby appropriated out of any moneys in the General 6077  
Revenue Fund (GRF) that are not otherwise appropriated: 6078

Reappropriations

**Section 3.01.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 6079  
CAP-773 Governor's Residence Restoration \$ 4,705 6080  
CAP-786 Rural Areas Community Improvements \$ 365,000 6081  
CAP-804 Day Care Centers \$ 6,472 6082  
CAP-817 Urban Areas Community Improvements \$ 1,058,900 6083  
Total Department of Administrative Services \$ 1,435,077 6084

RURAL AREAS COMMUNITY IMPROVEMENTS 6085

From the foregoing appropriation item CAP-786, Rural Areas 6086  
Community Improvements, grants shall be made for the following 6087  
projects: \$20,000 for the Smith Field Memorial Foundation; 6088  
\$200,000 for the Champaign YMCA; \$100,000 for the Mentor Fire & 6089  
Police Headquarters Relocation; \$20,000 for the Red Mill Creek 6090  
Water Retention Basin; and \$25,000 for the Lawrence County Water 6091  
Projects. 6092

URBAN AREAS COMMUNITY IMPROVEMENTS 6093

From the foregoing appropriation item CAP-817, Urban Areas 6094  
Community Improvements, grants shall be made for the following 6095  
projects: \$100,000 for the Maumee Youth Center; \$25,000 for the 6096  
Columbus Civic Arena Development Planning; \$50,000 for the Brown 6097  
Senior Center Renovations; \$100,000 for Project AHEAD Facility 6098

Improvements; \$75,000 for the J. Frank-Troy Senior Citizens 6099  
Center; \$15,000 for the Victorian Village Society; \$50,000 for the 6100  
Beech Acres Family Center; \$23,900 for the Canton Jewish Women's 6101  
Center; \$450,000 for the Gateway Social Services Building; \$50,000 6102  
for the Loew Field Improvements; \$20,000 for the Harvard Community 6103  
Services Center Renovation & Expansion; \$20,000 for the Collinwood 6104  
Community Service Center Repair & Renovation; and \$80,000 for 6105  
Bowman Park - City of Toledo. 6106

Reappropriations

**Section 3.02. AFC ARTS AND SPORTS FACILITIES COMMISSION 6107**

CAP-819 Cooper Stadium Relocation Feasibility \$ 350,000 6108  
Study

Total Arts and Sports Facilities Commission \$ 350,000 6109

COOPER STADIUM RELOCATION FEASIBILITY STUDY 6110

Notwithstanding division (F) of section 3383.07 of the 6111  
Revised Code, all or a portion of the foregoing appropriation item 6112  
CAP-819, Cooper Stadium Relocation Feasibility Study, may be 6113  
expended for the cost of preparing a financial and development 6114  
plan or feasibility study, renovation, and purchasing engineering 6115  
and architectural services, designs, plans, specifications, 6116  
surveys, and estimates of costs for Cooper Stadium. Any amount 6117  
expended for that purpose from the appropriation shall count 6118  
toward the maximum 15 per cent of the construction cost of the 6119  
sports facility to be paid from state funds. 6120

Reappropriations

**Section 3.03. OHS OHIO HISTORICAL SOCIETY 6121**

CAP-745 Historic Sites/Museums - Emergency \$ 30,721 6122  
Repair

Total Ohio Historical Society \$ 30,721 6123

Reappropriations

|  |  |              |      |
|--|--|--------------|------|
| <b>Section 3.04. DNR DEPARTMENT OF NATURAL RESOURCES</b>           |  |              | 6125 |
| CAP-245  | Millcreek Valley Conservancy District                                    | \$ 230,503   | 6126 |
| CAP-702  | Upgrade Underground Fuel Tanks   | \$ 296,963   | 6127 |
| CAP-703  | Cap Abandoned Water Wells  | \$ 357,481   | 6128 |
| CAP-823  | Cost Sharing-Pollution Abatement   | \$ 33,614    | 6129 |
| CAP-847  | Assistance to Local Governments for<br>Conservation Works of Improvement | \$ 25,000    | 6130 |
| CAP-848  | Hazardous Dam Repair   | \$ 91,521    | 6131 |
| CAP-875  | Ohio River Access  | \$ 100,000   | 6132 |
| CAP-929  | Hazardous Waste/Asbestos Abatement                                       | \$ 286,154   | 6133 |
| CAP-931  | Wastewater/Water Systems Upgrades  | \$ 32,205    | 6134 |
| CAP-932  | Wetlands/Waterfront Development and<br>Acquisition                       | \$ 32,460    | 6135 |
| CAP-942  | Local Parks Projects   | \$ 80,225    | 6136 |
| CAP-969  | Frost-Parker Wetlands Preserve   | \$ 4,760     | 6137 |
| CAP-999  | Geographic Information Management System                                 | \$ 1,085     | 6138 |
| Total Department of Natural Resources                              |  | \$ 1,571,971 | 6139 |
| TOTAL GRF General Revenue Fund                                     |  | \$ 3,462,769 | 6140 |
| LOCAL PARKS PROJECTS   |  |              | 6141 |
| From the foregoing appropriation item CAP-942, Local Parks         |  |              | 6142 |
| Projects, \$75,000 shall be granted for the Liberty Township       |  |              | 6143 |
| Playground.  |  |              | 6144 |
| <b>Section 3.05. No expenditures shall be made from any of the</b> |  |              | 6145 |
| items appropriated from the General Revenue Fund in Sections 3.01  |  |              | 6146 |
| to 3.04 of this act until the funds are released by the            |  |              | 6147 |
| Controlling Board.   |  |              | 6148 |
| <b>Section 4. All items set forth in this section are hereby</b>   |  |              | 6149 |
| appropriated out of any moneys in the state treasury to the credit |  |              | 6150 |
| of the Wildlife Fund (Fund 015) that are not otherwise             |  |              | 6151 |
| appropriated:  |  |              | 6152 |

|                                       |                                       | Reappropriations |      |
|---------------------------------------|---------------------------------------|------------------|------|
| DNR DEPARTMENT OF NATURAL RESOURCES   |                                       |                  | 6153 |
| CAP-015                               | Highlandtown Wildlife Area            | \$ 2,768         | 6154 |
| CAP-117                               | Cooper Hollow Wildlife Area           | \$ 4,815         | 6155 |
| CAP-161                               | Tranquility Wildlife Area             | \$ 1,286         | 6156 |
| CAP-216                               | Killbuck Creek Wildlife Area          | \$ 550           | 6157 |
| CAP-387                               | Access Development                    | \$ 3,204,333     | 6158 |
| CAP-702                               | Upgrade Underground Fuel Tanks        | \$ 84,945        | 6159 |
| CAP-703                               | Cap Abandoned Water Wells             | \$ 50,000        | 6160 |
| CAP-732                               | Mosquito Creek Wildlife Area          | \$ 300           | 6161 |
| CAP-754                               | Tiffin River Wildlife Area            | \$ 1,000         | 6162 |
| CAP-764                               | Fire Lookout & Radio Tower Inspection | \$ 7,215         | 6163 |
| CAP-785                               | K.H. Butler Ohio River Access         | \$ 978           | 6164 |
| CAP-795                               | Headlands Beach State Park            | \$ 90,958        | 6165 |
| CAP-804                               | Lake La Su An Wildlife Area           | \$ 400           | 6166 |
| CAP-834                               | Appraisal Fees - Statewide            | \$ 51,995        | 6167 |
| CAP-852                               | Wildlife Area Building                | \$ 3,489,530     | 6168 |
| Development/Renovation                |                                       |                  |      |
| CAP-881                               | Dam Rehabilitation                    | \$ 500,000       | 6169 |
| CAP-995                               | Boundary Protection                   | \$ 50,000        | 6170 |
| Total Department of Natural Resources |                                       | \$ 7,541,073     | 6171 |
| TOTAL Wildlife Fund                   |                                       | \$ 7,541,073     | 6172 |

**Section 5.** The items set forth in this section are hereby 6174  
appropriated out of any moneys in the state treasury to the credit 6175  
of the Public School Building Fund (Fund 021) that are not 6176  
otherwise appropriated: 6177

|                                    |                                      | Reappropriations |      |
|------------------------------------|--------------------------------------|------------------|------|
| SFC SCHOOL FACILITIES COMMISSION   |                                      |                  | 6178 |
| CAP-622                            | Public School Buildings              | \$ 26,998,886    | 6179 |
| CAP-778                            | Exceptional Needs                    | \$ 1,440,286     | 6180 |
| CAP-783                            | Emergency School Building Assistance | \$ 15,000,000    | 6181 |
| Total School Facilities Commission |                                      | \$ 43,439,172    | 6182 |

TOTAL Public School Building Fund \$ 43,439,172 6183

PUBLIC SCHOOL BUILDINGS 6184

The amount reappropriated for the foregoing appropriation 6185  
item CAP-622, Public School Buildings, is \$349,622 plus the sum of 6186  
the unencumbered and unallotted balances as of June 30, 2004, for 6187  
appropriation item CAP-622, Public School Buildings. 6188

**Section 6.** The items set forth in this section are hereby 6189  
appropriated out of any moneys in the state treasury to the credit 6190  
of the Highway Safety Fund (Fund 036) that are not otherwise 6191  
appropriated: 6192

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY 6193

CAP-045 Platform Scales Improvements \$ 400,000 6194

CAP-059 Patrol Post ADA Compliance \$ 250,000 6195

CAP-065 Replace Windows at the Academy \$ 79,000 6196

CAP-071 Construct Georgetown Patrol Post \$ 41,240 6197

CAP-072 Patrol Academy Infrastructure \$ 41,355 6198

Improvements

CAP-074 Construct Warren District Blue Title \$ 39,585 6199

Facility

CAP-077 Van Wert Patrol Post \$ 1,700,000 6200

Total Department of Public Safety \$ 2,551,180 6201

TOTAL Highway Safety Fund \$ 2,551,180 6202

**Section 7.** All items set forth in this section are hereby 6204  
appropriated out of any moneys in the state treasury to the credit 6205  
of the Waterways Safety Fund (Fund 086) that are not otherwise 6206  
appropriated: 6207

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6208

CAP-324 Cooperative Funding for Boating \$ 7,375,543 6209

|         |  |    |            |      |
|---------|--|----|------------|------|
|         | Facilities                             |    |            |      |
| CAP-390 | State Park Maintenance Facility        | \$ | 1,821,093  | 6210 |
|         | Development - Middle Bass Island       |    |            |      |
| CAP-807 | Hocking Technical College Ramp         | \$ | 30,643     | 6211 |
| CAP-844 | Put-in-Bay Township Port Authority     | \$ | 6,466      | 6212 |
| CAP-858 | Clendening Lake Ramp                   | \$ | 2,736      | 6213 |
| CAP-871 | Village of Montezuma Ramp              | \$ | 13,519     | 6214 |
| CAP-874 | Recreational Harbor Evaluation Project | \$ | 357,789    | 6215 |
| CAP-905 | City of Ironton Boat Launch            | \$ | 168,007    | 6216 |
| CAP-934 | Operations Facilities Development      | \$ | 762,508    | 6217 |
|         | Total Department of Natural Resources  | \$ | 10,538,304 | 6218 |
|         | TOTAL Waterways Safety Fund            | \$ | 10,538,304 | 6219 |

**Section 8.** All items set forth in this section are hereby 6221  
appropriated out of any moneys in the state treasury to the credit 6222  
of the Underground Parking Garage Operating Fund (Fund 208) that 6223  
are not otherwise appropriated: 6224

|         |   |    |                  |      |
|---------|---|----|------------------|------|
|         |   |    | Reappropriations |      |
|         | CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD    |    |                  | 6225 |
| CAP-003 | Renovate Garage Offices                         | \$ | 127,194          | 6226 |
| CAP-004 | Emergency Generator and Lighting System         | \$ | 200,000          | 6227 |
| CAP-007 | Garage Elevator Upgrades                        | \$ | 5,670            | 6228 |
| CAP-008 | Install Garage Oil Interceptor System           | \$ | 60,000           | 6229 |
| CAP-009 | Garage Fire Suppression System                  | \$ | 1,050,000        | 6230 |
|         | Total Capitol Square Review and Advisory Board  | \$ | 1,442,864        | 6231 |
|         | TOTAL Underground Parking Garage Operating Fund | \$ | 1,442,864        | 6232 |

UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM 6233

Appropriation item CAP-009, Garage Fire Suppression System, 6234  
in the Underground Parking Garage Operating Fund (Fund 208), shall 6235  
be used for completion of the second and final phase of a fire 6236  
suppression system in the Statehouse garage. Notwithstanding any 6237  
section of the Revised Code, any transfer or disbursement of 6238



moneys from appropriation items CAP-009, Garage Fire Suppression, 6239  
 and CAP-011, Statehouse Security Improvements, for this purpose 6240  
 shall be subject to Controlling Board approval. 6241

**Section 9.** All items set forth in this section are hereby 6242  
 appropriated out of any moneys in the state treasury to the credit 6243  
 of the Army National Guard Service Contract Fund (Fund 342) that 6244  
 are not otherwise appropriated: 6245

Reappropriations

ADJ ADJUTANT GENERAL 6246

|         |   |    |            |      |
|---------|---|----|------------|------|
| CAP-065 | Local Armory Construction/Federal               | \$ | 16,200,000 | 6247 |
|         | Total Adjutant General                          | \$ | 16,200,000 | 6248 |
|         | TOTAL Army National Guard Service Contract Fund | \$ | 16,200,000 | 6249 |

**Section 10.** All items set forth in this section are hereby 6251  
 appropriated out of any moneys in the state treasury to the credit 6252  
 of the Special Administrative Fund (Fund 4A9) that are not 6253  
 otherwise appropriated: 6254

Reappropriations

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 6255

|         |   |    |            |      |
|---------|---|----|------------|------|
| CAP-702 | Central Office Building Renovations         | \$ | 16,000,000 | 6256 |
|         | Total Department of Job and Family Services | \$ | 16,000,000 | 6257 |
|         | TOTAL Special Administrative Fund           | \$ | 16,000,000 | 6258 |

CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT 6259  
 PLAN 6260

Funds appropriated in the foregoing appropriation item 6261  
 CAP-702, Central Office Building Renovations, are to be released 6262  
 for expenditure only after approval of the Unemployment 6263  
 Compensation Advisory Council created under section 4141.08 of the 6264  
 Revised Code. The amount to be released shall be based on a 6265  
 spending plan, which may include a repayment schedule, approved by 6266  
 the Council. Once approval is received, the Director of Job and 6267

Family Services shall request the Director of Budget and 6268  
Management or the Controlling Board to release the appropriation. 6269

**Section 11.** All items set forth in this section are hereby 6270  
appropriated out of any moneys in the state treasury to the credit 6271  
of the Capital Donations Fund (Fund 5A1) that are not otherwise 6272  
appropriated: 6273

Reappropriations

AFC ARTS AND SPORTS FACILITIES COMMISSION 6274  
CAP-702 Capital Donations \$ 254,557 6275  
Total Arts and Sports Facilities Commission \$ 254,557 6276  
TOTAL Capital Donations Fund \$ 254,557 6277

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 6278

The Executive Director of the Arts and Sports Facilities 6279  
Commission shall certify to the Director of Budget and Management 6280  
the amount of cash receipts and related investment income, 6281  
irrevocable letters of credit from a bank, or certification of the 6282  
availability of funds that have been received from a county or a 6283  
city for deposit to the Capital Donations Fund and are related to 6284  
an anticipated project. These amounts are hereby appropriated to 6285  
appropriation item CAP-702, Capital Donations. Prior to certifying 6286  
these amounts to the Director, the Executive Director shall make a 6287  
written agreement with the participating entity on the necessary 6288  
cash flows required for the anticipated construction or equipment 6289  
acquisition project. 6290

**Section 12.** The items set forth in this section are hereby 6291  
appropriated out of any moneys in the state treasury to the credit 6292  
of the Community Match Armories Fund (Fund 5U8) that are not 6293  
otherwise appropriated: 6294

ADJUTANT GENERAL 6295

CAP-066 Armory Construction/Local \$ 8,600,000 6296

|                                     |    |           |      |
|-------------------------------------|----|-----------|------|
| Total Adjutant General              | \$ | 8,600,000 | 6297 |
| TOTAL Community Match Armories Fund | \$ | 8,600,000 | 6298 |

**Section 13.** The items set forth in this section are hereby 6300  
appropriated out of any moneys in the state treasury to the credit 6301  
of the State Fire Marshal Fund (Fund 546) that are not otherwise 6302  
appropriated: 6303

DEPARTMENT OF COMMERCE 6304

|                                |    |           |      |
|--------------------------------|----|-----------|------|
| CAP-013 Land Acquisition       | \$ | 100,000   | 6305 |
| CAP-014 Office & Dorm Addition | \$ | 1,800,000 | 6306 |
| Total Department of Commerce   | \$ | 1,900,000 | 6307 |
| TOTAL State Fire Marshal Fund  | \$ | 1,900,000 | 6308 |

**Section 14.** The items set forth in this section are hereby 6310  
appropriated out of any moneys in the state treasury to the credit 6311  
of the Veterans' Home Improvement Fund (Fund 604) that are not 6312  
otherwise appropriated: 6313

Reappropriations

OVH OHIO VETERANS' HOME 6314

|   |    |           |      |
|---|----|-----------|------|
| CAP-755 Secrest Security System Improvement | \$ | 65,000    | 6315 |
| CAP-760 Security System Improvement         | \$ | 22,832    | 6316 |
| CAP-762 Renovate Secrest Bath Floor/Wall    | \$ | 43,621    | 6317 |
| CAP-765 Warehouse Freezer                   | \$ | 15,500    | 6318 |
| CAP-766 Secrest Motor Coordinators          | \$ | 33,000    | 6319 |
| CAP-769 Water and Air Balance               | \$ | 190,000   | 6320 |
| CAP-771 Elevator Griffin                    | \$ | 190,000   | 6321 |
| CAP-773 Emergency Generator                 | \$ | 26,500    | 6322 |
| CAP-774 Fire Alarm System                   | \$ | 595,000   | 6323 |
| Total Ohio Veterans' Home                   | \$ | 1,181,453 | 6324 |
| TOTAL Veterans' Home Improvement Fund       | \$ | 1,181,453 | 6325 |

**Section 15.** All items set forth in this section are hereby 6327  
appropriated out of any moneys in the state treasury to the credit 6328

of the Education Facilities Trust Fund (Fund N87) that are not 6329  
otherwise appropriated: 6330

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 6331  
CAP-780 Classroom Facilities Assistance Program \$ 13,395,208 6332  
CAP-784 Exceptional Needs Program \$ 4,138,923 6333  
Total School Facilities Commission \$ 17,534,131 6334  
TOTAL Education Facilities Trust Fund \$ 17,534,131 6335

CLASSROOM FACILITIES ASSISTANCE PROJECTS 6336

The amount reappropriated for the foregoing appropriation 6337  
item CAP-780, Classroom Facilities Assistance Program, is \$768,711 6338  
plus the sum of the unencumbered and unallotted balances as of 6339  
June 30, 2004, for appropriation item CAP-780, Classroom 6340  
Facilities Assistance Program. 6341

EXCEPTIONAL NEEDS PROGRAM 6342

The amount reappropriated for the foregoing appropriation 6343  
item CAP-784, Exceptional Needs Program, is \$761,146 plus the sum 6344  
of the unencumbered and unallotted balances as of June 30, 2004, 6345  
for appropriation item CAP-784, Exceptional Needs Program. 6346

**Section 16.** All items set forth in this section are hereby 6347  
appropriated out of any moneys in the state treasury to the credit 6348  
of the Clean Ohio Revitalization Fund (Fund 003) that are not 6349  
otherwise appropriated: 6350

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT 6351  
CAP-001 Clean Ohio Revitalization \$ 444,008 6352  
CAP-002 Clean Ohio Assistance \$ 16,564,467 6353  
Total Department of Development \$ 17,008,475 6354  
TOTAL Clean Ohio Revitalization Fund \$ 17,008,475 6355

**Section 17.** All items set forth in this section are hereby 6357

appropriated out of any moneys in the state treasury to the credit 6358  
of the Highway Safety Building Fund (Fund 025) that are not 6359  
otherwise appropriated: 6360

Reappropriations

|                                    |                                    |              |      |
|------------------------------------|------------------------------------|--------------|------|
| DHS DEPARTMENT OF PUBLIC SAFETY    |                                    |              | 6361 |
| CAP-047                            | Public Safety Office Building      | \$ 2,710,400 | 6362 |
| CAP-048                            | Statewide Communications System    | \$ 4,006,530 | 6363 |
| CAP-068                            | Alum Creek Warehouse Renovations   | \$ 1,441,969 | 6364 |
| CAP-069                            | Centre School Renovations          | \$ 20,219    | 6365 |
| CAP-070                            | Canton One-Stop Shop               | \$ 731,000   | 6366 |
| CAP-076                            | Investigative Unit MARCS Equipment | \$ 15,877    | 6367 |
| Total Department of Public Safety  |                                    |              | 6368 |
| TOTAL Highway Safety Building Fund |                                    |              | 6369 |

**Section 18.** All items set forth in Sections 18.01 to 18.16 of 6371  
this act are hereby appropriated out of any moneys in the state 6372  
treasury to the credit of the Administrative Building Fund (Fund 6373  
026) that are not otherwise appropriated: 6374

Reappropriations

|  |   |              |      |
|--|---|--------------|------|
| <b>Section 18.01. ADJ ADJUTANT GENERAL</b> |   |              | 6375 |
| CAP-032                                    | Upgrade Underground Storage Tanks             | \$ 46,078    | 6376 |
| CAP-034                                    | Asbestos Abatement - Various Facilities       | \$ 154,750   | 6377 |
| CAP-036                                    | Roof Replacement - Various Facilities         | \$ 892,145   | 6378 |
| CAP-038                                    | Electrical System - Various Facilities        | \$ 774,521   | 6379 |
| CAP-039                                    | Camp Perry Facility Improvements              | \$ 530,239   | 6380 |
| CAP-043                                    | Renovate/Expand Existing Eaton Facility       | \$ 800,498   | 6381 |
| CAP-044                                    | Replace Windows/Doors - Various<br>Facilities | \$ 878,911   | 6382 |
| CAP-045                                    | Plumbing Renovations - Various<br>Facilities  | \$ 345,503   | 6383 |
| CAP-046                                    | Paving Renovations - Various Facilities       | \$ 1,439,575 | 6384 |
| CAP-050                                    | HVAC Systems - Various Facilities             | \$ 607,319   | 6385 |

|                        |  |    |            |      |
|------------------------|--|----|------------|------|
| CAP-052                | Cincinnati Shadybrook Armory                 | \$ | 2,149,705  | 6386 |
| CAP-054                | Construct Camp Perry Administration Building | \$ | 6,540      | 6387 |
| CAP-055                | Hillsboro Armory Renovations                 | \$ | 478,974    | 6388 |
| CAP-056                | Masonry Renovations - Various Facilities     | \$ | 395,599    | 6389 |
| CAP-057                | Sewer Improvement - Rickenbacker             | \$ | 1,300      | 6390 |
| CAP-058                | Construct Cincinnati Armory                  | \$ | 283,775    | 6391 |
| CAP-059                | Construct Bowling Green Armory               | \$ | 357,411    | 6392 |
| CAP-060                | Facility Protection Measures                 | \$ | 590,061    | 6393 |
| CAP-061                | Repair/Renovate Waste Water System           | \$ | 200,000    | 6394 |
| CAP-062                | Construct Coshocton Armory                   | \$ | 950,600    | 6395 |
| CAP-064                | Bowling Green Armory Construction/Local      | \$ | 1,000,000  | 6396 |
| Total Adjutant General |  | \$ | 12,883,504 | 6397 |

NEW ARMORY CONSTRUCTION 6398

The foregoing appropriation item CAP-059, Construct Bowling Green Armory, shall be used to fund the state's share of the cost of building a basic armory in the Bowling Green area, including the cost of site acquisition, site preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

Reappropriations

**Section 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES** 6407

|         |                                     |    |            |      |
|---------|-------------------------------------|----|------------|------|
| CAP-773 | Governor's Residence Renovations    | \$ | 4,705      | 6408 |
| CAP-809 | Hazardous Substance Abatement       | \$ | 1,688,120  | 6409 |
| CAP-811 | Health/EPA Laboratory Facilities    | \$ | 20,840,003 | 6410 |
| CAP-813 | Heer Building Renovation            | \$ | 1,500,000  | 6411 |
| CAP-822 | Americans with Disabilities Act     | \$ | 1,535,675  | 6412 |
| CAP-826 | Office Services Building Renovation | \$ | 1,250,000  | 6413 |
| CAP-827 | Statewide Communications System     | \$ | 72,787,285 | 6414 |

|   |  |    |             |      |
|---|--|----|-------------|------|
| CAP-834                                     | Capital Improvements Tracking System                 | \$ | 407,600     | 6415 |
| CAP-835                                     | Energy Conservation Projects                         | \$ | 1,817,260   | 6416 |
| CAP-837                                     | Major Computer Purchases                             | \$ | 1,824,884   | 6417 |
| CAP-838                                     | SOCC Renovations                                     | \$ | 2,148,691   | 6418 |
| CAP-844                                     | Hamilton State/Local Government Center -<br>Planning | \$ | 57,500      | 6419 |
| CAP-848                                     | ODOT Building Boiler Replacement                     | \$ | 155,981     | 6420 |
| CAP-849                                     | Facility Planning and Development                    | \$ | 4,445,184   | 6421 |
| CAP-850                                     | Education Building Renovations                       | \$ | 308,482     | 6422 |
| CAP-852                                     | North High Building Complex Renovations              | \$ | 2,689,102   | 6423 |
| CAP-855                                     | Office Space Planning                                | \$ | 70,300      | 6424 |
| CAP-859                                     | eSecure Ohio   | \$ | 2,500,000   | 6425 |
| CAP-860                                     | Structured Cabling                                   | \$ | 397,155     | 6426 |
| CAP-864                                     | eGovernment Infrastructure                           | \$ | 1,047,000   | 6427 |
| CAP-865                                     | DAS Building Security                                | \$ | 78,100      | 6428 |
| CAP-867                                     | Lausche Building Connector                           | \$ | 963,200     | 6429 |
| Total Department of Administrative Services |  | \$ | 118,516,627 | 6430 |

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 6431

The foregoing appropriation item CAP-809, Hazardous Substance Abatement, shall be used to fund the removal of asbestos, PCB, radon gas, and other contamination hazards from state facilities. 6432  
6433  
6434

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and 6435  
6436  
6437  
6438  
6439  
6440  
6441  
6442  
6443  
6444  
6445

operating appropriations shall notify the Director of 6446  
Administrative Services of the nature and scope prior to 6447  
commencing the project. 6448

Only agencies that have received appropriations for capital 6449  
projects from the Administrative Building Fund (Fund 026) are 6450  
eligible to receive funding from this item. Public school 6451  
districts are not eligible. 6452

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 6453

The foregoing appropriation item CAP-822, Americans with 6454  
Disabilities Act, shall be used to renovate state-owned facilities 6455  
to provide access for physically disabled persons in accordance 6456  
with Title II of the Americans with Disabilities Act. 6457

Prior to the release of funds for renovation, state agencies 6458  
shall perform self-evaluations of state-owned facilities 6459  
identifying barriers to access to service. State agencies shall 6460  
prioritize access barriers and develop a transition plan for the 6461  
removal of these barriers. The Department of Administrative 6462  
Services shall review proposals from state agencies to use these 6463  
funds for Americans with Disabilities Act renovations. 6464

Only agencies that have received appropriations for capital 6465  
projects from Administrative Building Fund (Fund 026) are eligible 6466  
to receive funding from this item. Public school districts are not 6467  
eligible. 6468

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 6469

There is hereby continued a Multi-Agency Radio Communications 6470  
System (MARCS) Steering Committee consisting of the designees of 6471  
the Directors of Administrative Services, Public Safety, Natural 6472  
Resources, Transportation, Rehabilitation and Correction, and 6473  
Budget and Management. The Director of Administrative Services or 6474  
the director's designee shall chair the committee. The committee 6475  
shall provide assistance to the Director of Administrative 6476



Services for effective and efficient implementation of the MARCS 6477  
system as well as develop policies for the ongoing management of 6478  
the system. Upon dates prescribed by the Directors of 6479  
Administrative Services and Budget and Management, the MARCS 6480  
Steering Committee shall report to the directors on the progress 6481  
of MARCS implementation and the development of policies related to 6482  
the system. 6483

The foregoing appropriation item CAP-827, Statewide 6484  
Communications System, shall be used to purchase or construct the 6485  
components of MARCS that are not specific to any one agency. The 6486  
equipment may include, but is not limited to, multi-agency 6487  
equipment at the Emergency Operations Center/Joint Dispatch 6488  
Facility, computer and telecommunication equipment used for the 6489  
functioning and integration of the system, communications towers, 6490  
tower sites, tower equipment, and linkages among towers and 6491  
between towers and the State of Ohio Network for Integrated 6492  
Communication (SONIC) system. The Director of Administrative 6493  
Services shall, with the concurrence of the MARCS Steering 6494  
Committee, determine the specific use of funds. 6495

Spending from this appropriation item shall not be subject to 6496  
Chapters 123. and 153. of the Revised Code. 6497

**ENERGY CONSERVATION PROJECTS 6498**

The foregoing appropriation item CAP-835, Energy Conservation 6499  
Projects, shall be used to perform energy conservation 6500  
renovations, including the United States Environmental Protection 6501  
Agency's Energy Star Program, in state-owned facilities. Prior to 6502  
the release of funds for renovation, state agencies shall have 6503  
performed a comprehensive energy audit for each project. The 6504  
Department of Administrative Services shall review and approve 6505  
proposals from state agencies to use these funds for energy 6506  
conservation. Public school districts and state-supported and 6507  
state-assisted institutions of higher education are not eligible 6508

for funding from this item. 6509

Reappropriations

**Section 18.03. AGE DEPARTMENT OF AGING 6510**

|         |                              |    |        |      |
|---------|------------------------------|----|--------|------|
| CAP-001 | Renovate Martin Janis Center | \$ | 10,013 | 6511 |
|         | Total Department of Aging    | \$ | 10,013 | 6512 |

Reappropriations

**Section 18.04. AGR DEPARTMENT OF AGRICULTURE 6514**

|         |                                      |    |           |      |
|---------|--------------------------------------|----|-----------|------|
| CAP-025 | Building Renovations                 | \$ | 15,197    | 6515 |
| CAP-029 | Administration Building Renovation   | \$ | 203,950   | 6516 |
| CAP-033 | Site Electrical/Utility Improvement  | \$ | 117,341   | 6517 |
| CAP-037 | Consumer Lab/Weights/Measures Equip. | \$ | 20,254    | 6518 |
| CAP-043 | Building and Grounds Renovation      | \$ | 478,529   | 6519 |
| CAP-044 | Renovate Building 4                  | \$ | 176,366   | 6520 |
| CAP-048 | Alkaline Hydrolysis Equip & Addition | \$ | 658,336   | 6521 |
|         | Total Department of Agriculture      | \$ | 1,669,973 | 6522 |

Reappropriations

**Section 18.05. AGO ATTORNEY GENERAL 6524**

|         |                               |    |           |      |
|---------|-------------------------------|----|-----------|------|
| CAP-715 | Expand/Renovate Richfield Lab | \$ | 12,359    | 6525 |
| CAP-717 | HVAC Improvements OPOTA       | \$ | 1,775,829 | 6526 |
|         | Total Attorney General        | \$ | 1,788,188 | 6527 |

Reappropriations

**Section 18.06. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 6529**

|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-010 | Capitol Rotunda Renovations                    | \$ | 500,000   | 6530 |
| CAP-011 | Statehouse Security Improvements               | \$ | 34,316    | 6531 |
| CAP-014 | Statehouse Grounds Repair/Improvements         | \$ | 500,000   | 6532 |
|         | Total Capitol Square Review and Advisory Board | \$ | 1,034,316 | 6533 |

Reappropriations

**Section 18.07. COM DEPARTMENT OF COMMERCE 6535**

|                              |                                 |    |        |      |
|------------------------------|---------------------------------|----|--------|------|
| CAP-012                      | Fire Academy Architectural Plan | \$ | 26,500 | 6536 |
| Total Department of Commerce |                                 | \$ | 26,500 | 6537 |

Reappropriations

|  |  |    |           |      |
|--|--|----|-----------|------|
| <b>Section 18.08. EXP EXPOSITIONS COMMISSION</b> |  |    |           | 6539 |
| CAP-037  | Electric and Lighting Upgrade                      | \$ | 2,488,929 | 6540 |
| CAP-046  | Land Acquisition                                   | \$ | 866,662   | 6541 |
| CAP-051  | Roof Renovations                                   | \$ | 2,602     | 6542 |
| CAP-052  | Sewer Separation                                   | \$ | 1,536,578 | 6543 |
| CAP-053  | Multipurpose Agricultural Center                   | \$ | 2,671     | 6544 |
| CAP-056  | Building Renovations - 2                           | \$ | 1,009,813 | 6545 |
| CAP-057  | HVAC Planning                                      | \$ | 2,001     | 6546 |
| CAP-063  | Facility Improvements and Modernization<br>Plan    | \$ | 700,000   | 6547 |
| CAP-064  | Replacement of Water Lines                         | \$ | 16,209    | 6548 |
| CAP-066  | Stairtower Replacement                             | \$ | 1,427     | 6549 |
| CAP-068  | Masonry Renovations                                | \$ | 131,334   | 6550 |
| CAP-069  | Restroom Renovations                               | \$ | 502,060   | 6551 |
| CAP-072  | Emergency Renovations and Equipment<br>Replacement | \$ | 501,578   | 6552 |
| Total Expositions Commission                     |  | \$ | 7,761,864 | 6553 |

Reappropriations

|  |                                |    |         |      |
|--|--------------------------------|----|---------|------|
| <b>Section 18.09. DEPARTMENT OF HEALTH</b> |                                |    |         | 6555 |
| CAP-003                                    | Building Renovation & Telecomm | \$ | 800,000 | 6556 |
| Total Department of Health                 |                                | \$ | 800,000 | 6557 |

Reappropriations

|   |                                  |    |           |      |
|---|----------------------------------|----|-----------|------|
| <b>Section 18.10. JSC JUDICIARY/SUPREME COURT</b> |                                  |    |           | 6559 |
| CAP-001   | Ohio Courts Building Renovations | \$ | 1,381,580 | 6560 |
| Total Judiciary/Supreme Court                     |                                  | \$ | 1,381,580 | 6561 |

|                                       |  |  |  |      |
|---------------------------------------|--|--|--|------|
| EXEMPT FROM PER CENT FOR ARTS PROGRAM |  |  |  | 6562 |
|---------------------------------------|--|--|--|------|

|   |  |  |  |      |
|---|--|--|--|------|
| The foregoing appropriation item CAP-001, Ohio Courts |  |  |  | 6563 |
|---|--|--|--|------|

Building Renovations, is exempt from section 3379.10 of the Revised Code, the Per Cent for Arts Program. 6564  
 6565

OHIO COURTS BUILDING 6566

The amount reappropriated for the foregoing appropriation item CAP-001, Ohio Courts Building Renovations, shall be the sum of the unencumbered and unallotted balances as of June 30, 2004, in appropriation item CAP-001, Ohio Courts Building Renovations, plus the amount refunded to the Judiciary/Supreme Court for deposit into the Administrative Building Fund (Fund 026) in accordance with Section 92 of Am. Sub. H.B. 850 of the 122nd General Assembly. This amount shall be certified to the Director of Budget and Management. 6567  
 6568  
 6569  
 6570  
 6571  
 6572  
 6573  
 6574  
 6575

Reappropriations

**Section 18.11. DNR DEPARTMENT OF NATURAL RESOURCES** 6576

|                                       |  |    |           |      |
|---------------------------------------|--|----|-----------|------|
| CAP-741                               | DNR Communications System                                  | \$ | 51,894    | 6577 |
| CAP-742                               | Fountain Square Building and Telephone System Improvements | \$ | 1,003,878 | 6578 |
| CAP-744                               | Multi-Agency Radio Communications Equipment                | \$ | 3,062,468 | 6579 |
| CAP-867                               | Reclamation Facility Renovation and Development            | \$ | 225,000   | 6580 |
| CAP-928                               | Handicapped Accessibility                                  | \$ | 39,654    | 6581 |
| CAP-934                               | District Office Renovations and Development                | \$ | 868,025   | 6582 |
| Total Department of Natural Resources |  | \$ | 5,250,919 | 6583 |

Reappropriations

**Section 18.12. DHS DEPARTMENT OF PUBLIC SAFETY** 6585

|         |  |    |         |      |
|---------|--|----|---------|------|
| CAP-053 | Construct EMA/EOC and Office Building    | \$ | 6,605   | 6586 |
| CAP-054 | Multi-Agency Radio Communications System | \$ | 658,151 | 6587 |
| CAP-056 | Emergency Operations Center Equipment    | \$ | 1,502   | 6588 |

|                                   |  |    |           |      |
|-----------------------------------|--|----|-----------|------|
| CAP-067                           | VHF Radio System Improvements                | \$ | 306,102   | 6589 |
| CAP-078                           | Upgrade/Replacement - State EOC<br>Equipment | \$ | 810,000   | 6590 |
| Total Department of Public Safety |  | \$ | 1,782,360 | 6591 |

Reappropriations

|  |  |    |           |      |
|--|--|----|-----------|------|
| <b>Section 18.13. OSB SCHOOL FOR THE BLIND</b> |  |    |           | 6593 |
| CAP-745  | Roof Improvements on the School and<br>Cottage | \$ | 295,657   | 6594 |
| CAP-751  | Upgrade Fire Alarm System                      | \$ | 73,878    | 6595 |
| CAP-757  | Bathroom Handicapped Accessibility             | \$ | 20,956    | 6596 |
| CAP-764  | Electric System Improvements                   | \$ | 44,000    | 6597 |
| CAP-772  | Boiler Replacement                             | \$ | 449,220   | 6598 |
| CAP-773  | School Residential Hot Water                   | \$ | 605,000   | 6599 |
| CAP-780  | Residential Renovations                        | \$ | 17,580    | 6600 |
| Total Ohio School for the Blind                |  | \$ | 1,506,291 | 6601 |

ROOF IMPROVEMENT SCHOOL AND COTTAGE 6602

The amount reappropriated for appropriation item CAP-745, 6603  
 Roof Improvements on the School and Cottage, is \$49,011 plus the 6604  
 unencumbered and unallotted balances as of June 30, 2004, in 6605  
 appropriation item CAP-745, Roof Improvements on the School and 6606  
 Cottage. 6607

RESIDENTIAL RENOVATIONS 6608

The amount reappropriated for appropriation item CAP-780, 6609  
 Residential Renovations is \$10,537 plus the unencumbered and 6610  
 unallotted balances as of June 30, 2004 in appropriation items 6611  
 CAP-780 Residential Renovations and CAP-752 Equipment Storage 6612  
 Building. 6613

Reappropriations

|   |                  |    |           |      |
|---|------------------|----|-----------|------|
| <b>Section 18.14. OSD SCHOOL FOR THE DEAF</b> |                  |    |           | 6614 |
| CAP-767                                       | Roof Renovations | \$ | 1,046,802 | 6615 |

|                                |  |    |           |      |
|--------------------------------|--|----|-----------|------|
| CAP-774                        | Student Health Services Electrical Upgrade | \$ | 111,000   | 6616 |
| CAP-775                        | Staff Building Heat & Electrical Upgrade   | \$ | 631,433   | 6617 |
| CAP-776                        | Dormitory Renovations                      | \$ | 443,375   | 6618 |
| Total Ohio School for the Deaf |  | \$ | 2,232,610 | 6619 |

DORMITORY RENOVATIONS 6620

The amount reappropriated for the foregoing appropriation 6621  
item CAP-776, Dormitory Renovations, is \$23,225 plus the 6622  
unencumbered and unallotted balances as of June 30, 2004, in 6623  
appropriation items CAP-776, Dormitory Renovations, and CAP-785, 6624  
Site Improvements. 6625

Reappropriations

**Section 18.15. OVH OHIO VETERANS' HOME** 6626

|                           |                     |    |         |      |
|---------------------------|---------------------|----|---------|------|
| CAP-775                   | Emergency Generator | \$ | 600,000 | 6627 |
| Total Ohio Veterans' Home |                     | \$ | 600,000 | 6628 |

**Section 18.16. SOS SECRETARY OF STATE** 6630

|                                    |                 |    |             |      |
|------------------------------------|-----------------|----|-------------|------|
| CAP-002                            | Voting Machines | \$ | 5,800,000   | 6631 |
| Total Secretary of State           |                 | \$ | 5,800,000   | 6632 |
| TOTAL Administrative Building Fund |                 | \$ | 163,084,591 | 6633 |

VOTING MACHINES 6634

The foregoing appropriation item CAP-002, Voting Machines, 6635  
shall be used to purchase upgraded voting equipment. Appropriation 6636  
item CAP-002, Voting Machines, shall match federal funds provided 6637  
through the Help America Vote Act of 2002. 6638

**Section 19.** All items set forth in this section are hereby 6639  
appropriated out of any moneys in the state treasury to the credit 6640  
of the Adult Correctional Building Fund (Fund 027) that are not 6641  
otherwise appropriated: 6642

Reappropriations

|         |   |               |      |
|---------|---|---------------|------|
|         | DRC DEPARTMENT OF REHABILITATION AND CORRECTION         |               | 6643 |
|         | STATEWIDE AND CENTRAL OFFICE PROJECTS                   |               | 6644 |
| CAP-002 | Local Jails   | \$ 24,107,550 | 6645 |
| CAP-003 | Community-Based Correctional Facilities                 | \$ 16,839,357 | 6646 |
| CAP-004 | Site Renovations  | \$ 1,385,239  | 6647 |
| CAP-007 | Asbestos Removal  | \$ 1,093,777  | 6648 |
| CAP-008 | Powerhouse/Utility Improvements                         | \$ 2,964,941  | 6649 |
| CAP-009 | Water System/Plant Improvements                         | \$ 7,472,549  | 6650 |
| CAP-010 | Industrial Equipment - Statewide                        | \$ 842,907    | 6651 |
| CAP-011 | Roof/Window Renovations - Statewide                     | \$ 979,430    | 6652 |
| CAP-012 | Shower/Restroom Improvements                            | \$ 1,506,660  | 6653 |
| CAP-015 | Underground Storage Tanks Improvements                  | \$ 37,789     | 6654 |
| CAP-017 | Security Improvements - Statewide                       | \$ 3,885,429  | 6655 |
| CAP-026 | Waste Water Treatment Facilities                        | \$ 49,437     | 6656 |
| CAP-028 | Power House Improvements                                | \$ 55,661     | 6657 |
| CAP-041 | Community Residential Program                           | \$ 5,693,543  | 6658 |
| CAP-043 | Design/Construct/Parole Detention<br>Centers            | \$ 149,288    | 6659 |
| CAP-044 | Lightening Protection Plan                              | \$ 1,504      | 6660 |
| CAP-087 | Correctional Camp                                       | \$ 8,079      | 6661 |
| CAP-105 | Special Counsel - Coit Road                             | \$ 77,417     | 6662 |
| CAP-109 | Statewide Fire Alarm Systems                            | \$ 179,647    | 6663 |
| CAP-111 | General Building Renovations                            | \$ 12,795,525 | 6664 |
| CAP-129 | Water Treatment Plants - Statewide                      | \$ 651,500    | 6665 |
| CAP-140 | Boot Camp/Substance Abuse Offenders                     | \$ 336,709    | 6666 |
| CAP-141 | Multi-Agency Radio System Equipment                     | \$ 2,550,651  | 6667 |
| CAP-142 | Various Facility Medical Services                       | \$ 837,716    | 6668 |
| CAP-143 | Perimeter Security, Lighting, Alarms,<br>and Sallyports | \$ 2,243,962  | 6669 |
| CAP-186 | Close Custody Prison and Camp                           | \$ 5,000,000  | 6670 |
| CAP-187 | Mandown Alert Communication System -<br>Statewide       | \$ 5,382,422  | 6671 |
| CAP-188 | Manufacturing/Storage Building Additions                | \$ 159,300    | 6672 |

|         |   |                |      |
|---------|---|----------------|------|
|         | - Statewide   |                |      |
| CAP-189 | Tuck-pointing - Statewide   | \$ 124,847     | 6673 |
| CAP-238 | Electrical Systems Upgrades                                       | \$ 175,025     | 6674 |
| CAP-239 | Emergency Projects  | \$ 2,014,537   | 6675 |
| CAP-240 | State Match for Federal Prison                                    | \$ 1,787,819   | 6676 |
|         | Construction Funds  |                |      |
| CAP-302 | OPI Shops Renovation - Statewide                                  | \$ 75,000      | 6677 |
|         | Total Statewide and Central Office Projects                       | \$ 101,465,217 | 6678 |
|         | GENERAL BUILDING RENOVATIONS                                      |                | 6679 |
|         | The amount reappropriated for the foregoing appropriation         |                | 6680 |
|         | item CAP-111, General Building Renovations, is the unencumbered   |                | 6681 |
|         | and unallotted balance as of June 30, 2004, in appropriation item |                | 6682 |
|         | CAP-111, General Building Renovations, plus \$1,170,818.          |                | 6683 |
|         | ALLEN CORRECTIONAL INSTITUTION                                    |                | 6684 |
| CAP-304 | Lift Station By-pass - ACI  | \$ 189,546     | 6685 |
|         | Total Allen Correctional Institution                              | \$ 189,546     | 6686 |
|         | BELMONT CORRECTIONAL INSTITUTION                                  |                | 6687 |
| CAP-094 | Belmont Correctional Institution                                  | \$ 223,493     | 6688 |
| CAP-241 | Inmate Health Services Renovations -                              | \$ 2,389,974   | 6689 |
|         | BECI  |                |      |
|         | Total Belmont Correctional Institution                            | \$ 2,613,468   | 6690 |
|         | CHILLICOTHE CORRECTIONAL INSTITUTION                              |                | 6691 |
| CAP-045 | Perimeter Fence Replacement                                       | \$ 31,423      | 6692 |
| CAP-046 | Showers/Restroom Renovations                                      | \$ 66,527      | 6693 |
| CAP-048 | Control Room Security Improvements                                | \$ 3,270       | 6694 |
| CAP-113 | Fire Alarm, Egress System Improvements                            | \$ 106,733     | 6695 |
| CAP-114 | Emergency Lighting Renovations                                    | \$ 94,574      | 6696 |
| CAP-115 | Roof Renovations  | \$ 141,311     | 6697 |
| CAP-145 | Plumbing Renovations  | \$ 216         | 6698 |
| CAP-146 | Renovate Food Service Area - CCI                                  | \$ 199,900     | 6699 |
| CAP-177 | Convert Warehouse to Dormitory                                    | \$ 596         | 6700 |
| CAP-190 | Utility Improvements  | \$ 125,700     | 6701 |



|  |                                       |    |           |      |
|--|---------------------------------------|----|-----------|------|
| CAP-191                                    | Life & Fire Safety Improvements - CCI | \$ | 171,749   | 6702 |
| CAP-192                                    | Hot Water System Improvements - CCI   | \$ | 11,711    | 6703 |
| CAP-254                                    | Boiler House Renovations              | \$ | 1,182,550 | 6704 |
| CAP-255                                    | Replace Windows and Doors             | \$ | 591,125   | 6705 |
| CAP-257                                    | Emergency Generator Improvements      | \$ | 392,174   | 6706 |
| CAP-258                                    | Sewer Upgrades                        | \$ | 287,002   | 6707 |
| CAP-314                                    | Emergency Tunnel Repair               | \$ | 95,553    | 6708 |
| Total Chillicothe Correctional Institution |                                       | \$ | 3,502,116 | 6709 |
| CORRECTIONAL RECEPTION CENTER              |                                       |    |           | 6710 |
| CAP-320                                    | Fire Alarm - CRC                      | \$ | 268,280   | 6711 |
| Total Correctional Reception Center        |                                       | \$ | 268,280   | 6712 |
| CORRECTIONS MEDICAL CENTER                 |                                       |    |           | 6713 |
| CAP-318                                    | Fire Alarm - CMC                      | \$ | 129,045   | 6714 |
| Total Corrections Medical Center           |                                       | \$ | 129,045   | 6715 |
| CORRECTIONS TRAINING ACADEMY               |                                       |    |           | 6716 |
| CAP-148                                    | Roof Replacement                      | \$ | 21,110    | 6717 |
| CAP-149                                    | New Classroom Building                | \$ | 816,962   | 6718 |
| CAP-193                                    | AT Building Roof Replacement          | \$ | 141,132   | 6719 |
| CAP-194                                    | Construct Conference Center           | \$ | 12,314    | 6720 |
| Total Corrections Training Academy         |                                       | \$ | 991,518   | 6721 |
| DAYTON CORRECTIONAL INSTITUTION            |                                       |    |           | 6722 |
| CAP-195                                    | Hot Water System Improvements - DCI   | \$ | 400,000   | 6723 |
| CAP-242                                    | Shower Renovations - DCI              | \$ | 224,725   | 6724 |
| CAP-319                                    | Roof Renovations - DCI                | \$ | 145,975   | 6725 |
| Total Dayton Correctional Institution      |                                       | \$ | 770,700   | 6726 |
| FRANKLIN PRE-RELEASE CENTER                |                                       |    |           | 6727 |
| CAP-316                                    | Roof Renovation - FPRC                | \$ | 41,672    | 6728 |
| Total Franklin Pre-Release Center          |                                       | \$ | 41,672    | 6729 |
| GRAFTON CORRECTIONAL INSTITUTION           |                                       |    |           | 6730 |
| CAP-196                                    | Camp Egress System Improvements - GCI | \$ | 420,856   | 6731 |
| Total Grafton Correctional Institution     |                                       | \$ | 420,856   | 6732 |
| HOCKING CORRECTIONAL FACILITY              |                                       |    |           | 6733 |
| CAP-053                                    | General Building Renovations          | \$ | 3,414     | 6734 |

|  |  |    |           |      |
|--|--|----|-----------|------|
| CAP-054                                  | Water Tower Improvements                     | \$ | 3,000     | 6735 |
| CAP-306                                  | Parking Lot Improvements - HCF               | \$ | 67,360    | 6736 |
| Total Hocking Correctional Facility      |  | \$ | 73,774    | 6737 |
| LAKE ERIE CORRECTIONAL INSTITUTION       |  |    |           | 6738 |
| CAP-144                                  | Medium/Minimum Security Privatized<br>Prison | \$ | 142,435   | 6739 |
| Total Lake Erie Correctional Institution |  | \$ | 142,435   | 6740 |
| LEBANON CORRECTIONAL INSTITUTION         |  |    |           | 6741 |
| CAP-055                                  | Institution Roof Replacement                 | \$ | 39,500    | 6742 |
| CAP-056                                  | Kitchen Renovations                          | \$ | 6,641     | 6743 |
| CAP-057                                  | Shower Pan/Drain Renovations                 | \$ | 7,289     | 6744 |
| CAP-118                                  | Water Tower Renovations                      | \$ | 25,878    | 6745 |
| CAP-119                                  | Masonry Improvements - LECI                  | \$ | 308,074   | 6746 |
| CAP-197                                  | Cell Door Lock Replacement - LECI            | \$ | 321,100   | 6747 |
| CAP-198                                  | Water Treatment Plant - LECI                 | \$ | 1,329,823 | 6748 |
| CAP-282                                  | Emergency Electrical Upgrade - LECI          | \$ | 28,614    | 6749 |
| CAP-285                                  | Bar Screen Replacement                       | \$ | 147,713   | 6750 |
| CAP-300                                  | Water Softener Replacement                   | \$ | 225,008   | 6751 |
| Total Lebanon Correctional Institution   |  | \$ | 2,439,640 | 6752 |
| LONDON CORRECTIONAL INSTITUTION          |  |    |           | 6753 |
| CAP-059                                  | Convert Brush Factory to Dormitory           | \$ | 809       | 6754 |
| CAP-122                                  | Master Plan Building/Renovations             | \$ | 872,355   | 6755 |
| CAP-157                                  | London Camp Renovation Project               | \$ | 14,955    | 6756 |
| CAP-201                                  | Water Treatment Plant Addition               | \$ | 62,670    | 6757 |
| CAP-245                                  | Bridge Replacement - LOCI                    | \$ | 3,424     | 6758 |
| CAP-261                                  | Roof Replacement                             | \$ | 687,506   | 6759 |
| CAP-283                                  | Gas Boiler Installation - LOCI               | \$ | 45,144    | 6760 |
| CAP-308                                  | Electric Upgrades - LOCI                     | \$ | 250,000   | 6761 |
| CAP-309                                  | Building Demolition - LOCI                   | \$ | 500       | 6762 |
| Total London Correctional Institution    |  | \$ | 1,937,363 | 6763 |
| LORAIN CORRECTIONAL INSTITUTION          |  |    |           | 6764 |
| CAP-303                                  | Auger Replacement - LLORCL                   | \$ | 500       | 6765 |
| Total Lorain Correctional Institution    |  | \$ | 500       | 6766 |

|         |   |              |      |
|---------|---|--------------|------|
|         | MADISON CORRECTIONAL INSTITUTION                  |              | 6767 |
| CAP-176 | Madison Classroom Renovation                      | \$ 15,600    | 6768 |
| CAP-263 | Upgrade Emergency Electrical Service              | \$ 541,036   | 6769 |
| CAP-264 | Sewage Station Upgrade                            | \$ 13,285    | 6770 |
| CAP-286 | Juvenile Unit Remodeling - Madison                | \$ 2,177     | 6771 |
| CAP-288 | Water Softener System - Madison                   | \$ 40,372    | 6772 |
| CAP-315 | Roof Replacement - MACL                           | \$ 206,750   | 6773 |
|         | Total Madison Correctional Institution            | \$ 819,220   | 6774 |
|         | MANSFIELD CORRECTIONAL INSTITUTION                |              | 6775 |
| CAP-088 | Mansfield Correctional Camp                       | \$ 5,761     | 6776 |
| CAP-123 | Smoke Removal/Sprinkler System<br>Improvements    | \$ 4,330     | 6777 |
| CAP-159 | Power Pole Replacement                            | \$ 16,800    | 6778 |
| CAP-305 | Site Improvements - MNCI                          | \$ 314,375   | 6779 |
| CAP-307 | Network Wiring - MNCI                             | \$ 886,675   | 6780 |
|         | Total Mansfield Correctional Institution          | \$ 1,227,941 | 6781 |
|         | MARION CORRECTIONAL INSTITUTION                   |              | 6782 |
| CAP-033 | Telephone System                                  | \$ 2,957     | 6783 |
| CAP-065 | Sewage Lift Station Renovations                   | \$ 8,863     | 6784 |
| CAP-067 | Roof Replacement                                  | \$ 22,725    | 6785 |
| CAP-124 | Fire Sprinkler System Improvements                | \$ 130,344   | 6786 |
| CAP-172 | Marion Camp Shower Renovation                     | \$ 1,313     | 6787 |
| CAP-207 | HVAC Improvements - Administration<br>Building    | \$ 31,185    | 6788 |
| CAP-208 | Hot Water Tank Replacement                        | \$ 953,766   | 6789 |
| CAP-246 | Exterior Window Replacement - MCI                 | \$ 254,880   | 6790 |
| CAP-247 | Plumbing Upgrades - MCI                           | \$ 193,142   | 6791 |
| CAP-294 | Asphalt Paving - MCI                              | \$ 7,380     | 6792 |
| CAP-295 | Sanitary Manhole Sewer - MCI                      | \$ 112,234   | 6793 |
|         | Total Marion Correctional Institution             | \$ 1,718,789 | 6794 |
|         | NORTH COAST CORRECTIONAL TREATMENT FACILITY       |              | 6795 |
| CAP-001 | New Prison Construction                           | \$ 73,163    | 6796 |
|         | Total North Coast Correctional Treatment Facility | \$ 73,163    | 6797 |

|         |   |               |      |
|---------|---|---------------|------|
|         | NORTHEAST PRE-RELEASE CENTER                        |               | 6798 |
| CAP-209 | Security Improvements - NEPRC                       | \$ 117,462    | 6799 |
|         | Total Northeast Pre-Release Center                  | \$ 117,462    | 6800 |
|         | OAKWOOD CORRECTIONAL FACILITY                       |               | 6801 |
| CAP-162 | Renovate East Wing Plumbing                         | \$ 21,969     | 6802 |
| CAP-163 | Install Positive Latching Devices                   | \$ 74,977     | 6803 |
|         | Total Oakwood Correctional Facility                 | \$ 96,945     | 6804 |
|         | OHIO REFORMATORY FOR WOMEN                          |               | 6805 |
| CAP-040 | Dormitory Housing - ORW                             | \$ 6,452      | 6806 |
| CAP-074 | Fire Alarm System Improvements                      | \$ 5,798      | 6807 |
| CAP-125 | Replacement Dormitory                               | \$ 11,669     | 6808 |
| CAP-165 | Master Plan Building/Renovations - ORW              | \$ 262,305    | 6809 |
| CAP-210 | Replacement Dormitory - ORW                         | \$ 772,090    | 6810 |
| CAP-211 | Renovate J.G. Cottage                               | \$ 8,880      | 6811 |
| CAP-212 | Powerhouse Renovation & Replumbing                  | \$ 1,250,000  | 6812 |
| CAP-216 | Elevator Renovation                                 | \$ 26,109     | 6813 |
| CAP-217 | Perimeter Lighting Improvements                     | \$ 53,566     | 6814 |
| CAP-218 | Rewire Harmon Building                              | \$ 329,389    | 6815 |
| CAP-219 | Fire Alarm System Improvements                      | \$ 112,955    | 6816 |
| CAP-266 | Construct New Medical and Food Services<br>Building | \$ 7,375,019  | 6817 |
| CAP-267 | Renovate ARN Dorms                                  | \$ 449,843    | 6818 |
| CAP-268 | Emergency Generator Improvements                    | \$ 1,395,085  | 6819 |
| CAP-289 | Perimeter Sec Fence                                 | \$ 639,406    | 6820 |
| CAP-296 | Domestic Waterline Renovation                       | \$ 51,491     | 6821 |
| CAP-301 | 500 Car Parking/Road Design - ORW                   | \$ 24,080     | 6822 |
| CAP-317 | Sanitary/Storm Sewer System Renovation -<br>ORW     | \$ 332,050    | 6823 |
|         | Total Ohio Reformatory for Women                    | \$ 13,106,187 | 6824 |
|         | OHIO STATE PENITENTIARY                             |               | 6825 |
| CAP-110 | Construct Maximum Security Facility                 | \$ 124,679    | 6826 |
| CAP-291 | New Exterior Recreation Units                       | \$ 4,125,659  | 6827 |
|         | Total Ohio State Penitentiary                       | \$ 4,250,337  | 6828 |

|         |   |               |      |
|---------|---|---------------|------|
|         | PICKAWAY CORRECTIONAL INSTITUTION                 |               | 6829 |
| CAP-062 | Meat Processing Operation                         | \$ 199,883    | 6830 |
| CAP-076 | Laundry/Maintenance Shop/Farms Roof<br>Renovation | \$ 726        | 6831 |
| CAP-077 | Shower Renovations                                | \$ 15,349     | 6832 |
| CAP-222 | Sludge Removal System Improvements                | \$ 897,118    | 6833 |
| CAP-223 | Replacement of Unit A Dorm                        | \$ 517,387    | 6834 |
| CAP-225 | Water System Improvements                         | \$ 85,876     | 6835 |
| CAP-226 | Milk Processing Plant                             | \$ 31,912     | 6836 |
| CAP-227 | Roof Improvements                                 | \$ 393,306    | 6837 |
| CAP-228 | Power House Improvements                          | \$ 10,545     | 6838 |
| CAP-248 | Replacement of Perimeter Fence - PCI              | \$ 152,495    | 6839 |
| CAP-252 | Construct Meat Processing Plant                   | \$ 823,588    | 6840 |
| CAP-269 | Utility Tunnels Improvement                       | \$ 382,729    | 6841 |
| CAP-274 | Replacement of Segregation Housing                | \$ 4,806,750  | 6842 |
| CAP-292 | Tunnel Renovation/Orient Complex                  | \$ 30,139     | 6843 |
| CAP-297 | Steam Waterline Replacement - PCI                 | \$ 820,996    | 6844 |
| CAP-310 | OPI Warehouse Addition - PCI                      | \$ 1,537,241  | 6845 |
| CAP-312 | Waste Water Treatment Plant                       | \$ 7,583,125  | 6846 |
|         | Total Pickaway Correctional Institution           | \$ 18,289,165 | 6847 |
|         | RICHLAND CORRECTIONAL INSTITUTION                 |               | 6848 |
| CAP-251 | Construct Retaining Wall - RICI                   | \$ 61,474     | 6849 |
| CAP-293 | Asphalt Parking - RICI                            | \$ 9,161      | 6850 |
|         | Total Richland Correctional Institution           | \$ 70,634     | 6851 |
|         | ROSS CORRECTIONAL INSTITUTION                     |               | 6852 |
| CAP-147 | Waste Water Treatment Plant                       | \$ 6,120      | 6853 |
| CAP-229 | Waste Water Treatment Plant - RCI                 | \$ 6,849,581  | 6854 |
| CAP-276 | Rubberized Roof Replacement                       | \$ 200,104    | 6855 |
| CAP-311 | Water Tower Renovation - RCI                      | \$ 175,000    | 6856 |
|         | Total Ross Correctional Institution               | \$ 7,230,805  | 6857 |
|         | SOUTHEASTERN CORRECTIONAL INSTITUTION             |               | 6858 |
| CAP-133 | Construct New Dining Hall                         | \$ 8,822      | 6859 |
| CAP-134 | Wastewater Treatment Storage Addition             | \$ 579,365    | 6860 |

|   |   |    |             |      |
|---|---|----|-------------|------|
| CAP-167   | Master Plan Building/Renovations - SCI              | \$ | 186,643     | 6861 |
| CAP-183   | Two Story Dorm - SCI                                | \$ | 92,327      | 6862 |
| CAP-234   | High Voltage Electrical System                      | \$ | 2,702,624   | 6863 |
| CAP-235   | Construct Warehouse & Utility Buildings             | \$ | 1,315,406   | 6864 |
| CAP-236   | Construct Dining Hall - SCI                         | \$ | 682,650     | 6865 |
| CAP-237   | Power Plant Improvements                            | \$ | 39,341      | 6866 |
| CAP-277   | Powerhouse Boiler Improvements                      | \$ | 397,147     | 6867 |
| CAP-313   | Perimeter Fence Upgrade - SCI                       | \$ | 1,375,977   | 6868 |
| Total Southeastern Correctional Institution       |   | \$ | 7,380,300   | 6869 |
| SOUTHERN OHIO CORRECTIONAL FACILITY               |   |    |             | 6870 |
| CAP-034   | Southern Ohio Telephone System                      | \$ | 9,943       | 6871 |
| CAP-135   | SOCF Renovation and Improvements                    | \$ | 148,445     | 6872 |
| CAP-136   | Waste Water Treatment Plant Improvements            | \$ | 30,120      | 6873 |
| CAP-230   | Waste Water Treatment Plant                         | \$ | 3,410,347   | 6874 |
| CAP-231   | Gas Boiler Installation                             | \$ | 1,034,815   | 6875 |
| CAP-279   | Powerhouse Domestic Hot Water<br>Replacement        | \$ | 198,534     | 6876 |
| CAP-287   | Roof Renovations B Wing - SOCF                      | \$ | 18,494      | 6877 |
| CAP-322   | Water Tower Renovations - SOCF                      | \$ | 75,000      | 6878 |
| Total Southern Ohio Correctional Facility         |   | \$ | 4,925,698   | 6879 |
| TOLEDO CORRECTIONAL INSTITUTION                   |   |    |             | 6880 |
| CAP-161   | 1000-Bed Close Security Prison                      | \$ | 1,118,383   | 6881 |
| Total Toledo Correctional Institution             |   | \$ | 1,118,383   | 6882 |
| TRUMBULL CORRECTIONAL INSTITUTION                 |   |    |             | 6883 |
| CAP-280   | Door Control Switch Renovation                      | \$ | 141,799     | 6884 |
| CAP-281   | Construct Psychiatric Residential<br>Treatment Unit | \$ | 558,508     | 6885 |
| Total Trumbull Correctional Institution           |   | \$ | 700,306     | 6886 |
| WARREN CORRECTIONAL INSTITUTION                   |   |    |             | 6887 |
| CAP-284   | Compound Lighting Upgrade                           | \$ | 57,807      | 6888 |
| CAP-290   | Security Upgrades                                   | \$ | 234,323     | 6889 |
| Total Warren Correctional Institution             |   | \$ | 292,131     | 6890 |
| TOTAL Department of Rehabilitation and Correction |   | \$ | 174,827,327 | 6891 |

TOTAL Adult Correctional Building Fund \$ 176,403,594 6892

**Section 19.01. LOCAL JAILS** 6894

From the foregoing appropriation item, CAP-002, Local Jails, 6895  
the Department of Rehabilitation and Correction shall designate 6896  
the projects involving the construction and renovation of county, 6897  
multicounty, municipal-county, and multicounty-municipal jail 6898  
facilities and workhouses, including correctional centers 6899  
authorized under sections 153.61 and 307.93 of the Revised Code, 6900  
for which the Ohio Building Authority is authorized to issue 6901  
obligations. Notwithstanding any provisions to the contrary in 6902  
Chapter 152. or 153. of the Revised Code, the Department of 6903  
Rehabilitation and Correction may coordinate, review, and monitor 6904  
the drawdown and use of funds for the renovation or construction 6905  
of projects for which designated funds are provided. 6906

The funding authorized under this section shall not be 6907  
applied to any such facilities that are not designated by the 6908  
Department of Rehabilitation and Correction. The amount of funding 6909  
authorized under this section that may be applied to a project 6910  
designated for initial funding after July 1, 2000, involving the 6911  
construction or renovation of a county, multicounty, 6912  
municipal-county, and multicounty-municipal jail facilities and 6913  
workhouses, including correctional centers authorized under 6914  
sections 153.61 and 307.93 of the Revised Code, shall not exceed 6915  
\$35,000 per bed of the total allowable cost of the project in the 6916  
case of construction of county and municipal-county jail 6917  
facilities, workhouses, and correctional centers, or multicounty 6918  
or multicounty-municipal jail facilities, workhouses, and 6919  
correctional centers and shall not exceed 30 per cent of the total 6920  
allowable cost of the project in the case of renovation of county, 6921  
multicounty, municipal-county, and multicounty-municipal jail 6922  
facilities, workhouses, and correctional centers. If a political 6923

subdivision is in the planning phase of constructing a multicounty 6924  
or multicounty-municipal jail facility, workhouse, or correctional 6925  
center on or before the effective date of this section, the 6926  
Department of Rehabilitation and Correction shall fund that 6927  
facility at \$42,000 per bed. Multicounty or multicounty-municipal 6928  
jail facility construction projects initiated after the effective 6929  
date of this section may be considered for, but are not entitled 6930  
to be awarded, funding at \$42,000 per bed. The higher per bed 6931  
award is at the discretion of the Department of Rehabilitation and 6932  
Correction and is contingent upon available funds, the impact of 6933  
the project, and inclusion of at least three counties in the 6934  
project. 6935

The cost-per-bed funding authorized under this section that 6936  
may be applied to a construction project shall not exceed the 6937  
actual cost-per-bed of the project. The 30 per cent funding 6938  
authorized under this section that may be applied to a renovation 6939  
project shall not exceed \$35,000 per bed of the total allowable 6940  
cost of the project. 6941

The funding authorized under this section shall not be 6942  
applied to any project involving the construction of a county, 6943  
multicounty, municipal-county, or multicounty-municipal jail 6944  
facility or workhouse, including a correctional center established 6945  
under sections 153.61 and 307.93 of the Revised Code, unless the 6946  
facility, workhouse, or correctional center will be built in 6947  
compliance with "The Minimum Standards for Jails in Ohio" and the 6948  
plans have been approved under section 5120.10 of the Revised 6949  
Code. In addition, the funding authorized under this section shall 6950  
not be applied to any project involving the renovation of a 6951  
county, multicounty, municipal-county, or multicounty-municipal 6952  
jail facility or workhouse, including a correctional center 6953  
established under sections 153.61 and 307.93 of the Revised Code, 6954  
unless the renovation is for the purpose of bringing the facility, 6955



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** 6959

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** 6967

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 for community supervision by the Department of Rehabilitation and Correction.

**Section 20.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Juvenile Correctional Building Fund (Fund 028) that are not otherwise appropriated:

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES 6979

|         |                                     |    |           |      |
|---------|-------------------------------------|----|-----------|------|
| CAP-004 | Cuyahoga Juvenile Court Detention   | \$ | 5,459,404 | 6980 |
| CAP-801 | Fire Suppression/Safety/Security    | \$ | 1,636,155 | 6981 |
| CAP-803 | General Institutional Renovations   | \$ | 3,787,255 | 6982 |
| CAP-812 | Community Rehabilitation Centers    | \$ | 916,913   | 6983 |
| CAP-821 | Construct Maximum Security Facility | \$ | 172,327   | 6984 |

|         |   |    |            |      |
|---------|---|----|------------|------|
| CAP-828 | Multi-Agency Radio System Equipment                                     | \$ | 3,186      | 6985 |
| CAP-829 | Local Juvenile Detention Centers  | \$ | 10,844,623 | 6986 |
| CAP-831 | Gym Expansion - Cuyahoga Hills Boys<br>School                           | \$ | 649,290    | 6987 |
| CAP-832 | 72-Bed Unit Housing Addition - Ohio<br>River Valley Correctional Center | \$ | 2,000      | 6988 |
| CAP-833 | Security Renovations - Indian River                                     | \$ | 1,996      | 6989 |
| CAP-837 | Sanitary Safety/Renovations Indian River                                | \$ | 3,736,500  | 6990 |
|         | Total Department of Youth Services                                      | \$ | 27,209,649 | 6991 |
|         | TOTAL Juvenile Correctional Building Fund                               | \$ | 27,209,649 | 6992 |

**Section 20.01. GENERAL INSTITUTIONAL RENOVATIONS** 6994

The amount reappropriated for the foregoing appropriation 6995  
item CAP-803, General Institutional Renovations, is the 6996  
unencumbered and unallotted balance as of June 30, 2004, in 6997  
appropriation item CAP-803, General Institutional Renovations, 6998  
plus \$788,000. 6999

**Section 20.02. COMMUNITY REHABILITATION CENTERS** 7000

From the foregoing appropriation item CAP-812, Community 7001  
Rehabilitation Centers, the Department of Youth Services shall 7002  
designate the projects involving the construction and renovation 7003  
of single county and multicounty community corrections facilities 7004  
for which the Ohio Building Authority is authorized to issue 7005  
obligations. 7006

The Department of Youth Services is authorized to review and 7007  
approve the renovation and construction of projects for which 7008  
funds are provided. The proceeds of any obligations authorized 7009  
under this section shall not be applied to any such facilities 7010  
that are not designated and approved by the Department of Youth 7011  
Services. 7012

The Department of Youth Services shall adopt guidelines to 7013

accept and review applications and designate projects. The 7014  
guidelines shall require the county or counties to justify the 7015  
need for the facility and to comply with timelines for the 7016  
submission of documentation pertaining to the site, program, and 7017  
construction. 7018

For purposes of this section, "community corrections 7019  
facilities" has the same meaning as in section 5139.36 of the 7020  
Revised Code. 7021

**Section 20.03. LOCAL JUVENILE DETENTION CENTERS** 7022

From the foregoing appropriation item CAP-829, Local Juvenile 7023  
Detention Centers, the Department of Youth Services shall 7024  
designate the projects involving the construction and renovation 7025  
of county and multicounty juvenile detention centers for which the 7026  
Ohio Building Authority is authorized to issue obligations. 7027

The Department of Youth Services is authorized to review and 7028  
approve the renovation and construction of projects for which 7029  
funds are provided. The proceeds of any obligations authorized 7030  
under this section shall not be applied to any such facilities 7031  
that are not designated by the Department of Youth Services. 7032

The Department of Youth Services shall comply with the 7033  
guidelines set forth in this section, accept and review 7034  
applications, designate projects, and determine the amount of 7035  
state match funding to be applied to each project. The department 7036  
shall, with the advice of the county or counties participating in 7037  
a project, determine the funded design capacity of the detention 7038  
centers that are designated to receive funding. Notwithstanding 7039  
any provisions to the contrary contained in Chapter 152. or 153. 7040  
of the Revised Code, the Department of Youth Services may 7041  
coordinate, review, and monitor the drawdown and use of funds for 7042  
the renovation and construction of projects for which designated 7043  
funds are provided. 7044

(A) The Department of Youth Services shall develop a weighted numerical formula to determine the amount, if any, of state match that may be provided to a single or multicounty detention center project. The formula shall include the factors specified below in division (A)(1) of this section and may include the factors specified below in division (A)(2) of this section. The weight assigned to the factors specified in division (A)(1) of this section shall be not less than twice the weight assigned to factors specified in division (A)(2) of this section.

(1)(a) The number of detention center beds needed in the county or group of counties, as estimated by the Department of Youth Services, is significantly more than the number of beds currently available;

(b) Any existing detention center in the county or group of counties does not meet health, safety, or security standards for detention centers as established by the Department of Youth Services;

(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.

(2)(a) The percentage of children in the county or group of counties living below the poverty level is above the state average;

(b) The per capita income in the county or group of counties is below the state average.

(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 7076  
capacity, then the percentage of state match shall be 60 per cent. 7077  
To determine the dollar amount of the state match for new 7078  
construction projects, the percentage of state match is multiplied 7079  
by \$125,000 per bed for detention centers with a designated 7080  
capacity of 99 beds or less, and by \$130,000 per bed for detention 7081  
centers with a design capacity of 100 beds or more. To determine 7082  
the dollar amount of the state match for renovation projects the 7083  
percentage match shall be multiplied by the actual cost of the 7084  
renovation, provided that the cost of the renovation does not 7085  
exceed \$100,000 per bed. The funding authorized under this section 7086  
that may be applied to a construction or renovation project shall 7087  
not exceed the actual cost of the project. 7088

The funding authorized under this section shall not be 7089  
applied to any project unless the detention center will be built 7090  
in compliance with health, safety, and security standards for 7091  
detention centers as established by the Department of Youth 7092  
Services. In addition, the funding authorized under this section 7093  
shall not be applied to the renovation of a detention center 7094  
unless the renovation is for the purpose of increasing the number 7095  
of beds in the center, or to meet health, safety, or security 7096  
standards for detention centers as established by the Department 7097  
of Youth Services. 7098

**Section 21.** All items set forth in this section are hereby 7099  
appropriated out of any moneys in the state treasury to the credit 7100  
of the Transportation Building Fund (Fund 029) that are not 7101  
otherwise appropriated: 7102

|                                    |                                  | Reappropriations |        |      |
|------------------------------------|----------------------------------|------------------|--------|------|
| DOT DEPARTMENT OF TRANSPORTATION   |                                  |                  |        | 7103 |
| CAP-001                            | Transportation Buildings Capital | \$               | 35,000 | 7104 |
|                                    | Improvements                     |                  |        |      |
| Total Department of Transportation |                                  | \$               | 35,000 | 7105 |

TOTAL Transportation Building Fund \$ 35,000 7106

**Section 22.** All items set forth in this section are hereby 7108  
 appropriated out of any moneys in the state treasury to the credit 7109  
 of the Arts and Sports Facilities Building Fund (Fund 030) that 7110  
 are not otherwise appropriated: 7111

Reappropriations

AFC ARTS AND SPORTS FACILITIES COMMISSION 7112

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-003 | Center of Science and Industry - Toledo                   | \$ | 12,268    | 7113 |
| CAP-004 | Valentine Theatre   | \$ | 1,111     | 7114 |
| CAP-005 | Center of Science and Industry -<br>Columbus              | \$ | 181,636   | 7115 |
| CAP-010 | Sandusky State Theatre Improvements                       | \$ | 1,000,000 | 7116 |
| CAP-017 | Zion Center of the National<br>Afro-American Museum       | \$ | 488,232   | 7117 |
| CAP-021 | Ohio Historical Center - Archives and<br>Library Shelving | \$ | 2,395     | 7118 |
| CAP-033 | Woodward Opera House Renovation                           | \$ | 1,050,000 | 7119 |
| CAP-037 | Canton Palace Theatre Renovations                         | \$ | 1,066,126 | 7120 |
| CAP-038 | Center Exhibit Replacement                                | \$ | 750,000   | 7121 |
| CAP-041 | Cleveland Playhouse                                       | \$ | 500,000   | 7122 |
| CAP-042 | Statewide Site Exhibit/Renovation &<br>Construction       | \$ | 625,000   | 7123 |
| CAP-043 | Statewide Site Repairs                                    | \$ | 454,000   | 7124 |
| CAP-046 | Cincinnati Museum Center Improvements                     | \$ | 500,000   | 7125 |
| CAP-052 | Akron Art Museum  | \$ | 6,634,666 | 7126 |
| CAP-053 | Powers Auditorium Improvements                            | \$ | 200,000   | 7127 |
| CAP-055 | Waco Museum & Aviation Learning Center                    | \$ | 500,000   | 7128 |
| CAP-057 | Comprehensive Master Plan                                 | \$ | 180,000   | 7129 |
| CAP-058 | Cedar Bog Nature Preserve Education<br>Center             | \$ | 766,200   | 7130 |
| CAP-061 | Statewide Arts Facilities Planning                        | \$ | 35,931    | 7131 |
| CAP-063 | Robins Theatre Renovations                                | \$ | 1,000,000 | 7132 |

|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-064 | Bramley Historic House                                 | \$ | 75,000    | 7133 |
| CAP-066 | Delaware County Cultural Arts Center                   | \$ | 40,000    | 7134 |
| CAP-068 | Perry County Historical Society                        | \$ | 100,000   | 7135 |
| CAP-069 | Cleveland Institute of Art                             | \$ | 750,000   | 7136 |
| CAP-071 | Cleveland Institute of Music                           | \$ | 750,000   | 7137 |
| CAP-072 | West Side Arts Consortium                              | \$ | 138,000   | 7138 |
| CAP-074 | Stan Hywet Hall & Gardens                              | \$ | 250,000   | 7139 |
| CAP-075 | McKinley Museum Improvements                           | \$ | 125,000   | 7140 |
| CAP-076 | Spring Hill Historic Home                              | \$ | 125,000   | 7141 |
| CAP-077 | Western Reserve Ballet Improvements                    | \$ | 100,000   | 7142 |
| CAP-078 | Midland Theatre  | \$ | 175,000   | 7143 |
| CAP-079 | Lorain Palace Civic Theatre                            | \$ | 200,000   | 7144 |
| CAP-080 | Great Lakes Historical Society                         | \$ | 150,000   | 7145 |
| CAP-734 | Hayes Presidential Center                              | \$ | 75,000    | 7146 |
| CAP-745 | Historic Sites and Museums                             | \$ | 750,000   | 7147 |
| CAP-753 | Buffington Island State Memorial                       | \$ | 91,500    | 7148 |
| CAP-770 | Serpent Mound State Memorial                           | \$ | 295,000   | 7149 |
| CAP-784 | Ohio Historical Center Rehabilitation                  | \$ | 673,700   | 7150 |
| CAP-786 | Piqua/Ft Picakawillany Acquisition and<br>Improvements | \$ | 136,000   | 7151 |
| CAP-789 | Neil Armstrong Air and Space Museum<br>Improvements    | \$ | 103,516   | 7152 |
| CAP-791 | Harrison Tomb and Site Renovations                     | \$ | 149,500   | 7153 |
| CAP-796 | Moundbuilders State Memorial                           | \$ | 530,000   | 7154 |
| CAP-806 | Grant Boyhood Home Improvements                        | \$ | 68,333    | 7155 |
| CAP-809 | Cincinnati Ballet Facility Improvements                | \$ | 450,000   | 7156 |
| CAP-810 | Toledo Museum of Art Improvements                      | \$ | 2,000,000 | 7157 |
| CAP-814 | Crawford Museum of Transportation &<br>Industry        | \$ | 2,500,000 | 7158 |
| CAP-820 | Historical Center Ohio Village Buildings               | \$ | 502,000   | 7159 |
| CAP-821 | Lorain County Historical Society                       | \$ | 300,000   | 7160 |
| CAP-822 | Madison County Historic Schoolhouse                    | \$ | 40,000    | 7161 |
| CAP-823 | Marion Palace Theatre                                  | \$ | 825,000   | 7162 |

|  |                                       |    |            |      |
|--|---------------------------------------|----|------------|------|
| CAP-824  | McConnellsville Opera House           | \$ | 75,000     | 7163 |
| CAP-825  | Secrest Auditorium                    | \$ | 75,000     | 7164 |
| CAP-826  | Renaissance Theatre                   | \$ | 50,000     | 7165 |
| CAP-827  | Trumpet in the Land                   | \$ | 100,000    | 7166 |
| CAP-828  | Becky Thatcher Showboat               | \$ | 30,000     | 7167 |
| CAP-829  | Mid Ohio Valley Players               | \$ | 50,000     | 7168 |
| CAP-830  | The Anchorage                         | \$ | 50,000     | 7169 |
| CAP-831  | Wayne County Historical Society       | \$ | 300,000    | 7170 |
| CAP-833  | Promont House Museum                  | \$ | 200,000    | 7171 |
| CAP-836  | Fairfield Outdoor Theatre             | \$ | 100,000    | 7172 |
| CAP-837  | Lake County Historical Society        | \$ | 250,000    | 7173 |
| CAP-839  | Hancock Historical Society            | \$ | 75,000     | 7174 |
| CAP-840  | Riversouth Development                | \$ | 10,000,000 | 7175 |
| CAP-841  | Ft. Piqua Hotel                       | \$ | 200,000    | 7176 |
| CAP-843  | Marina District/Ice Arena Development | \$ | 4,000,000  | 7177 |
| Total Arts and Sports Facilities Commission    |                                       | \$ | 43,970,114 | 7178 |
| TOTAL Arts and Sports Facilities Building Fund |                                       | \$ | 43,970,114 | 7179 |

COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT 7180

CONTRACTS 7181

Notwithstanding division (A) of section 3383.07 of the 7182  
Revised Code, the Ohio Arts and Sports Facilities Commission, with 7183  
respect to the foregoing appropriation item CAP-005, Center of 7184  
Science and Industry - Columbus, may administer all or part of 7185  
capital facilities project contracts involving exhibit fabrication 7186  
and installation as determined by the Department of Administrative 7187  
Services, the Center of Science and Industry - Columbus, and the 7188  
Ohio Arts and Sports Facilities Commission in review of the 7189  
project plans. The Ohio Arts and Sports Facilities Commission 7190  
shall enter into a contract with the Center of Science and 7191  
Industry - Columbus to administer the exhibit fabrication and 7192  
installation contracts and such contracts are not subject to 7193  
Chapter 123. or 153. of the Revised Code. 7194



SPORTS FACILITIES IMPROVEMENTS - AKRON 7195

The amount reappropriated to the Arts and Sports Facilities 7196  
Building Fund (Fund 030), CAP-024, Sports Facilities Improvements 7197  
- Akron, is the unallotted and unencumbered balance in the Sports 7198  
Facilities Building Fund (Fund 024), CAP-024, Sports Facilities 7199  
Improvements - Akron. 7200

REDS HALL OF FAME 7201

The amount reappropriated to the Arts and Sports Facilities 7202  
Building Fund (Fund 030), CAP-025, Reds Hall of Fame, is the 7203  
unallotted and unencumbered balance in the Sports Facilities 7204  
Building Fund (Fund 024), CAP-025, Reds Hall of Fame. 7205

MARINA DISTRICT/ICE ARENA DEVELOPMENT 7206

The amount reappropriated to the Arts and Sports Facilities 7207  
Building Fund (Fund 030), CAP-843, Marina District/Ice Arena 7208  
Development, is the unallotted and unencumbered balance in the 7209  
Sports Facilities Building Fund (Fund 024), CAP-073, Marina 7210  
District/Ice Arena Development. 7211

**Section 22.01.** The Ohio Building Authority is hereby 7212  
authorized to issue and sell, in accordance with Section 2i of 7213  
Article VIII, Ohio Constitution, and Chapter 152. and other 7214  
applicable sections of the Revised Code, original obligations in 7215  
an aggregate principal amount not to exceed \$1,000,000 in addition 7216  
to the original issuance of obligations heretofore authorized by 7217  
prior acts of the General Assembly. The authorized obligations 7218  
shall be issued, subject to applicable constitutional and 7219  
statutory limitations, to pay costs of capital facilities as 7220  
defined in division (A)(5) of section 152.09 of the Revised Code, 7221  
including construction as defined in division (H) of section 7222  
3383.01 of the Revised Code, of the Ohio arts facilities 7223  
designated in Section 15.01 of H.B. 675 of the 124th General 7224

Assembly. 7225

**Section 23.** All items set forth in this section are hereby 7226  
 appropriated out of any moneys in the state treasury to the credit 7227  
 of the Ohio Parks and Natural Resources Fund (Fund 031) that are 7228  
 not otherwise appropriated: 7229

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 7230

STATEWIDE AND LOCAL PROJECTS 7231

|         |  |    |            |      |
|---------|--|----|------------|------|
| CAP-012 | Land Acquisition                       | \$ | 958,039    | 7232 |
| CAP-702 | Upgrade Underground Fuel Storage Tanks | \$ | 999,294    | 7233 |
| CAP-703 | Cap Abandoned Water Wells              | \$ | 189,482    | 7234 |
| CAP-748 | Local Parks Projects - Statewide       | \$ | 3,406,183  | 7235 |
| CAP-751 | City of Portsmouth Launch Ramp         | \$ | 15,989     | 7236 |
| CAP-753 | Project Planning                       | \$ | 118,360    | 7237 |
| CAP-766 | South Fork Licking Watershed Study     | \$ | 600        | 7238 |
| CAP-768 | Grand River Wildlife Area              | \$ | 2,700      | 7239 |
| CAP-788 | Community Recreation Projects          | \$ | 60,000     | 7240 |
| CAP-799 | Village of Nelville Boat Ramp          | \$ | 140,727    | 7241 |
| CAP-800 | City of Gallipolis Courtesy Dock       | \$ | 8,700      | 7242 |
| CAP-814 | North of Rush Run Wildlife Area        | \$ | 200        | 7243 |
| CAP-834 | Appraisal Fees - Statewide             | \$ | 77,265     | 7244 |
| CAP-844 | Put-In-Bay Township Port Authority     | \$ | 79,784     | 7245 |
| CAP-868 | New Philadelphia Office Relocation     | \$ | 1,500,000  | 7246 |
| CAP-881 | Dam Rehabilitation                     | \$ | 14,998,701 | 7247 |
| CAP-900 | City of Huron Docks                    | \$ | 46,786     | 7248 |
| CAP-928 | Handicapped Accessibility              | \$ | 743,285    | 7249 |
| CAP-929 | Hazardous Waste/Asbestos Abatement     | \$ | 102,857    | 7250 |
| CAP-931 | Wastewater/Water Systems Upgrades      | \$ | 9,439,572  | 7251 |
| CAP-932 | Wetlands/Waterfront Acquisition        | \$ | 223,481    | 7252 |
| CAP-934 | Operations Facilities Development      | \$ | 1,486,438  | 7253 |
| CAP-963 | Fairpoint Harbor Port Authority        | \$ | 103,293    | 7254 |
| CAP-995 | Boundary Protection                    | \$ | 32,426     | 7255 |

|  |  |    |            |      |
|--|--|----|------------|------|
| CAP-999  | Geographic Information Management System | \$ | 779,501    | 7256 |
| Total Statewide and Local Projects             |  | \$ | 35,513,663 | 7257 |
| DIVISION OF CIVILIAN CONSERVATION              |  |    |            | 7258 |
| CAP-750  | Quilter CCC Camp                         | \$ | 900        | 7259 |
| CAP-817  | Riffe CCC Camp                           | \$ | 1,309      | 7260 |
| CAP-835  | Civilian Conservation Facilities         | \$ | 1,847,074  | 7261 |
| Total Division of Civilian Conservation        |  | \$ | 1,849,283  | 7262 |
| DIVISION OF FORESTRY                           |  |    |            | 7263 |
| CAP-021  | Mohican State Forest                     | \$ | 1,200      | 7264 |
| CAP-030  | Shawnee State Forest                     | \$ | 1,300      | 7265 |
| CAP-073  | Brush Creek State Forest                 | \$ | 5,850      | 7266 |
| CAP-146  | Zaleski State Forest                     | \$ | 200        | 7267 |
| CAP-213  | Shade River State Forest                 | \$ | 200        | 7268 |
| CAP-841  | Operations and Maintenance Facility      | \$ | 1,489,212  | 7269 |
| Development and Renovation                     |  |    |            |      |
| CAP-977  | Fernwood State Forest                    | \$ | 7,181      | 7270 |
| Total Division of Forestry                     |  | \$ | 1,505,143  | 7271 |
| DIVISION OF MINERAL RESOURCES MANAGEMENT       |  |    |            | 7272 |
| CAP-867  | Reclamation Facilities Renovation and    | \$ | 19,500     | 7273 |
| Development                                    |  |    |            |      |
| Total Division of Mineral Resources Management |  | \$ | 19,500     | 7274 |
| DIVISION OF NATURAL AREAS AND PRESERVES        |  |    |            | 7275 |
| CAP-006  | Little Beaver Creek Nature Preserve      | \$ | 1,500      | 7276 |
| CAP-826  | Natural Areas and Preserves              | \$ | 788,056    | 7277 |
| Maintenance/Facility Development               |  |    |            |      |
| CAP-831  | Lake Katherine                           | \$ | 17,699     | 7278 |
| CAP-870  | Little Miami Scenic River                | \$ | 4,800      | 7279 |
| Total Division of Natural Areas                |  | \$ | 812,055    | 7280 |
| DIVISION OF PARKS AND RECREATION               |  |    |            | 7281 |
| CAP-003  | Barkcamp State Park                      | \$ | 3,025      | 7282 |
| CAP-005  | Cowan Lake State Park                    | \$ | 34,684     | 7283 |
| CAP-010  | East Harbor State Park                   | \$ | 41,329     | 7284 |
| CAP-016  | Hueston Woods State Park                 | \$ | 2,500      | 7285 |

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-017 | Indian Lake State Park                          | \$ | 2,319     | 7286 |
| CAP-018 | Kelleys Island State Park                       | \$ | 5,700     | 7287 |
| CAP-019 | Lake Hope State Park                            | \$ | 500       | 7288 |
| CAP-025 | Punderson Lake State Park                       | \$ | 8,997     | 7289 |
| CAP-026 | Pymatuning State Park                           | \$ | 2,650     | 7290 |
| CAP-032 | West Branch State Park                          | \$ | 6,243     | 7291 |
| CAP-037 | Kiser Lake State Park                           | \$ | 10,616    | 7292 |
| CAP-051 | Buck Creek State Park                           | \$ | 500       | 7293 |
| CAP-052 | Buckeye Lake State Park                         | \$ | 74,746    | 7294 |
| CAP-060 | East Fork State Park                            | \$ | 1,709     | 7295 |
| CAP-064 | Geneva State Park                               | \$ | 750       | 7296 |
| CAP-069 | Hocking Hills State Park                        | \$ | 472       | 7297 |
| CAP-089 | Mosquito Lake State Park                        | \$ | 2,789     | 7298 |
| CAP-093 | Portage Lakes State Park                        | \$ | 44,676    | 7299 |
| CAP-114 | Beaver Creek State Park                         | \$ | 12,000    | 7300 |
| CAP-119 | Forked Run State Park                           | \$ | 5,123     | 7301 |
| CAP-169 | Lake White State Park                           | \$ | 3,100     | 7302 |
| CAP-222 | Wolf Run State Park                             | \$ | 205,787   | 7303 |
| CAP-234 | State Parks, Campgrounds, Lodges, and<br>Cabins | \$ | 3,431,369 | 7304 |
| CAP-305 | Maumee Bay State Park                           | \$ | 900       | 7305 |
| CAP-331 | Park Boating Facilities                         | \$ | 5,411,873 | 7306 |
| CAP-390 | State Park Maintenance/Facility<br>Development  | \$ | 1,803,182 | 7307 |
| CAP-718 | Grand Lake St Marys State Park                  | \$ | 7,490     | 7308 |
| CAP-719 | Indian Lake State Park                          | \$ | 7,610     | 7309 |
| CAP-758 | Muskingum River Parkway Lock #7                 | \$ | 1,146     | 7310 |
| CAP-795 | Headlands Beach State Park                      | \$ | 25,160    | 7311 |
| CAP-815 | Mary Jane Thurston State Park                   | \$ | 4,700     | 7312 |
| CAP-825 | Marblehead Lighthouse State Park                | \$ | 1,233     | 7313 |
| CAP-829 | Sycamore State Park                             | \$ | 500       | 7314 |
| CAP-836 | State Park Renovations/Upgrading                | \$ | 3,254,137 | 7315 |
| CAP-851 | Cleveland Lakefront                             | \$ | 47,051    | 7316 |

|   |   |    |            |      |
|---|---|----|------------|------|
| CAP-916                                       | Lake Milton State Park  | \$ | 46,509     | 7317 |
| Total Division of Parks and Recreation        |   | \$ | 14,513,075 | 7318 |
| DIVISION OF SOIL AND WATER CONSERVATION       |   |    |            | 7319 |
| CAP-810                                       | New Facilities at Farm Science Review                                 | \$ | 500        | 7320 |
| Total Division of Soil and Water Conservation |   | \$ | 500        | 7321 |
| DIVISION OF WATER                             |   |    |            | 7322 |
| CAP-705                                       | Rehabilitate Canals, Hydraulic Works,<br>and Support Facilities       | \$ | 3,781,222  | 7323 |
| CAP-730                                       | Miami and Erie Canal  | \$ | 700        | 7324 |
| CAP-819                                       | Rehabilitate/Automate - Ohio Ground<br>Water Observation Well Network | \$ | 294,266    | 7325 |
| CAP-820                                       | Automated Stream, Lake, and Ground Water<br>Data Collection           | \$ | 509,396    | 7326 |
| CAP-822                                       | Flood Hazard Information Studies                                      | \$ | 5,518      | 7327 |
| CAP-848                                       | Hazardous Dam Repair - Statewide                                      | \$ | 267,000    | 7328 |
| Total Division of Water                       |   | \$ | 4,858,102  | 7329 |
| TOTAL Department of Natural Resources         |   | \$ | 59,071,321 | 7330 |
| TOTAL Ohio Parks and Natural Resources Fund   |   | \$ | 59,071,321 | 7331 |

**Section 23.01. LAND ACQUISITION** 7333

Of the foregoing appropriation item CAP-012, Land 7334  
Acquisition, \$300,000 shall be used by the City of Mentor to 7335  
purchase property for the Mentor Marsh. 7336

**MIAMI AND ERIE CANAL IMPROVEMENTS** 7337

Of the foregoing appropriation item CAP-705, Rehabilitate 7338  
Canals, Hydraulic Works, and Support Facilities, at least 7339  
\$1,250,000 shall be used for Miami and Erie Canal improvements. 7340

**LOCAL PARKS PROJECTS - STATEWIDE** 7341

The amount reappropriated for the foregoing appropriation 7342  
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus 7343  
the unencumbered and unallotted balance as of June 30, 2004, in 7344

item CAP-748, Local Parks Projects - Statewide. The \$840,879 7345  
represents amounts that were previously appropriated, allocated to 7346  
counties pursuant to division (D) of section 1557.06 of the 7347  
Revised Code, and encumbered for local project grants. The 7348  
encumbrances for these local projects in the various counties 7349  
shall be canceled by the Director of Natural Resources or the 7350  
Director of Budget and Management. The Director of Natural 7351  
Resources shall allocate the \$840,879 to the same counties the 7352  
moneys were originally allocated to, in the amount of the canceled 7353  
encumbrances. 7354

DAM REHABILITATION 7355

Of the foregoing appropriation item CAP-881, Dam 7356  
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the 7357  
Muskingum River Locks and Dams. 7358

**Section 23.02.** For the projects appropriated in Section 24 of 7359  
this act, the Ohio Department of Natural Resources shall 7360  
periodically prepare and submit to the Director of Budget and 7361  
Management the estimated design, planning, and engineering costs 7362  
of capital-related work to be done by the Department of Natural 7363  
Resources for each project. Based on the estimates, the Director 7364  
of Budget and Management may release appropriations from the 7365  
foregoing appropriation item CAP-753, Project Planning, to pay for 7366  
design, planning, and engineering costs incurred by the Department 7367  
of Natural Resources for such projects. Upon release of the 7368  
appropriations by the Director of Budget and Management, the 7369  
Department of Natural Resources shall pay for these expenses from 7370  
Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks 7371  
and Natural Resources Fund (Fund 031) using an intrastate voucher. 7372

**Section 24.** All items set forth in this section are hereby 7373  
appropriated out of any moneys in the state treasury to the credit 7374

of the School Building Program Assistance Fund (Fund 032) that are 7375  
not otherwise appropriated: 7376

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 7377

|   |                                    |    |            |      |
|---|------------------------------------|----|------------|------|
| CAP-770                                       | School Building Program Assistance | \$ | 11,319,352 | 7378 |
| CAP-779                                       | Exceptional Needs                  | \$ | 602,365    | 7379 |
| Total School Facilities Commission            |                                    |    |            | 7380 |
| TOTAL School Building Program Assistance Fund |                                    |    |            | 7381 |

SCHOOL BUILDING PROGRAM ASSISTANCE 7382

The amount reappropriated for the foregoing appropriation 7383  
item CAP-770, School Building Program Assistance, is \$6,205,032, 7384  
plus the sum of the unencumbered and unallotted balances as of 7385  
June 30, 2004, for appropriation item CAP-770, School Building 7386  
Program Assistance. 7387

**Section 25.** All items set forth in Sections 25.01 to 25.03 of 7388  
this act are hereby appropriated out of any moneys in the state 7389  
treasury to the credit of the Mental Health Facilities Improvement 7390  
Fund (Fund 033) that are not otherwise appropriated: 7391

Reappropriations

**Section 25.01.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 7392  
SERVICES 7393

|  |                               |    |           |      |
|--|-------------------------------|----|-----------|------|
| CAP-001  | Renovate Rollman Center       | \$ | 41,236    | 7394 |
| CAP-002  | Community Assistance Projects | \$ | 3,560,104 | 7395 |
| CAP-003  | Alcohol/Drug Addiction Center | \$ | 7,314     | 7396 |
| Total Department of Alcohol and Drug Addiction |                               |    |           | 7397 |
| Services                                       |                               |    |           | 7398 |

COMMUNITY ASSISTANCE PROJECTS 7399

Of the foregoing appropriation item CAP-002, Community 7400  
Assistance Projects, \$266,512 shall be used for the Oak House 7401  
Women's Residential Treatment Facility. 7402

Reappropriations

|                                   |  |              |      |
|-----------------------------------|--|--------------|------|
| <b>Section 25.02.</b>             | DMH DEPARTMENT OF MENTAL HEALTH                                    |              | 7403 |
|                                   | STATEWIDE AND CENTRAL OFFICE PROJECTS                              |              | 7404 |
| CAP-092                           | Hazardous Materials Abatement                                      | \$ 240,104   | 7405 |
| CAP-479                           | Community Assistance Projects                                      | \$ 1,281,313 | 7406 |
| CAP-906                           | Campus Consolidation-Automation                                    | \$ 307,487   | 7407 |
| CAP-946                           | Demolition   | \$ 126,012   | 7408 |
| CAP-976                           | Life Safety/Critical Plant Renovations                             | \$ 147,387   | 7409 |
| CAP-977                           | Patient Care/Environment Improvement                               | \$ 2,062,910 | 7410 |
| CAP-978                           | Infrastructure Renovations   | \$ 420,050   | 7411 |
| CAP-981                           | Emergency Improvements   | \$ 2,540,710 | 7412 |
| Total Department of Mental Health |  | \$ 7,125,973 | 7413 |
|                                   | COMMUNITY ASSISTANCE PROJECTS                                      |              | 7414 |
|                                   | Of the foregoing appropriation item CAP-479, Community             |              | 7415 |
|                                   | Assistance Projects, \$250,000 shall be used for the Berea         |              | 7416 |
|                                   | Children's Home.   |              | 7417 |
|                                   | PATIENT CARE AND ENVIRONMENT IMPROVEMENTS                          |              | 7418 |
|                                   | The amount reappropriated for appropriation item CAP-977,          |              | 7419 |
|                                   | Patient Care/Environment Improvement, is the unencumbered and      |              | 7420 |
|                                   | unallotted balances as of June 30, 2004, in appropriation item     |              | 7421 |
|                                   | CAP-977, Patient Care/Environment Improvement, plus \$371,199.     |              | 7422 |
|                                   | PATIENT ENVIRONMENT IMPROVEMENT CONSOLIDATION                      |              | 7423 |
|                                   | The amount reappropriated for appropriation item CAP-984,          |              | 7424 |
|                                   | Patient Environment Improvement/Consolidation, is the unencumbered |              | 7425 |
|                                   | and unallotted balance as of June 30, 2004, in appropriation item  |              | 7426 |
|                                   | CAP-984, Patient Environment Improvement/Consolidation plus        |              | 7427 |
|                                   | \$176,853.   |              | 7428 |

Reappropriations

|                       |  |  |      |
|-----------------------|--|--|------|
| <b>Section 25.03.</b> | DMR DEPARTMENT OF MENTAL RETARDATION AND |  | 7429 |
|-----------------------|--|--|------|



|   |  |               |      |
|---|--|---------------|------|
| DEVELOPMENTAL DISABILITIES  |  |               | 7430 |
| STATEWIDE PROJECTS  |  |               | 7431 |
| CAP-001   | Asbestos Abatement                     | \$ 1,324,722  | 7432 |
| CAP-480   | Community Assistance Projects          | \$ 15,366,610 | 7433 |
| CAP-901   | Razing of Buildings                    | \$ 369,502    | 7434 |
| CAP-912   | Telecommunications Systems Improvement | \$ 208,417    | 7435 |
| CAP-941   | Emergency Generator Replacement        | \$ 88,942     | 7436 |
| CAP-955   | Statewide Developmental Centers        | \$ 4,496,148  | 7437 |
| CAP-981   | Emergency Improvements                 | \$ 266,017    | 7438 |
| Total Statewide and Central Office Projects                         |  | \$ 22,120,358 | 7439 |
| COMMUNITY ASSISTANCE PROJECTS                                       |  |               | 7440 |
| The foregoing appropriation item CAP-480, Community                 |  |               | 7441 |
| Assistance Projects, may be used to provide community assistance    |  |               | 7442 |
| funds for the construction or renovation of facilities for day      |  |               | 7443 |
| programs or residential programs that provide services to persons   |  |               | 7444 |
| eligible for services from the Department of Mental Retardation     |  |               | 7445 |
| and Developmental Disabilities or county boards of mental           |  |               | 7446 |
| retardation and developmental disabilities. Any funds provided to   |  |               | 7447 |
| nonprofit agencies for the construction or renovation of            |  |               | 7448 |
| facilities for persons eligible for services from the Department    |  |               | 7449 |
| of Mental Retardation and Developmental Disabilities and county     |  |               | 7450 |
| boards of mental retardation and developmental disabilities are     |  |               | 7451 |
| subject to the prevailing wage provisions in section 176.05 of the  |  |               | 7452 |
| Revised Code.   |  |               | 7453 |
| Of the foregoing appropriation item CAP-480, Community              |  |               | 7454 |
| Assistance Projects, \$150,000 shall be used for the Fostoria Area  |  |               | 7455 |
| Community Childhood and Family Center and \$1,000,000 shall be used |  |               | 7456 |
| for the Bellefaire Jewish Children's Bureau.                        |  |               | 7457 |
| STATEWIDE DEVELOPMENTAL CENTERS                                     |  |               | 7458 |
| APPLE CREEK DEVELOPMENTAL CENTER                                    |  |               | 7459 |
| CAP-956   | Apple Creek Developmental Center       | \$ 49,611     | 7460 |
| CAP-790   | Cortland Hall Renovation               | \$ 31,183     | 7461 |

|   |  |    |         |      |
|---|--|----|---------|------|
| CAP-791                                   | Jonathan Hall Renovation                 | \$ | 417,107 | 7462 |
| CAP-795                                   | Ruby Hall Renovation                     | \$ | 277,500 | 7463 |
| CAP-940                                   | Sewage Treatment Plant Renovation        | \$ | 55,307  | 7464 |
| CAP-953                                   | Door Replacements                        | \$ | 20,000  | 7465 |
| Total Apple Creek Developmental Center    |  | \$ | 850,708 | 7466 |
| CAMBRIDGE DEVELOPMENTAL CENTER            |  |    |         | 7467 |
| CAP-711                                   | Residential Renovations - CAMDC          | \$ | 45,037  | 7468 |
| CAP-910                                   | HVAC Renovations - Residential Buildings | \$ | 53,550  | 7469 |
| CAP-913                                   | Cambridge HVAC Upgrade - Activity Center | \$ | 43,125  | 7470 |
| CAP-969                                   | Utility Upgrade Centerwide               |    | 50,000  | 7471 |
| Total Cambridge Developmental Center      |  | \$ | 191,712 | 7472 |
| COLUMBUS DEVELOPMENTAL CENTER             |  |    |         | 7473 |
| CAP-852                                   | Fire Alarm System Improvements           | \$ | 39,295  | 7474 |
| CAP-958                                   | Columbus Developmental Center            | \$ | 245,368 | 7475 |
| Total Columbus Developmental Center       |  | \$ | 284,663 | 7476 |
| GALLIPOLIS DEVELOPMENTAL CENTER           |  |    |         | 7477 |
| CAP-959                                   | Gallipolis Developmental Center          | \$ | 160,000 | 7478 |
| Total Gallipolis Developmental Center     |  | \$ | 160,000 | 7479 |
| MONTGOMERY DEVELOPMENTAL CENTER           |  |    |         | 7480 |
| CAP-960                                   | Montgomery Developmental Center          | \$ | 91,172  | 7481 |
| Total Montgomery Developmental Center     |  | \$ | 91,172  | 7482 |
| MOUNT VERNON DEVELOPMENTAL CENTER         |  |    |         | 7483 |
| CAP-080                                   | Renovate Main Kitchen - Rian Hall        | \$ | 71,143  | 7484 |
| CAP-101                                   | Rian Hall Residential Renovations        | \$ | 105,742 | 7485 |
| CAP-947                                   | Replace Chiller                          | \$ | 67,865  | 7486 |
| CAP-962                                   | Mount Vernon Developmental Center        | \$ | 239,039 | 7487 |
| CAP-974                                   | Pool/Gymnasium Renovation                | \$ | 60,000  | 7488 |
| Total Mount Vernon Developmental Center   |  | \$ | 543,789 | 7489 |
| NORTHWEST OHIO DEVELOPMENTAL CENTER       |  |    |         | 7490 |
| CAP-963                                   | Northwest Ohio Developmental Center      | \$ | 409,409 | 7491 |
| CAP-982                                   | Cooling Tower Replacement                | \$ | 50,000  | 7492 |
| Total Northwest Ohio Developmental Center |  | \$ | 459,409 | 7493 |

|         |   |               |      |
|---------|---|---------------|------|
|         | SOUTHWEST OHIO DEVELOPMENTAL CENTER             |               | 7494 |
| CAP-863 | Residential Renovation - HVAC Upgrade           | \$ 30,838     | 7495 |
| CAP-964 | Southwest Ohio Developmental Center             | \$ 142,134    | 7496 |
| CAP-976 | Renovation Program and Support Services         | \$ 162,100    | 7497 |
|         | Building  |               |      |
|         | Total Southwest Ohio Developmental Center       | \$ 335,072    | 7498 |
|         | SPRINGVIEW DEVELOPMENTAL CENTER                 |               | 7499 |
| CAP-742 | Administration Building Roof                    | \$ 124,437    | 7500 |
| CAP-977 | Roof Replacement                                | \$ 203,468    | 7501 |
|         | Total Springview Developmental Center           | \$ 327,905    | 7502 |
|         | TIFFIN DEVELOPMENTAL CENTER                     |               | 7503 |
| CAP-085 | Roof Replacement - Dietary                      | \$ 100,000    | 7504 |
| CAP-086 | Replace Boiler Feedwater Heating and            | \$ 88,738     | 7505 |
|         | Storage Unit                                    |               |      |
| CAP-899 | Utah & Nevada Buildings Renovation              | \$ 4,750      | 7506 |
| CAP-931 | Roof and Exterior Renovations                   | \$ 184,825    | 7507 |
| CAP-966 | Tiffin Developmental Center                     | \$ 192,528    | 7508 |
|         | Total Tiffin Developmental Center               | \$ 570,841    | 7509 |
|         | WARRENSVILLE DEVELOPMENTAL CENTER               |               | 7510 |
| CAP-088 | Exterior Lighting Replacement                   | \$ 38,000     | 7511 |
| CAP-867 | Residential Renovations - WDC                   | \$ 75,000     | 7512 |
| CAP-900 | Water Line Replacement - WDC                    | \$ 77,922     | 7513 |
| CAP-936 | HVAC Renovations                                | \$ 44,035     | 7514 |
| CAP-950 | ADA Compliance - WDC                            | \$ 41,435     | 7515 |
| CAP-951 | Central Kitchen Improvements                    | \$ 6,805      | 7516 |
| CAP-967 | Warrensville Developmental Center               | \$ 39,217     | 7517 |
|         | Total Warrensville Developmental Center         | \$ 322,414    | 7518 |
|         | TOTAL Department of Mental Retardation          |               | 7519 |
|         | and Developmental Disabilities                  | \$ 26,258,043 | 7520 |
|         | TOTAL Mental Health Facilities Improvement Fund | \$ 36,992,670 | 7521 |

**Section 25.04.** The foregoing appropriations for the 7523

Department of Alcohol and Drug Addiction Services, CAP-002, 7524  
Community Assistance Projects; Department of Mental Health, 7525  
CAP-479, Community Assistance Projects; and Department of Mental 7526  
Retardation and Developmental Disabilities, CAP-480, Community 7527  
Assistance Projects, may be used on facilities constructed or to 7528  
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 7529  
5126. of the Revised Code or the authority granted by section 7530  
154.20 of the Revised Code and the rules adopted pursuant to those 7531  
chapters and that section and shall be distributed by the 7532  
Department of Alcohol and Drug Addiction Services, the Department 7533  
of Mental Health, and the Department of Mental Retardation and 7534  
Developmental Disabilities, subject to Controlling Board approval. 7535

**Section 25.05.** (A) No capital improvement appropriations made 7536  
in Sections 25.01 to 25.03 of this act shall be released for 7537  
planning or for improvement, renovation, or construction or 7538  
acquisition of capital facilities if a governmental agency, as 7539  
defined in section 154.01 of the Revised Code, does not own the 7540  
real property that constitutes the capital facilities or on which 7541  
the capital facilities are or will be located. This restriction 7542  
does not apply in any of the following circumstances: 7543

(1) The governmental agency has a long-term (at least fifteen 7544  
years) lease of, or other interest (such as an easement) in, the 7545  
real property. 7546

(2) In the case of an appropriation for capital facilities 7547  
that, because of their unique nature or location, will be owned or 7548  
be part of facilities owned by a separate nonprofit organization 7549  
and made available to the governmental agency for its use, the 7550  
nonprofit organization either owns or has a long-term (at least 7551  
fifteen years) lease of the real property or other capital 7552  
facility to be improved, renovated, constructed, or acquired and 7553  
has entered into a joint or cooperative use agreement, approved by 7554

the Department of Mental Health, Department of Mental Retardation 7555  
and Developmental Disabilities, or Department of Alcohol and Drug 7556  
Addiction Services, whichever is applicable, with the governmental 7557  
agency for that agency's use of and right to use the capital 7558  
facilities to be financed and, if applicable, improved, the value 7559  
of such use or right to use being, as determined by the parties, 7560  
reasonably related to the amount of the appropriation. 7561

(B) In the case of capital facilities referred to in division 7562  
(A)(2) of this section, the joint or cooperative use agreement 7563  
shall include, as a minimum, provisions that: 7564

(1) Specify the extent and nature of that joint or 7565  
cooperative use, extending for no fewer than fifteen years, with 7566  
the value of such use or right to use to be, as determined by the 7567  
parties and approved by the applicable department, reasonably 7568  
related to the amount of the appropriation; 7569

(2) Provide for pro rata reimbursement to the state should 7570  
the arrangement for joint or cooperative use by a governmental 7571  
agency be terminated; 7572

(3) Provide that procedures to be followed during the capital 7573  
improvement process will comply with appropriate applicable state 7574  
statutes and rules, including provisions of this act. 7575

**Section 26.** All items set forth in Sections 26.01 to 26.56 of 7576  
this act are hereby appropriated out of any moneys in the state 7577  
treasury to the credit of the Higher Education Improvement Fund 7578  
(Fund 034) that are not otherwise appropriated: 7579

Reappropriations

**Section 26.01.** OEB OHIO EDUCATIONAL TELECOMMUNICATIONS 7580  
NETWORK COMMISSION 7581  
CAP-001 Educational Television and Radio \$ 1,650,617 7582  
Equipment

|         |   |    |                  |  |
|---------|---|----|------------------|--|
| CAP-002 | Educational Broadcasting Fiber Optic<br>Network   | \$ | 51,748           | 7583   |
|         | Total Ohio Educational Telecommunications<br>Network Commission   |    |                  | 7584   |
|         |   | \$ | 1,702,365        | 7585   |
|         | EDUCATIONAL TELEVISION AND RADIO EQUIPMENT  |    |                  | 7586   |
|         | The foregoing appropriation item CAP-001, Educational<br>Television and Radio Equipment, shall be used to provide<br>broadcasting, transmission, and production equipment to Ohio<br>public radio and television stations, radio reading services, and<br>the Ohio Educational Telecommunications Network Commission.   |    |                  | 7587<br>7588<br>7589<br>7590<br>7591         |
|         | EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK  |    |                  | 7592   |
|         | The foregoing appropriation item CAP-002, Educational<br>Broadcasting Fiber Optic Network, shall be used to link the Ohio<br>public radio and television stations, radio reading services, and<br>the Ohio Educational Broadcasting Network for the reception and<br>transmission of digital communications through fiber optic cable<br>or other technology. |    |                  | 7593<br>7594<br>7595<br>7596<br>7597<br>7598 |
|         |   |    | Reappropriations |  |
|         | <b>Section 26.02. BOR BOARD OF REGENTS</b>  |    |                  | 7599   |
| CAP-032 | Research Facility Investment<br>Loans/Grants  | \$ | 3,581,226        | 7600   |
| CAP-033 | Child Care Facility - Matching Grants   | \$ | 742,695          | 7601   |
| CAP-060 | Technology Initiatives  | \$ | 1,183,398        | 7602   |
| CAP-061 | Central State Rehabilitation  | \$ | 207,012          | 7603   |
| CAP-062 | Non Credit Job Training Facility Grants   | \$ | 5,985,000        | 7604   |
| CAP-068 | Third Frontier Project  | \$ | 54,360,000       | 7605   |
| CAP-071 | Center for Transitional and Applied<br>Genomics   | \$ | 500,000          | 7606   |
| CAP-072 | Cleveland Clinic Heart Center<br>Infrastructure   | \$ | 1,000,000        | 7607   |
| CAP-073 | Technology Incubator for Market-Ready   | \$ | 2,000,000        | 7608   |

Applications

Total Board of Regents \$ 69,559,331 7609

**Section 26.03.** RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 7611

The foregoing appropriation item CAP-032, Research Facility 7612  
Action and Investment Funds, shall be used for a program of grants 7613  
to be administered by the Board of Regents to provide timely 7614  
availability of capital facilities for research programs and 7615  
research-oriented instructional programs at or involving 7616  
state-supported and state-assisted institutions of higher 7617  
education. 7618

The Board of Regents shall adopt rules under Chapter 119. of 7619  
the Revised Code relative to the application for and approval of 7620  
projects funded from appropriation item CAP-032, Research Facility 7621  
Action and Investment Funds. The rules shall be reviewed and 7622  
approved by the Legislative Committee on Education Oversight. The 7623  
Board of Regents shall inform the President of the Senate and the 7624  
Speaker of the House of Representatives of each project 7625  
application for funding received. Each project receiving a 7626  
commitment for funding by the Board of Regents under the rules 7627  
shall be reported to the President of the Senate and the Speaker 7628  
of the House of Representatives. 7629

**Section 26.04.** REPAYMENT OF RESEARCH FACILITY ACTION AND 7630  
INVESTMENT FUNDS MONEYS 7631

Notwithstanding any provision of law to the contrary, all 7632  
repayments of Research Facility Action and Investment Funds loans 7633  
shall be made to the Bond Service Account in the Higher Education 7634  
Bond Service Trust Fund. 7635

Institutions of higher education shall make timely repayments 7636  
of Research Facility Action and Investment Funds loans, according 7637  
to the schedule established by the Board of Regents. In the case 7638

of late payments, the Board of Regents may deduct from an 7639  
institution's periodic subsidy distribution an amount equal to the 7640  
amount of the overdue payment for that institution, transfer such 7641  
amount to the Bond Service Trust Fund, and credit the appropriate 7642  
institution for the repayment. 7643

**Section 26.05. CHILD CARE FACILITY - MATCHING GRANTS** 7644

The foregoing appropriation item CAP-033, Child Care Facility 7645  
- Matching Grants, shall be used by the Board of Regents to make 7646  
grants to state-supported or state-assisted institutions of higher 7647  
education for projects to expand, construct, renovate space, or 7648  
equip child care centers. All grants shall be awarded on a 50 per 7649  
cent match basis. In making grant awards, the Board of Regents 7650  
shall give priority to: 7651

(A) Projects located at state-supported or state-assisted 7652  
institutions without child care facilities; 7653

(B) Projects for which the principal clients are children of 7654  
students enrolled at the institution; and 7655

(C) Projects where the facility will be used as a 7656  
classroom/training lab for child care/preschool certification 7657  
programs. 7658

**Section 26.06. TECHNOLOGY INITIATIVES** 7659

The foregoing appropriation item CAP-060, Technology 7660  
Initiatives, shall be used by the Board of Regents to support 7661  
collaborative initiatives to improve the quality and efficiency of 7662  
instruction, services, and program offerings at Ohio's 7663  
state-assisted colleges and universities. 7664

**Section 26.07. THIRD FRONTIER PROJECT** 7665

The foregoing appropriation item CAP-068, Third Frontier 7666



Project, shall be used to acquire, renovate, or construct 7667  
facilities and purchase equipment for research programs, 7668  
technology development, product development, and commercialization 7669  
programs at or involving state-supported and state-assisted 7670  
institutions of higher education. The funds shall be used to make 7671  
grants awarded on a competitive basis, and shall be administered 7672  
by the Third Frontier Commission. Expenditure of these funds shall 7673  
comply with Section 2n of Article VIII, Ohio Constitution, and 7674  
section 151.01 and 151.04 of the Revised Code for the period 7675  
beginning July 1, 2004, and ending June 30, 2006. 7676

The Third Frontier Commission shall develop guidelines 7677  
relative to the application for and selection of projects funded 7678  
from appropriation item CAP-068, Third Frontier Project. The 7679  
commission may develop these guidelines in consultation with other 7680  
interested parties. The Board of Regents and all state-assisted 7681  
and state-supported institutions of higher education shall take 7682  
all actions necessary to implement grants awarded by the Third 7683  
Frontier Commission. 7684

The foregoing appropriation item CAP-068, Third Frontier 7685  
Project, for which an appropriation is made from the Higher 7686  
Education Improvement Fund (Fund 034), is determined to consist of 7687  
capital improvements and capital facilities for state-supported 7688  
and state-assisted institutions of higher education, and is 7689  
designated for the capital facilities to which proceeds of 7690  
obligations in the Higher Education Improvement Fund (Fund 034) 7691  
are to be applied. 7692

**Section 26.08. TECHNOLOGY INCUBATOR FOR MARKET-READY 7693**  
APPLICATIONS 7694

The amount reappropriated for the foregoing appropriation 7695  
item CAP-073, Technology Incubator for Market-Ready Applications, 7696  
is the unencumbered and unallotted balance as of June 30, 2004, in 7697

Youngstown State University's appropriation item CAP-128, 7698  
Technology Incubator for Market-Ready Applications, and CAP-116, 7699  
Technology Incubator for Market-Ready Applications. 7700

**Section 26.09.** REIMBURSEMENT FOR PROJECT COSTS 7701

Appropriations made in Sections 26.02 to 26.56 of this act 7702  
for purposes of the costs of capital facilities for the interim 7703  
financing of which the particular institution has previously 7704  
issued its own obligations anticipating the possibility of future 7705  
state appropriations to pay all or a portion of such costs, as 7706  
contemplated in division (B) of section 3345.12 of the Revised 7707  
Code, shall be paid directly to the institution or the paying 7708  
agent for those outstanding obligations in the full principal 7709  
amount of those obligations then to be paid from the anticipated 7710  
appropriation, and shall be timely applied to the retirement of a 7711  
like principal amount of the institution's obligations. 7712

Appropriations made in Sections 26.02 to 26.56 of this act 7713  
for purposes of the costs of capital facilities, all or a portion 7714  
of which costs the particular institution has paid from the 7715  
institution's moneys that were temporarily available and which 7716  
expenditures were reasonably expected at the time of the advance 7717  
by the institution and the state to be reimbursed from the 7718  
proceeds of obligations issued by the state, shall be directly 7719  
paid to the institution in the full amounts of those payments and 7720  
shall be timely applied to the reimbursement of those temporarily 7721  
available moneys. All reimbursements are subject to review and 7722  
approval through the capital release process. 7723

Reappropriations

**Section 26.10.** UAK UNIVERSITY OF AKRON 7724

|         |                            |    |           |      |
|---------|----------------------------|----|-----------|------|
| CAP-008 | Basic Renovations          | \$ | 3,394,867 | 7725 |
| CAP-047 | Polsky Building Renovation | \$ | 577,185   | 7726 |

|                           |   |    |            |      |
|---------------------------|---|----|------------|------|
| CAP-049                   | Basic Renovations - Wayne                       | \$ | 270,316    | 7727 |
| CAP-054                   | Auburn Science/Whitby Rehabilitation            | \$ | 4,099,600  | 7728 |
| CAP-061                   | Asbestos Abatement                              | \$ | 29,650     | 7729 |
| CAP-063                   | Child Care Facility                             | \$ | 149,998    | 7730 |
| CAP-075                   | Infrastructure Materials/Rehabilitation         | \$ | 102,932    | 7731 |
| CAP-076                   | Supercritical Fluid Technology                  | \$ | 17,500     | 7732 |
| CAP-080                   | UAK/Medina Technology Link                      | \$ | 43,307     | 7733 |
| CAP-081                   | Classroom/Office Building -<br>Arts/Sciences    | \$ | 21,710     | 7734 |
| CAP-091                   | Student Affairs Building                        | \$ | 1,235,626  | 7735 |
| CAP-095                   | Online Math                                     | \$ | 29,305     | 7736 |
| CAP-097                   | Ohio NMR Consortium                             | \$ | 96,500     | 7737 |
| CAP-098                   | Guzzetta Hall Addition                          | \$ | 7,784,808  | 7738 |
| CAP-099                   | D Wing Expansion                                | \$ | 243,750    | 7739 |
| CAP-100                   | Classroom Office Addition-Design                | \$ | 120,120    | 7740 |
| CAP-101                   | National Polymer Processing Center              | \$ | 1,000,000  | 7741 |
| CAP-102                   | Scanning Raman Spectrometer                     | \$ | 635        | 7742 |
| CAP-104                   | Nanoscale Polymers Manufacturing                | \$ | 237,500    | 7743 |
| CAP-105                   | Hydrogen Production and Storage                 | \$ | 169,000    | 7744 |
| CAP-107                   | Stan Hywet Hall and Gardens                     | \$ | 500,000    | 7745 |
| CAP-108                   | Weathervane Theatre, Akron                      | \$ | 100,000    | 7746 |
| CAP-109                   | Case Barlow Farm, Hudson                        | \$ | 100,000    | 7747 |
| CAP-110                   | Springfield HS/UAK Distance Learning<br>Project | \$ | 382,000    | 7748 |
| Total University of Akron |   | \$ | 20,706,309 | 7749 |

Reappropriations

|  |  |    |           |      |
|--|--|----|-----------|------|
| <b>Section 26.11. BGU BOWLING GREEN STATE UNIVERSITY</b> |  |    |           | 7751 |
| CAP-009  | Basic Renovations                              | \$ | 6,290,012 | 7752 |
| CAP-060  | Basic Renovations - Firelands                  | \$ | 267,550   | 7753 |
| CAP-074  | Instructional and Data Processing<br>Equipment | \$ | 1,586,263 | 7754 |
| CAP-078  | Asbestos Abatement                             | \$ | 1,584     | 7755 |

|                                      |                                     |    |            |      |
|--------------------------------------|-------------------------------------|----|------------|------|
| CAP-088                              | ADA Modifications                   | \$ | 329,896    | 7756 |
| CAP-091                              | Child Care Facility                 | \$ | 49,406     | 7757 |
| CAP-093                              | Pedestrian Mall Project             | \$ | 20,766     | 7758 |
| CAP-094                              | Materials Network                   | \$ | 90,981     | 7759 |
| CAP-104                              | Jerome Library Renovations          | \$ | 89,146     | 7760 |
| CAP-105                              | Administration Building Elevators   | \$ | 25,003     | 7761 |
| CAP-108                              | Tunnel Upgrade - Phase II           | \$ | 98,820     | 7762 |
| CAP-109                              | Cedar Point Community Center        | \$ | 862,684    | 7763 |
| CAP-110                              | Hannah Hall Rehabilitation          | \$ | 2,005,522  | 7764 |
| CAP-112                              | Biology Lab Renovation              | \$ | 1,199,595  | 7765 |
| CAP-113                              | Campus-Wide Paving/Sidewalk Upgrade | \$ | 352,700    | 7766 |
| CAP-114                              | Student Learning                    | \$ | 128,920    | 7767 |
| CAP-115                              | Video Teaching Network              | \$ | 33,627     | 7768 |
| CAP-117                              | Administration Building Chiller     | \$ | 2,475      | 7769 |
| CAP-118                              | Kinetic Spectrometry Consortium     | \$ | 187,798    | 7770 |
| CAP-119                              | Admissions Visitor Center           | \$ | 3,000,000  | 7771 |
| CAP-120                              | Theatre/Performing Arts Complex     | \$ | 8,750,000  | 7772 |
| CAP-121                              | University Hall Rehabilitation      | \$ | 1,174,981  | 7773 |
| CAP-122                              | Convocation Center                  | \$ | 50,000     | 7774 |
| Total Bowling Green State University |                                     | \$ | 26,597,729 | 7775 |

BASIC RENOVATIONS 7776

The amount reappropriated for the foregoing appropriation 7777  
item CAP-009, Basic Renovations, is the sum of the unencumbered 7778  
and unallotted balances as of June 30, 2004, in appropriation 7779  
items CAP-009, Basic Renovations; CAP-066, South Hall Replacement; 7780  
and CAP-106, LSC Stairwell/MSU Exterior Steps. 7781

Reappropriations

**Section 26.12.** CSU CENTRAL STATE UNIVERSITY 7782

|         |  |    |         |      |
|---------|--|----|---------|------|
| CAP-022 | Basic Renovations                                | \$ | 862,299 | 7783 |
| CAP-068 | Instructional and Data Processing<br>Replacement | \$ | 16,002  | 7784 |

|                                |                                      |    |            |      |
|--------------------------------|--------------------------------------|----|------------|------|
| CAP-075                        | ADA Modifications                    | \$ | 51,645     | 7785 |
| CAP-078                        | Brown Library Roof Replacement       | \$ | 21,479     | 7786 |
| CAP-081                        | Campus Rehabilitation                | \$ | 236,907    | 7787 |
| CAP-083                        | Master Plan/Supplemental Renovations | \$ | 91,278     | 7788 |
| CAP-084                        | Academic Facility - Phase 1          | \$ | 7,144,745  | 7789 |
| CAP-085                        | Green Hall Rehabilitation            | \$ | 50,406     | 7790 |
| CAP-088                        | Capacity Grant                       | \$ | 28,609     | 7791 |
| CAP-090                        | Emery Hall Roof Rehabilitation       | \$ | 632,500    | 7792 |
| CAP-091                        | Carnegie Hall Roof Rehabilitation    | \$ | 76,503     | 7793 |
| CAP-092                        | Page Hall Rehabilitation             | \$ | 1,000,000  | 7794 |
| CAP-095                        | Williamson Hall HVAC                 | \$ | 126,110    | 7795 |
| CAP-096                        | Lane Hall Rehabilitation             | \$ | 3,700,000  | 7796 |
| CAP-097                        | Campus-wide Master Plan              | \$ | 11,366     | 7797 |
| CAP-098                        | Web Instruction                      | \$ | 888        | 7798 |
| Total Central State University |                                      | \$ | 14,050,737 | 7799 |

Reappropriations

|  |   |    |           |      |
|--|---|----|-----------|------|
| <b>Section 26.13. UCN UNIVERSITY OF CINCINNATI</b> |   |    |           | 7801 |
| CAP-009  | Basic Renovations                               | \$ | 6,003,233 | 7802 |
| CAP-018  | Basic Renovations - Clermont                    | \$ | 227,093   | 7803 |
| CAP-054  | Raymond Walters Renovations                     | \$ | 146,415   | 7804 |
| CAP-115  | Hazardous Waste                                 | \$ | 6,648     | 7805 |
| CAP-122  | Infrastructure Assessment                       | \$ | 1,639     | 7806 |
| CAP-125  | Supplemental Renovations - Interior<br>Spaces   | \$ | 15,223    | 7807 |
| CAP-128  | Science and Allied Health Building -<br>Walters | \$ | 248,614   | 7808 |
| CAP-137  | MSB Otolaryngology                              | \$ | 1,228     | 7809 |
| CAP-141  | ADA Modifications                               | \$ | 239,535   | 7810 |
| CAP-142  | ADA Modifications - Clermont                    | \$ | 6,039     | 7811 |
| CAP-143  | ADA Modifications - Walters                     | \$ | 2,101     | 7812 |
| CAP-156  | CFC Unit Replacement                            | \$ | 2,173     | 7813 |
| CAP-158  | Molecular Components/Simulation Network         | \$ | 14,154    | 7814 |

|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-171 | Asbestos - Rieveschl Hall                            | \$ | 298,057   | 7815 |
| CAP-173 | Surface Engineering                                  | \$ | 69,428    | 7816 |
| CAP-174 | Classroom/Teaching Lab Renovations                   | \$ | 55,965    | 7817 |
| CAP-176 | Network Expansion                                    | \$ | 19,000    | 7818 |
| CAP-177 | Critical Building Component Renovations              | \$ | 422,700   | 7819 |
| CAP-179 | Rieveschl Rehabilitation                             | \$ | 27,240    | 7820 |
| CAP-180 | Rapid Prototype Process                              | \$ | 72,043    | 7821 |
| CAP-182 | Elevator - Critical Building Components              | \$ | 33,271    | 7822 |
| CAP-187 | MSB Small Group Learning Spaces                      | \$ | 1,125     | 7823 |
| CAP-188 | HPB/Wherry Service Entrances                         | \$ | 24,454    | 7824 |
| CAP-193 | Nano Particles                                       | \$ | 1,103     | 7825 |
| CAP-194 | Transgenic Core Capacity                             | \$ | 1,633     | 7826 |
| CAP-195 | Thin Film Analysis                                   | \$ | 110,452   | 7827 |
| CAP-196 | Electronic Reconstruction                            | \$ | 1,784     | 7828 |
| CAP-197 | Med Center Technology                                | \$ | 1,546     | 7829 |
| CAP-198 | TC/Dyer Rehabilitation Phase 1A                      | \$ | 8,532     | 7830 |
| CAP-200 | Braustein Rehabilitation Phase 1                     | \$ | 301       | 7831 |
| CAP-201 | WC Faculty Media Center                              | \$ | 7,275     | 7832 |
| CAP-202 | Baldwin Hall Rehabilitation - Phase I                | \$ | 8,360     | 7833 |
| CAP-203 | Zimmer Plaza & Auditorium Rehabilitation             | \$ | 5,919     | 7834 |
| CAP-205 | Medical Science Building Rehabilitation              | \$ | 7,481,108 | 7835 |
| CAP-206 | One Stop Services Center                             | \$ | 1,221,776 | 7836 |
| CAP-207 | Central Campus Infrastructure                        | \$ | 327,727   | 7837 |
| CAP-208 | Security System Upgrade                              | \$ | 54,483    | 7838 |
| CAP-209 | Library Renovations                                  | \$ | 900,500   | 7839 |
| CAP-211 | Cincinnati Symphony Facility                         | \$ | 500,000   | 7840 |
| CAP-212 | Roof Replacement - MSB Complex                       | \$ | 24,906    | 7841 |
| CAP-218 | Creation of a P3 Facility                            | \$ | 500       | 7842 |
| CAP-223 | Teachers College/Dyer Hall Rehabilitation<br>Phase 2 | \$ | 3,073,015 | 7843 |
| CAP-224 | Van Wormer Administrative Building<br>Rehabilitation | \$ | 642,423   | 7844 |
| CAP-226 | Holocaust Archives at Hebron Union                   | \$ | 250,000   | 7845 |

|         |   |    |         |      |
|---------|---|----|---------|------|
|         | College                                   |    |         |      |
| CAP-227 | Old Chemistry Roof and Masonry            | \$ | 99,049  | 7846 |
| CAP-228 | Medical Science Building Level G, 1 & 2   | \$ | 2,117   | 7847 |
|         | Lab Upgrades                              |    |         |      |
| CAP-232 | Expression Technology                     | \$ | 52,979  | 7848 |
| CAP-237 | Biomedical Engineering                    | \$ | 231,816 | 7849 |
| CAP-244 | Pulse Detonation Engine                   | \$ | 140,050 | 7850 |
| CAP-250 | Student Services                          | \$ | 97,898  | 7851 |
| CAP-251 | Information Technology                    | \$ | 15,972  | 7852 |
| CAP-252 | Surgery Research Renovation Level G & 1   | \$ | 3,566   | 7853 |
| CAP-253 | Electron Photo Reagents                   | \$ | 62,055  | 7854 |
| CAP-254 | Elevator Modernization - Sanders          | \$ | 232,372 | 7855 |
| CAP-257 | Micro and Nano-materials Consortium       | \$ | 160,000 | 7856 |
| CAP-258 | Genome Research                           | \$ | 176,439 | 7857 |
| CAP-259 | Ohio NMR Consortium                       | \$ | 114,500 | 7858 |
| CAP-260 | Environmental Technology Consortium       | \$ | 50,000  | 7859 |
| CAP-262 | Central Campus Renovations                | \$ | 8,442   | 7860 |
| CAP-264 | McMicken Window Replacement               | \$ | 66,882  | 7861 |
| CAP-265 | Rieveschl/Crosley Rehab/Expansion         | \$ | 285,633 | 7862 |
| CAP-266 | Muntz Rehab Phase 2                       | \$ | 77,623  | 7863 |
| CAP-267 | Muntz Classroom/Office Upgrades           | \$ | 16,297  | 7864 |
| CAP-269 | Raymond Walters Veterinary College        | \$ | 400,000 | 7865 |
| CAP-270 | CAS HVAC Upgrades                         | \$ | 294,680 | 7866 |
| CAP-272 | French West                               | \$ | 557     | 7867 |
| CAP-273 | Help Phones                               | \$ | 43,754  | 7868 |
| CAP-276 | Health Professionals Building G44E        | \$ | 25,428  | 7869 |
|         | Renovation                                |    |         |      |
| CAP-277 | Rieveschl 800 Lab Reloc.                  | \$ | 705,147 | 7870 |
| CAP-278 | Structural Biology                        | \$ | 500,000 | 7871 |
| CAP-279 | Developmental Neurobiology                | \$ | 500,000 | 7872 |
| CAP-283 | College of Applied Science                | \$ | 154,000 | 7873 |
| CAP-284 | Mechanistic Modeling Tools                | \$ | 60,000  | 7874 |
| CAP-285 | Medical Science Building Library Computer | \$ | 63,003  | 7875 |

|         |  |    |            |      |
|---------|--|----|------------|------|
|         | Lab Renovation   |    |            |      |
| CAP-286 | CAS Fire Alarm Upgrade   | \$ | 618,174    | 7876 |
| CAP-287 | Classroom Security System  | \$ | 71,696     | 7877 |
| CAP-288 | Doped Electroluminescent Devices                                   | \$ | 100,000    | 7878 |
| CAP-289 | Medical Science Building Data Electronic                           | \$ | 29,965     | 7879 |
|         | RM Walls   |    |            |      |
| CAP-290 | Mainframe Computing Alliance                                       | \$ | 104,727    | 7880 |
| CAP-291 | Proteomics in the Post Genome Era                                  | \$ | 1,000,000  | 7881 |
| CAP-292 | Nanoscale Hybrid Materials   | \$ | 600,287    | 7882 |
| CAP-293 | Accelerated Maturation of Materials                                | \$ | 250,000    | 7883 |
| CAP-294 | Hydrogen Production & Storage                                      | \$ | 206,000    | 7884 |
| CAP-295 | Edwards Corridors Tile   | \$ | 26,801     | 7885 |
|         | Total University of Cincinnati                                     | \$ | 30,208,640 | 7886 |
|         | BASIC RENOVATIONS  |    |            | 7887 |
|         | The amount reappropriated for the foregoing appropriation          |    |            | 7888 |
|         | item CAP-009, Basic Renovations, is the sum of the unencumbered    |    |            | 7889 |
|         | and unallotted balance as of June 30, 2004, in appropriation item  |    |            | 7890 |
|         | CAP-009, Basic Renovations, plus \$14,860.                         |    |            | 7891 |
|         | SCIENCE AND ALLIED HEALTH BUILDING - WALTERS                       |    |            | 7892 |
|         | The amount reappropriated for the foregoing appropriation          |    |            | 7893 |
|         | item CAP-128, Science and Allied Health Building - Walters, is the |    |            | 7894 |
|         | sum of the unencumbered and unallotted balance as of June 30,      |    |            | 7895 |
|         | 2004, in appropriation item CAP-128, Science and Allied Health     |    |            | 7896 |
|         | Building - Walters, plus \$81,931.                                 |    |            | 7897 |
|         | CLASSROOM/TEACHING LAB RENOVATIONS                                 |    |            | 7898 |
|         | The amount reappropriated for the foregoing appropriation          |    |            | 7899 |
|         | item CAP-174, Classroom/Teaching Lab Renovations, is the sum of    |    |            | 7900 |
|         | the unencumbered and unallotted balance as of June 30, 2004, in    |    |            | 7901 |
|         | appropriation item CAP-174, Classroom/Teaching Lab Renovations,    |    |            | 7902 |
|         | plus \$698.  |    |            | 7903 |
|         | ELEVATOR - CRITICAL BUILDING COMPONENTS                            |    |            | 7904 |



The amount reappropriated for the foregoing appropriation 7905  
item CAP-182, Elevator - Critical Building Components, is the sum 7906  
of the unencumbered and unallotted balance as of June 30, 2004, in 7907  
appropriation item CAP-182, Elevator - Critical Building 7908  
Components, plus \$45,048. 7909

MSB SMALL GROUP LEARNING SPACES 7910

The amount reappropriated for the foregoing appropriation 7911  
item CAP-187, MSB Small Group Learning Spaces, is the sum of the 7912  
unencumbered and unallotted balance as of June 30, 2004, in 7913  
appropriation item CAP-187, MSB Small Group Learning Spaces, plus 7914  
\$1,125. 7915

TC/DYER REHABILITATION PHASE 1A 7916

The amount reappropriated for the foregoing appropriation 7917  
item CAP-198, TC/DYER Rehabilitation Phase 1A, is the sum of the 7918  
unencumbered and unallotted balance as of June 30, 2004, in 7919  
appropriation item CAP-198, TC/DYER Rehabilitation Phase 1A, plus 7920  
\$2,406. 7921

BRAUSTEIN REHABILITATION PHASE 1 7922

The amount reappropriated for the foregoing appropriation 7923  
item CAP-200, Braustein Rehabilitation Phase 1, is the sum of the 7924  
unencumbered and unallotted balance as of June 30, 2004, in 7925  
appropriation item CAP-200, Braustein Rehabilitation Phase 1, plus 7926  
\$301. 7927

BALDWIN HALL REHABILITATION - PHASE 1 7928

The amount reappropriated for the foregoing appropriation 7929  
item CAP-202, Baldwin Hall Rehabilitation - Phase 1, is the sum of 7930  
the unencumbered and unallotted balance as of June 30, 2004, in 7931  
appropriation item CAP-202, Baldwin Hall Rehabilitation - Phase 1, 7932  
plus \$8,360. 7933

MEDICAL SCIENCE BUILDING REHABILITATION 7934

The amount reappropriated for the foregoing appropriation 7935  
item CAP-205, Medical Science Building Rehabilitation, is the sum 7936  
of the unencumbered and unallotted balance as of June 30, 2004, in 7937  
appropriation item CAP-205, Medical Science Building 7938  
Rehabilitation, plus \$274. 7939

ONE STOP SERVICES CENTER 7940

The amount reappropriated for the foregoing appropriation 7941  
item CAP-206, One Stop Services Center, is the sum of the 7942  
unencumbered and unallotted balance as of June 30, 2004, in 7943  
appropriation item CAP-206, One Stop Services Center, plus \$1,260. 7944

CREATION OF A P3 FACILITY 7945

The amount reappropriated for the foregoing appropriation 7946  
item CAP-218, Creation of a P3 Facility, is the sum of the 7947  
unencumbered and unallotted balance as of June 30, 2004, in 7948  
appropriation item CAP-218, Creation of a P3 Facility, plus \$500. 7949

Reappropriations

**Section 26.14. CLS CLEVELAND STATE UNIVERSITY** 7950

|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-007 | Stilwell Hall Completion                                       | \$ | 25,160    | 7951 |
| CAP-023 | Basic Renovations  | \$ | 4,173,262 | 7952 |
| CAP-067 | 17th - 18th Street Block                                       | \$ | 164,026   | 7953 |
| CAP-069 | Great Lakes Museum for Science,<br>Environment, and Technology | \$ | 200,000   | 7954 |
| CAP-088 | Asbestos Abatement   | \$ | 1,636,687 | 7955 |
| CAP-092 | Handicapped Requirements                                       | \$ | 17,148    | 7956 |
| CAP-101 | Classroom Building Conversion                                  | \$ | 50,000    | 7957 |
| CAP-109 | Classroom Upgrade  | \$ | 533,031   | 7958 |
| CAP-112 | Land Acquisitions  | \$ | 16,803    | 7959 |
| CAP-114 | Geographic Information Systems                                 | \$ | 77,738    | 7960 |
| CAP-117 | Landscaping/Sidewalks/Stairs                                   | \$ | 29,350    | 7961 |
| CAP-118 | Structural Concrete Rehabilitation                             | \$ | 36,893    | 7962 |

|                                  |  |    |            |      |
|----------------------------------|--|----|------------|------|
| CAP-125                          | College of Education Building                | \$ | 9,386,384  | 7963 |
| CAP-126                          | Electrical System Upgrades Phase 2           | \$ | 1,072,619  | 7964 |
| CAP-127                          | Fire Alarm System Upgrade                    | \$ | 400,000    | 7965 |
| CAP-128                          | Property Acquisition                         | \$ | 2,886,556  | 7966 |
| CAP-130                          | WVIZ Technology Center                       | \$ | 1,000,000  | 7967 |
| CAP-135                          | Law Building Stair Renovation                | \$ | 6,669      | 7968 |
| CAP-136                          | University Center HVAC Phase 1               | \$ | 3,843      | 7969 |
| CAP-137                          | University Center Elevator Upgrades          | \$ | 26,545     | 7970 |
| CAP-138                          | Student Services                             | \$ | 142,174    | 7971 |
| CAP-139                          | Landscape, Sidewalk Replacement              | \$ | 5,845      | 7972 |
| CAP-142                          | Rhodes Tower Library Roof Replacement        | \$ | 1,170,372  | 7973 |
| CAP-143                          | Cleveland Food Bank                          | \$ | 500,000    | 7974 |
| CAP-144                          | Rhodes Tower Plaza Renovation Phase 2        | \$ | 1,300,000  | 7975 |
| CAP-145                          | Cleveland Manufactures Technology<br>Complex | \$ | 500,000    | 7976 |
| CAP-146                          | Rhodes Tower Exterior Renovation             | \$ | 56,709     | 7977 |
| Total Cleveland State University |  | \$ | 25,417,813 | 7978 |

BASIC RENOVATIONS 7979

The amount reappropriated for the foregoing appropriation 7980  
item CAP-023, Basic Renovations, is the unencumbered and 7981  
unallotted balance as of June 30, 2004, in appropriation item 7982  
CAP-023, Basic Renovations, plus \$9,122. 7983

Reappropriations

**Section 26.15. KSU KENT STATE UNIVERSITY** 7984

|         |                                    |    |           |      |
|---------|------------------------------------|----|-----------|------|
| CAP-022 | Basic Renovations                  | \$ | 4,061,411 | 7985 |
| CAP-098 | Trumbull Branch Addition           | \$ | 13,972    | 7986 |
| CAP-105 | Basic Renovations - East Liverpool | \$ | 171,174   | 7987 |
| CAP-106 | Basic Renovations - Geauga         | \$ | 93,274    | 7988 |
| CAP-107 | Basic Renovations - Salem          | \$ | 178,129   | 7989 |
| CAP-108 | Basic Renovations - Stark          | \$ | 397,489   | 7990 |
| CAP-110 | Basic Renovations - Ashtabula      | \$ | 249,026   | 7991 |

|         |   |    |         |      |
|---------|---|----|---------|------|
| CAP-111 | Basic Renovations - Trumbull                                | \$ | 618,878 | 7992 |
| CAP-112 | Basic Renovations - Tuscarawas                              | \$ | 2,198   | 7993 |
| CAP-122 | Faculty Office Addition - Salem                             | \$ | 12,072  | 7994 |
| CAP-126 | HVAC Renovations - Ashtabula                                | \$ | 5,545   | 7995 |
| CAP-128 | Roof Renovations - Ashtabula                                | \$ | 1,435   | 7996 |
| CAP-137 | LCI/Materials Science Building                              | \$ | 24,730  | 7997 |
| CAP-139 | Science Building - Stark                                    | \$ | 54,890  | 7998 |
| CAP-140 | Road Improvements - Trumbull                                | \$ | 12,282  | 7999 |
| CAP-143 | Liquid Crystals   | \$ | 450,884 | 8000 |
| CAP-146 | Williams Hall Medium Voltage                                | \$ | 13,816  | 8001 |
| CAP-154 | Separation Science  | \$ | 1,497   | 8002 |
| CAP-156 | Boiler Plant Controls and Building<br>Alterations           | \$ | 36,932  | 8003 |
| CAP-157 | Moulton Hall Rehabilitation                                 | \$ | 30,772  | 8004 |
| CAP-159 | Electrical Substation/Fiber Optic<br>Network                | \$ | 51,993  | 8005 |
| CAP-161 | Addition to Cunningham Hall                                 | \$ | 80,149  | 8006 |
| CAP-162 | Science and Technology Building -<br>Trumbull               | \$ | 125,374 | 8007 |
| CAP-164 | ADA Modifications - Ashtabula                               | \$ | 6,772   | 8008 |
| CAP-166 | ADA Modifications - Geauga                                  | \$ | 440     | 8009 |
| CAP-167 | ADA Modifications - Salem                                   | \$ | 5,312   | 8010 |
| CAP-168 | ADA Modifications - Stark                                   | \$ | 620     | 8011 |
| CAP-173 | Child Care Facility   | \$ | 18,650  | 8012 |
| CAP-176 | Midway Drive Utilities Tunnel - II                          | \$ | 100,087 | 8013 |
| CAP-177 | Corporate Education and Conference<br>Center, Phase 2 Stark | \$ | 28,556  | 8014 |
| CAP-179 | New Power Plant   | \$ | 125,445 | 8015 |
| CAP-184 | Distributed Computation/Visualization                       | \$ | 33,833  | 8016 |
| CAP-188 | Child Care Funds - East Liverpool                           | \$ | 90,000  | 8017 |
| CAP-189 | Child Care Funds - Tuscarawas                               | \$ | 19,847  | 8018 |
| CAP-190 | Child Care Funds - Ashtabula                                | \$ | 12,500  | 8019 |
| CAP-194 | Child Care - Salem  | \$ | 100,000 | 8020 |

|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-195 | Child Care - Geauga                                    | \$ | 20,666    | 8021 |
| CAP-196 | Technology Improvements - Ashtabula                    | \$ | 282,331   | 8022 |
| CAP-197 | Technology Improvements - Geauga                       | \$ | 6,044     | 8023 |
| CAP-198 | Technology Improvements - Salem                        | \$ | 5,648     | 8024 |
| CAP-199 | Technology Improvements - Trumbull                     | \$ | 72,860    | 8025 |
| CAP-200 | Technology Improvements - Tuscarawas                   | \$ | 18,638    | 8026 |
| CAP-202 | Utility Tunnel Upgrade                                 | \$ | 133,929   | 8027 |
| CAP-206 | Child Care Facility                                    | \$ | 2,637     | 8028 |
| CAP-207 | Kent Hall Planning and Addition                        | \$ | 1,650,674 | 8029 |
| CAP-210 | Rooftop Air Handler                                    | \$ | 600       | 8030 |
| CAP-212 | Technology Building and Parking                        | \$ | 1,700,333 | 8031 |
| CAP-213 | Electric Distribution Renovation                       | \$ | 36,396    | 8032 |
| CAP-214 | Stark Selective Interior Renovation                    | \$ | 10,549    | 8033 |
| CAP-218 | Henderson Hall Roof Replace/Masonry                    | \$ | 56,385    | 8034 |
| CAP-219 | Campus Electrical Infrastructure<br>Improvements       | \$ | 22,181    | 8035 |
| CAP-220 | Campus Steam System Evaluation & Upgrade               | \$ | 297,556   | 8036 |
| CAP-221 | Organic Semiconductor Facility                         | \$ | 60,000    | 8037 |
| CAP-225 | MPA Based Template                                     | \$ | 15,078    | 8038 |
| CAP-227 | 3D Microscopy Imaging                                  | \$ | 287,100   | 8039 |
| CAP-228 | Exterior Site Improvements                             | \$ | 2,159     | 8040 |
| CAP-231 | Organic Semiconductor Consortium                       | \$ | 52,863    | 8041 |
| CAP-232 | Ohio NMR Consortium                                    | \$ | 80,800    | 8042 |
| CAP-233 | Environmental Technology Consortium                    | \$ | 56,850    | 8043 |
| CAP-234 | Terrace Drive Heating Plant<br>Rehabilitation I        | \$ | 2,254,722 | 8044 |
| CAP-235 | Rehabilitation of Franklin Hall -<br>Planning          | \$ | 1,815,000 | 8045 |
| CAP-237 | Classroom Building Interior Renovation -<br>Tuscarawas | \$ | 1,015,746 | 8046 |
| CAP-238 | Roof Replacement, Classroom Building                   | \$ | 169,002   | 8047 |
| CAP-239 | Classroom Building Roof, Coping, Fascia<br>Restoration | \$ | 581,919   | 8048 |

|                             |   |    |            |      |
|-----------------------------|---|----|------------|------|
| CAP-240                     | Roadway Parking Lot Improvements Phase 1                    | \$ | 250,000    | 8049 |
| CAP-241                     | Main Hall Selective Interior Renovations<br>- Phase 1       | \$ | 146,547    | 8050 |
| CAP-243                     | Classroom Building Interior Renovations<br>- East Liverpool | \$ | 804,594    | 8051 |
| CAP-244                     | Fine Arts Building Addition                                 | \$ | 1,300,000  | 8052 |
| CAP-245                     | Rockwell Hall Sprinkler System                              | \$ | 1,018      | 8053 |
| CAP-246                     | Tuscarawas Wing C Penthouse Roof<br>Replacement             | \$ | 83,745     | 8054 |
| CAP-248                     | Mary Patterson Building Boiler<br>Replacement               | \$ | 119,631    | 8055 |
| CAP-250                     | Rockwell Hall Tunnel Waterproofing                          | \$ | 16,707     | 8056 |
| CAP-251                     | Hydrogen Production & Storage                               | \$ | 185,000    | 8057 |
| CAP-252                     | Ohio Organic Semiconductor                                  | \$ | 250,000    | 8058 |
| Total Kent State University |   | \$ | 21,095,892 | 8059 |

BOILER PLANT CONTROLS AND BUILDING ALTERATIONS 8060

The amount reappropriated for the foregoing appropriation 8061  
item CAP-156, Boiler Plant Controls and Building Alterations, is 8062  
the unencumbered and unallotted balance as of June 30, 2004, in 8063  
appropriation item CAP-156, Boiler Plant Controls and Building 8064  
Alterations, plus \$6,738. 8065

ELECTRICAL SUBSTATION/FIBER OPTIC NETWORK 8066

The amount reappropriated for the foregoing appropriation 8067  
item CAP-159, Electrical Substation/Fiber Optic Network, is the 8068  
unencumbered and unallotted balance as of June 30, 2004, in 8069  
appropriation item CAP-159, Electrical Substation/Fiber Optic 8070  
Network, plus \$6,526. 8071

MIDWAY DRIVE UTILITIES TUNNEL - II 8072

The amount reappropriated for the foregoing appropriation 8073  
item CAP-176, Midway Drive Utilities Tunnel - II, is the 8074  
unencumbered and unallotted balance as of June 30, 2004, in 8075

appropriation item CAP-176, Midway Drive Utilities Tunnel - II, 8076  
 plus \$1,522. 8077

Reappropriations

|  |  |               |      |
|--|--|---------------|------|
| <b>Section 26.16. MUN MIAMI UNIVERSITY</b> |  |               | 8078 |
| CAP-018                                    | Basic Renovations                                      | \$ 4,352, 129 | 8079 |
| CAP-064                                    | Land Restoration - Hamilton                            | \$ 11,466     | 8080 |
| CAP-066                                    | Basic Renovations - Hamilton                           | \$ 438,175    | 8081 |
| CAP-069                                    | Basic Renovations - Middletown                         | \$ 552,927    | 8082 |
| CAP-070                                    | Chilled Water System                                   | \$ 358,075    | 8083 |
| CAP-072                                    | Hiestand Hall Renovations                              | \$ 782        | 8084 |
| CAP-081                                    | Cooperative Regional Library Depository<br>SW          | \$ 2,546      | 8085 |
| CAP-083                                    | Campus Avenue Building Renovation                      | \$ 43,612     | 8086 |
| CAP-085                                    | Alumni Hall Rehabilitation - Phase I                   | \$ 972        | 8087 |
| CAP-088                                    | Hoyt Hall Rehabilitation                               | \$ 7,785      | 8088 |
| CAP-089                                    | High Voltage Electric                                  | \$ 735,266    | 8089 |
| CAP-092                                    | Science Building - Middletown                          | \$ 271,261    | 8090 |
| CAP-096                                    | McGuffey Hall Rehabilitation                           | \$ 137,677    | 8091 |
| CAP-098                                    | Computer Network Installation                          | \$ 23,259     | 8092 |
| CAP-099                                    | King Library Rehabilitation                            | \$ 3,001,865  | 8093 |
| CAP-101                                    | ADA Modifications                                      | \$ 963        | 8094 |
| CAP-102                                    | ADA Modifications - Hamilton                           | \$ 686        | 8095 |
| CAP-103                                    | ADA Modifications - Middletown                         | \$ 2,798      | 8096 |
| CAP-105                                    | Plant Response/Environmental Stress                    | \$ 72,641     | 8097 |
| CAP-107                                    | Gas Phase Chemistry of Ions                            | \$ 34,740     | 8098 |
| CAP-109                                    | Molecular Microbial Biology                            | \$ 67,500     | 8099 |
| CAP-110                                    | Micromachining Technology                              | \$ 510,553    | 8100 |
| CAP-111                                    | Roudebush Hall Rehabilitation                          | \$ 291,058    | 8101 |
| CAP-112                                    | Chilled Water Loop Phase I - Hamilton                  | \$ 45,291     | 8102 |
| CAP-113                                    | Special Academic/Administrative Projects<br>- Hamilton | \$ 508,381    | 8103 |
| CAP-114                                    | Chilled Water Loop Phase I - Middletown                | \$ 47,553     | 8104 |

|                        |  |    |            |      |
|------------------------|--|----|------------|------|
| CAP-115                | Special Academic/Administrative Projects<br>- Middletown | \$ | 1,607,518  | 8105 |
| CAP-116                | Hughes Hall Rehabilitation - Phase 2                     | \$ | 15,008     | 8106 |
| CAP-117                | North Campus Refrigeration/Chilled Water                 | \$ | 26,698     | 8107 |
| CAP-120                | Cole Service Building Addition                           | \$ | 15,206     | 8108 |
| CAP-121                | Southwestern Book Depository                             | \$ | 178,821    | 8109 |
| CAP-123                | Phillips Hall Rehabilitation                             | \$ | 86,743     | 8110 |
| CAP-126                | Collaboration to Improve Learning                        | \$ | 28,516     | 8111 |
| CAP-127                | Campus Steam Distribution - Phase I                      | \$ | 850,000    | 8112 |
| CAP-129                | Steam Plant Electrostatic Precipitator                   | \$ | 6,699      | 8113 |
| CAP-130                | MacMillan Rehabilitation/Multicultural<br>Center         | \$ | 32,919     | 8114 |
| CAP-131                | Miami University Learning Center                         | \$ | 1,001,515  | 8115 |
| CAP-132                | Mass Spectrum Consortium                                 | \$ | 21,413     | 8116 |
| CAP-133                | Single Crystal X-Ray Diffractometer                      | \$ | 70,144     | 8117 |
| CAP-134                | Thermal Ionization Mass Spectrometer                     | \$ | 147,481    | 8118 |
| CAP-135                | NMR Spectrometer   | \$ | 159,654    | 8119 |
| CAP-139                | Ohio NMR Consortium                                      | \$ | 193,000    | 8120 |
| CAP-140                | Environmental Technology Consortium                      | \$ | 50,000     | 8121 |
| CAP-141                | 385 Peck Boulevard                                       | \$ | 1,068,019  | 8122 |
| CAP-142                | Engineering and Applied Science Facility                 | \$ | 500,000    | 8123 |
| CAP-143                | Warfield Hall Rehabilitation                             | \$ | 250,000    | 8124 |
| CAP-145                | Campus Chilled Water Efficiency                          | \$ | 339,109    | 8125 |
| CAP-146                | Information Technology System Upgrade                    | \$ | 811,969    | 8126 |
| CAP-147                | Central Campus Water and Sewer<br>Improvement            | \$ | 350,000    | 8127 |
| CAP-149                | Parrish Auditorium Rehabilitation                        | \$ | 700,000    | 8128 |
| CAP-150                | Student and Community Center                             | \$ | 1,120      | 8129 |
| Total Miami University |  | \$ | 20,031,513 | 8130 |

Reappropriations

|   |                   |    |            |      |
|---|-------------------|----|------------|------|
| <b>Section 26.17. OSU OHIO STATE UNIVERSITY</b> |                   |    |            | 8132 |
| CAP-074   | Basic Renovations | \$ | 21,755,353 | 8133 |



|         |  |    |           |      |
|---------|--|----|-----------|------|
| CAP-149 | Basic Renovations - Regional Campuses          | \$ | 1,586,910 | 8134 |
| CAP-198 | Brown Hall Annex Replacement                   | \$ | 6,213     | 8135 |
| CAP-216 | Evans Lab Addition                             | \$ | 92,250    | 8136 |
| CAP-217 | Library Book Warehouse                         | \$ | 14,721    | 8137 |
| CAP-219 | Supplemental Renovations                       | \$ | 101,419   | 8138 |
| CAP-254 | Basic Renovations - ATI                        | \$ | 184,610   | 8139 |
| CAP-255 | Supplemental Renovations - OARDC               | \$ | 1,408,980 | 8140 |
| CAP-256 | Supplemental Renovations - Regional            | \$ | 191,955   | 8141 |
| CAP-258 | Dreese Lab Addition                            | \$ | 283,941   | 8142 |
| CAP-259 | Mendenhall Lab Rehabilitation                  | \$ | 20,690    | 8143 |
| CAP-261 | Bioscience/Parks Hall Addition                 | \$ | 12,584    | 8144 |
| CAP-268 | Horse/Farm Management Facility - ATI           | \$ | 5,417     | 8145 |
| CAP-269 | Greenhouse Modernization                       | \$ | 40,982    | 8146 |
| CAP-271 | Horticulture/Entomology Greenhouse -<br>OARDC  | \$ | 15,425    | 8147 |
| CAP-273 | Retrovirus Research Center                     | \$ | 3,554     | 8148 |
| CAP-274 | OARDC Thorne & Gourley Halls                   | \$ | 20,955    | 8149 |
| CAP-292 | Life Sciences Research Building                | \$ | 218,170   | 8150 |
| CAP-293 | College of Business Facilities                 | \$ | 134,074   | 8151 |
| CAP-294 | Stillman Hall Addition                         | \$ | 58,779    | 8152 |
| CAP-295 | Poultry Science Facility                       | \$ | 2,888     | 8153 |
| CAP-297 | Library/Classroom Building - Marion            | \$ | 572       | 8154 |
| CAP-302 | Food Science & Technology Building             | \$ | 92,743    | 8155 |
| CAP-304 | Conference Center - OARDC/ATI                  | \$ | 23,350    | 8156 |
| CAP-306 | Heart & Lung Institute                         | \$ | 32,437    | 8157 |
| CAP-311 | Superconducting Radiation                      | \$ | 65,094    | 8158 |
| CAP-313 | Brain Tumor Research Center                    | \$ | 6,001     | 8159 |
| CAP-314 | Engineering Center Net Shape<br>Manufacturing  | \$ | 20,730    | 8160 |
| CAP-315 | Membrane Protein Typology                      | \$ | 8,835     | 8161 |
| CAP-316 | Instructional and Data Processing<br>Equipment | \$ | 200,806   | 8162 |
| CAP-321 | Fine Particle Technologies                     | \$ | 159,363   | 8163 |

|         |  |    |         |      |
|---------|--|----|---------|------|
| CAP-323 | Advanced Plasma Engineering                              | \$ | 22,379  | 8164 |
| CAP-324 | Plasma Ramparts  | \$ | 1,150   | 8165 |
| CAP-326 | IN-SITU AL-BE Composites                                 | \$ | 1,733   | 8166 |
| CAP-331 | Cunz Hall - Partial 2nd Floor Renovation                 | \$ | 7,286   | 8167 |
| CAP-333 | Larkins Hall - Roof Replacement Phase<br>III             | \$ | 84,795  | 8168 |
| CAP-334 | Center for Automotive Research                           | \$ | 3,445   | 8169 |
| CAP-335 | Jay Cooke Residence - Roof and Windows                   | \$ | 86,668  | 8170 |
| CAP-339 | Poultry Science Lab Remodeling                           | \$ | 213     | 8171 |
| CAP-347 | Asbestos Abatement                                       | \$ | 5,724   | 8172 |
| CAP-349 | Materials Network  | \$ | 56,025  | 8173 |
| CAP-350 | Bio-Technology Consortium                                | \$ | 42,378  | 8174 |
| CAP-352 | Analytical Electron Microscope                           | \$ | 375,000 | 8175 |
| CAP-353 | High Temp Alloys & Alluminoids                           | \$ | 220,000 | 8176 |
| CAP-356 | Pesticide Storage/Disposal Buildings                     | \$ | 606     | 8177 |
| CAP-357 | Supplemental Renovations - ATI                           | \$ | 33,969  | 8178 |
| CAP-361 | Maintenance, Receiving, and Storage<br>Facility - Marion | \$ | 58,646  | 8179 |
| CAP-362 | McPherson Lab Rehabilitation                             | \$ | 169,056 | 8180 |
| CAP-368 | Heart and Lung Institute                                 | \$ | 101,808 | 8181 |
| CAP-372 | Veterinary Hospital - Animal Isolation                   | \$ | 200     | 8182 |
| CAP-374 | ADA Modifications  | \$ | 141,183 | 8183 |
| CAP-375 | ADA Modifications - ATI                                  | \$ | 41,936  | 8184 |
| CAP-376 | ADA Modifications - Lima                                 | \$ | 95,538  | 8185 |
| CAP-377 | ADA Modifications - Mansfield                            | \$ | 15,253  | 8186 |
| CAP-379 | ADA Modifications - Newark                               | \$ | 7,732   | 8187 |
| CAP-387 | Titanium Alloys  | \$ | 54,912  | 8188 |
| CAP-391 | Haskett/Hopkins Halls Renovations                        | \$ | 7,312   | 8189 |
| CAP-394 | ATI/OARDC Roof Replacements                              | \$ | 13,913  | 8190 |
| CAP-398 | Advanced Manufacturing                                   | \$ | 38,579  | 8191 |
| CAP-399 | Manufacturing Processes/Materials                        | \$ | 62,574  | 8192 |
| CAP-401 | Terhertz Studies   | \$ | 35,294  | 8193 |
| CAP-402 | Caldwell Laboratory Remodeling                           | \$ | 37,839  | 8194 |

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-406 | Marion Park/Road/Sidewalk/Lights                            | \$ | 2,750     | 8195 |
| CAP-407 | Dulles Chilled Water  | \$ | 2,095     | 8196 |
| CAP-411 | Campus Grounds - Lights Phase 4                             | \$ | 7,018     | 8197 |
| CAP-412 | Hitchcock Hall HVAC Upgrades                                | \$ | 10,392    | 8198 |
| CAP-413 | Pomerene Lighting/Wiring                                    | \$ | 235,300   | 8199 |
| CAP-414 | Postle Hall Roof Replacement                                | \$ | 2,332     | 8200 |
| CAP-419 | NMR Consortium  | \$ | 75,116    | 8201 |
| CAP-420 | Versatile Film Facility                                     | \$ | 72,894    | 8202 |
| CAP-421 | OCARNET   | \$ | 5,916     | 8203 |
| CAP-422 | Bioprocessing Research                                      | \$ | 90,252    | 8204 |
| CAP-423 | Localized Corrosion Research                                | \$ | 6,128     | 8205 |
| CAP-424 | ATM Testbed   | \$ | 3,633     | 8206 |
| CAP-425 | Physical Sciences Building                                  | \$ | 2,653,195 | 8207 |
| CAP-427 | Morrill Hall Remodeling - Vacated<br>Library Space - Marion | \$ | 730,742   | 8208 |
| CAP-428 | Capital Equipment - OARDC                                   | \$ | 2,510     | 8209 |
| CAP-430 | Hagerty Hall Rehabilitation                                 | \$ | 89,231    | 8210 |
| CAP-431 | Sisson Hall Replacement                                     | \$ | 5,571     | 8211 |
| CAP-434 | Ramseyer Hall Roof Renovations                              | \$ | 19,700    | 8212 |
| CAP-436 | Machinery Acoustics   | \$ | 3,804     | 8213 |
| CAP-439 | Sensors and Measurements                                    | \$ | 15,115    | 8214 |
| CAP-440 | Polymer Magnets   | \$ | 1,099     | 8215 |
| CAP-443 | ADA Modifications - Elevator/Handrails                      | \$ | 45,426    | 8216 |
| CAP-444 | Larkins Hall HVAC System Upgrade                            | \$ | 3,500     | 8217 |
| CAP-445 | Starling Loving Hall A Wing - HVAC                          | \$ | 367       | 8218 |
| CAP-449 | Bolz Hall Roof Replacement                                  | \$ | 64,180    | 8219 |
| CAP-450 | Campus Grounds Exterior Lighting, Phase<br>5                | \$ | 5,748     | 8220 |
| CAP-453 | Evans Lab Chiller Replacement                               | \$ | 5,647     | 8221 |
| CAP-454 | Utilities Upgrade Lighting Retrofit                         | \$ | 11,575    | 8222 |
| CAP-458 | A1 Alloy Corrosion  | \$ | 14,292    | 8223 |
| CAP-464 | Main Library HVAC Renovations                               | \$ | 6,711     | 8224 |
| CAP-465 | Veterinary Hospital Chiller Replacement                     | \$ | 35,668    | 8225 |

|         |  |    |            |      |
|---------|--|----|------------|------|
| CAP-466 | ARPS Hall Chiller Replacement                                      | \$ | 6,323      | 8226 |
| CAP-468 | Larkins Hall Window Replacements                                   | \$ | 11,295     | 8227 |
| CAP-471 | Newton Hall Renovations  | \$ | 2,134      | 8228 |
| CAP-472 | OSHA Safety Devices  | \$ | 3,426      | 8229 |
| CAP-476 | Mount Hall Lecture Hall  | \$ | 1,559      | 8230 |
| CAP-479 | ADA Compliant Restrooms 1997                                       | \$ | 1,906      | 8231 |
| CAP-480 | Campbell Hall Public Space   | \$ | 102,104    | 8232 |
| CAP-481 | OSHA Ventilation - Bio Science                                     | \$ | 9,162      | 8233 |
| CAP-484 | Page Hall Planning   | \$ | 179,557    | 8234 |
| CAP-485 | Botany & Zoology Building Planning                                 | \$ | 20,803,345 | 8235 |
| CAP-487 | Robinson Laboratory Planning                                       | \$ | 20,000,000 | 8236 |
| CAP-488 | Don Scott Field Replacement Barns                                  | \$ | 24,889     | 8237 |
| CAP-489 | Galvin Hall 3rd Floor Renovation - Lima                            | \$ | 367,657    | 8238 |
| CAP-491 | Horticultural Operations Center - ATI                              | \$ | 1,474,400  | 8239 |
| CAP-492 | OARDC Feed Mill  | \$ | 5,800,000  | 8240 |
| CAP-496 | 1314 Kinnear Road Building Improvement                             | \$ | 3,370      | 8241 |
| CAP-497 | Book Depository  | \$ | 8,262      | 8242 |
| CAP-498 | Curl Drive Mill & Overlay  | \$ | 28,830     | 8243 |
| CAP-499 | Biological Sciences Cooling Tower                                  | \$ | 6,930      | 8244 |
| CAP-500 | Campus Buildings - Emergency Lighting                              | \$ | 25,258     | 8245 |
| CAP-504 | Fontana Lab - Chiller Replacement                                  | \$ | 12,210     | 8246 |
| CAP-505 | Main Library HVAC Upgrade  | \$ | 1,000      | 8247 |
| CAP-507 | Utilities High Voltage Electric                                    | \$ | 216,544    | 8248 |
| CAP-509 | Mount Hall HVAC Modifications                                      | \$ | 40,982     | 8249 |
| CAP-510 | Derby Hall Roof Replacement  | \$ | 67,415     | 8250 |
| CAP-512 | Main Library Roof Replacement                                      | \$ | 1,316      | 8251 |
| CAP-513 | Main Library Carpeting   | \$ | 8,352      | 8252 |
| CAP-517 | Vet Hospital Roof Replacement                                      | \$ | 36,185     | 8253 |
| CAP-518 | French Field House Glass Replacement                               | \$ | 57,625     | 8254 |
| CAP-519 | Ohio Biomedical Consortium on Medical<br>Therapeutic Micro Devices | \$ | 70,797     | 8255 |
| CAP-520 | Plant and Microbe Functional Genomics<br>Facilities                | \$ | 16,259     | 8256 |

|         |  |    |            |      |
|---------|--|----|------------|------|
| CAP-521 | Ohio Center for Wetland & River<br>Restoration   | \$ | 4,919      | 8257 |
| CAP-523 | Consortium for Novem Microfabrications<br>Methods of Medical Devices in<br>Non-Silicon Materials | \$ | 499,010    | 8258 |
| CAP-524 | Bone & Mineral Metabolism Research Lab   | \$ | 17,730     | 8259 |
| CAP-526 | Koffolt/Fontana Roof Replacement   | \$ | 81,281     | 8260 |
| CAP-530 | OSHA Fume Hood Monitors Phase I  | \$ | 27,033     | 8261 |
| CAP-531 | Animal & Plant Biology Level 3   | \$ | 3,303,062  | 8262 |
| CAP-532 | Food, AG, and Environmental Sciences   | \$ | 1,500,000  | 8263 |
| CAP-534 | Main Library Rehabilitation  | \$ | 1,693,806  | 8264 |
| CAP-535 | Psychology Building  | \$ | 13,517,273 | 8265 |
| CAP-536 | Thorne Hall and Gowley Hall Renovations,<br>Phase 3  | \$ | 3,895,974  | 8266 |
| CAP-539 | Nanosecond Infrared Measurement  | \$ | 2,588      | 8267 |
| CAP-544 | Cockins Hall Math & Statistics   | \$ | 59,371     | 8268 |
| CAP-546 | Nanometer Scale Auger Electron   | \$ | 34         | 8269 |
| CAP-549 | Caldwell Asbestos Abatement  | \$ | 193,947    | 8270 |
| CAP-552 | X-Ray Powder Diffractometer  | \$ | 558        | 8271 |
| CAP-554 | Deconvolution Microscope   | \$ | 1,097      | 8272 |
| CAP-556 | Heart/Lung Inst Animal Facility  | \$ | 442,855    | 8273 |
| CAP-557 | Pomerene Hall Renovation   | \$ | 10,546     | 8274 |
| CAP-558 | Campus Lighting Phase VII  | \$ | 2,356      | 8275 |
| CAP-560 | Campus Grounds - Woody Hayes Drive<br>Rebuild  | \$ | 343,351    | 8276 |
| CAP-561 | Campus Grounds Street Rebuild  | \$ | 13,767     | 8277 |
| CAP-564 | Denney Hall Renovation Phase I   | \$ | 18,538     | 8278 |
| CAP-565 | Ion Mass Spectrometry  | \$ | 7,556      | 8279 |
| CAP-566 | Accelerated Maturation of Materials  | \$ | 31,231     | 8280 |
| CAP-568 | Role of Molecular Interfaces   | \$ | 26,304     | 8281 |
| CAP-569 | McCracken Steam Turbine Vibration<br>Monitoring  | \$ | 50,926     | 8282 |
| CAP-570 | Celeste Laboratory HVAC Modifications  | \$ | 396,848    | 8283 |

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-571 | Electron and Ion Optical<br>Characterization of Materials | \$ | 10,164    | 8284 |
| CAP-572 | New Millimeter Spectrometer                               | \$ | 11,962    | 8285 |
| CAP-573 | Noncredit Job Training - Mansfield                        | \$ | 46,640    | 8286 |
| CAP-574 | Noncredit Job Training - Marion                           | \$ | 6,644     | 8287 |
| CAP-575 | Multi Object Double Spectrograph                          | \$ | 132,981   | 8288 |
| CAP-576 | 1224 Kinnear Road - Bale                                  | \$ | 41,520    | 8289 |
| CAP-577 | Non-Silicon Micromachining                                | \$ | 73,991    | 8290 |
| CAP-579 | Veterinary Hospital Auditorium<br>Renovation              | \$ | 60,196    | 8291 |
| CAP-580 | Bevis Hall Roof Replacement                               | \$ | 38,366    | 8292 |
| CAP-582 | Hayes Hall Roof Replacement                               | \$ | 21,269    | 8293 |
| CAP-583 | Rightmire Hall Roof Replacement                           | \$ | 14,233    | 8294 |
| CAP-584 | Starling-Loving Hall Renovation                           | \$ | 35,179    | 8295 |
| CAP-585 | Marion Campus - Student Services                          | \$ | 35,654    | 8296 |
| CAP-586 | Electroscience Lab Renovation                             | \$ | 731,500   | 8297 |
| CAP-587 | OARDC Boiler Replacement                                  | \$ | 1,173,042 | 8298 |
| CAP-588 | Graves Hall Roof Replacement                              | \$ | 76,594    | 8299 |
| CAP-590 | Supercomputer Center Expansion                            | \$ | 9,922,376 | 8300 |
| CAP-591 | Mansfield Parking Lot<br>Resurfacing/Striping             | \$ | 146,794   | 8301 |
| CAP-592 | Oval Restoration 2001                                     | \$ | 1,390,350 | 8302 |
| CAP-594 | Forging Technologies                                      | \$ | 115,539   | 8303 |
| CAP-596 | Information Literacy                                      | \$ | 273,779   | 8304 |
| CAP-597 | Online Business Major                                     | \$ | 119,351   | 8305 |
| CAP-598 | Child Care Facility                                       | \$ | 125,000   | 8306 |
| CAP-599 | Renovation of Graves Hall                                 | \$ | 271,876   | 8307 |
| CAP-600 | ATI Shisler Center Courtyard                              | \$ | 7,381     | 8308 |
| CAP-602 | OARDC Wooster Phone System Replacement                    | \$ | 467,398   | 8309 |
| CAP-604 | Extramural Research Facilities                            | \$ | 1,000,000 | 8310 |
| CAP-605 | Utility - North Tunnel Steamline Upgrade                  | \$ | 1,302,420 | 8311 |
| CAP-607 | Springback of Aluminum Alloys                             | \$ | 10,612    | 8312 |
| CAP-608 | Dual Beam Characterization                                | \$ | 150,000   | 8313 |

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-609 | Precision Navigation System                         | \$ | 2,696     | 8314 |
| CAP-613 | Organic Semiconductor Consortium                    | \$ | 224,911   | 8315 |
| CAP-616 | Environmental Technology Consortium                 | \$ | 50,000    | 8316 |
| CAP-617 | Campbell, University, and Evans Hall                | \$ | 1,546,496 | 8317 |
| CAP-618 | Laboratory Animal Facility                          | \$ | 6,700,000 | 8318 |
| CAP-619 | Fry Hall Building Addition                          | \$ | 3,600,000 | 8319 |
| CAP-620 | School of Music - Planning                          | \$ | 250,000   | 8320 |
| CAP-622 | Western Branch Headquarters & Machinery<br>Building | \$ | 850,000   | 8321 |
| CAP-623 | Piketon Training & Development Center               | \$ | 900,000   | 8322 |
| CAP-624 | Muck Crops Branch/Shop Building<br>Replacement      | \$ | 825,000   | 8323 |
| CAP-626 | Agr/Engineering Building Renovation &<br>Addition   | \$ | 200,000   | 8324 |
| CAP-628 | Wood County Center for Agriculture                  | \$ | 1,000,000 | 8325 |
| CAP-629 | Community Heritage Art Gallery - Lima               | \$ | 100,000   | 8326 |
| CAP-631 | Health Psychology                                   | \$ | 250,000   | 8327 |
| CAP-632 | Nanotechnology Molecular Assembly                   | \$ | 500,000   | 8328 |
| CAP-633 | Networking and Communication                        | \$ | 500,000   | 8329 |
| CAP-634 | Planetary Gear                                      | \$ | 125,000   | 8330 |
| CAP-635 | X-Ray Fluorescence Spectrometer                     | \$ | 60,000    | 8331 |
| CAP-636 | Precision Navigation                                | \$ | 85,000    | 8332 |
| CAP-637 | Welding & Metal Working                             | \$ | 200,000   | 8333 |
| CAP-638 | Spin Driven Electronics                             | \$ | 78,841    | 8334 |
| CAP-639 | Inductively Coupled Plasma Etching                  | \$ | 139,661   | 8335 |
| CAP-641 | Accelerated Metals                                  | \$ | 1,100,000 | 8336 |
| CAP-642 | Mathematical Biosciences Institute                  | \$ | 100,000   | 8337 |
| CAP-645 | Lincoln Morrill Tower Walkway                       | \$ | 611,100   | 8338 |
| CAP-646 | Mershon Auditorium HVAC System<br>Improvements      | \$ | 456,250   | 8339 |
| CAP-647 | Molecular Microdevices                              | \$ | 200,000   | 8340 |
| CAP-648 | Research Center HVAC System Improvements            | \$ | 163,485   | 8341 |
| CAP-649 | Infrared Absorption Measurements                    | \$ | 187,500   | 8342 |

|                             |                                     |    |             |      |
|-----------------------------|-------------------------------------|----|-------------|------|
| CAP-650                     | Dark Fiber                          | \$ | 5,000,000   | 8343 |
| CAP-651                     | Shared Data Backup System           | \$ | 252,560     | 8344 |
| CAP-652                     | Mainframe Computing Alliance        | \$ | 40,650      | 8345 |
| CAP-653                     | Third Frontier Network Testbed      | \$ | 1,029,988   | 8346 |
| CAP-654                     | Distributed Learning Workshop       | \$ | 750,000     | 8347 |
| CAP-655                     | Nanoscale Patterning Consortium     | \$ | 1,868,997   | 8348 |
| CAP-656                     | Accelerated Maturation of Materials | \$ | 1,650,000   | 8349 |
| CAP-657                     | Nanoscale Polymers Manufacturing    | \$ | 1,762,500   | 8350 |
| CAP-658                     | Hydrogen Production and Storage     | \$ | 440,000     | 8351 |
| CAP-659                     | Ohio Organic Semiconductor          | \$ | 500,000     | 8352 |
| CAP-660                     | Macromolecular Crystallography      | \$ | 240,000     | 8353 |
| CAP-680                     | Cleveland Botanical Gardens         | \$ | 2,500,000   | 8354 |
| Total Ohio State University |                                     | \$ | 163,205,353 | 8355 |

ANIMAL AND PLANT BIOLOGY LEVEL 3 8356

The amount reappropriated for the foregoing appropriation 8357  
item CAP-531, Animal and Plant Biology Level 3, shall be 8358  
\$3,303,062. 8359

Reappropriations

|   |                                     |    |           |      |
|---|-------------------------------------|----|-----------|------|
| <b>Section 26.18. OHU OHIO UNIVERSITY</b> |                                     |    | 8360      |      |
| CAP-020                                   | Basic Renovations                   | \$ | 5,116,698 | 8361 |
| CAP-021                                   | Conservancy District Assessment     | \$ | 8,807     | 8362 |
| CAP-086                                   | Memorial Auditorium Rehabilitation  | \$ | 10,013    | 8363 |
| CAP-094                                   | Bentley Hall Renovation             | \$ | 111,333   | 8364 |
| CAP-095                                   | Basic Renovations - Eastern         | \$ | 520,810   | 8365 |
| CAP-098                                   | Basic Renovations - Lancaster       | \$ | 267,010   | 8366 |
| CAP-099                                   | Basic Renovations - Zanesville      | \$ | 244,601   | 8367 |
| CAP-113                                   | Basic Renovations - Chillicothe     | \$ | 299,716   | 8368 |
| CAP-114                                   | Basic Renovations - Ironton         | \$ | 301,350   | 8369 |
| CAP-115                                   | Bennett Hall HVAC/Lab - Chillicothe | \$ | 997,950   | 8370 |
| CAP-116                                   | Copeland Hall Rehabilitation        | \$ | 3,881     | 8371 |
| CAP-117                                   | Porter Hall Rehabilitation          | \$ | 26,531    | 8372 |



|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-119 | Biomedical Research Center                | \$ | 21,374    | 8373 |
| CAP-120 | Ridges Auditorium Rehabilitation          | \$ | 1,177     | 8374 |
| CAP-136 | Gymnasium Development - Eastern           | \$ | 97,734    | 8375 |
| CAP-137 | Classroom Building - Ironton              | \$ | 6,025     | 8376 |
| CAP-141 | College of Health and Human Services      | \$ | 74,963    | 8377 |
| CAP-142 | Health Professions Labs Phase I           | \$ | 33,308    | 8378 |
| CAP-145 | Asbestos Abatement                        | \$ | 27,136    | 8379 |
| CAP-148 | RTVC Building Asbestos Abatement          | \$ | 1,037     | 8380 |
| CAP-149 | Electrical Distribution System            | \$ | 1,490     | 8381 |
| CAP-152 | Gordy Hall Addition and Rehabilitation    | \$ | 21,464    | 8382 |
| CAP-155 | Brasee Hall Rehabilitation - Lancaster    | \$ | 1,072,411 | 8383 |
| CAP-157 | ADA Modifications                         | \$ | 67,665    | 8384 |
| CAP-160 | ADA Modifications - Ironton               | \$ | 9,113     | 8385 |
| CAP-161 | ADA Modifications - Lancaster             | \$ | 20,345    | 8386 |
| CAP-164 | Southeast Library Warehouse               | \$ | 251,254   | 8387 |
| CAP-169 | Elevator Improvements Phase III           | \$ | 95,345    | 8388 |
| CAP-172 | Elson Hall Rehabilitation - Zanesville    | \$ | 1,080,130 | 8389 |
| CAP-183 | Central Classroom Building                | \$ | 298,040   | 8390 |
| CAP-184 | Utilities to Scripps Hall                 | \$ | 211       | 8391 |
| CAP-186 | Ellis Hall Partial Renovation             | \$ | 7,080     | 8392 |
| CAP-187 | Technology Center Planning - Ironton      | \$ | 1,292     | 8393 |
| CAP-188 | Technology Center Construction - Ironton  | \$ | 5,331     | 8394 |
| CAP-189 | Conference Center Planning - Lancaster    | \$ | 500,358   | 8395 |
| CAP-190 | Center for Public Policy                  | \$ | 29,589    | 8396 |
| CAP-191 | District Water Cooling                    | \$ | 17,029    | 8397 |
| CAP-192 | Plant and Microbe Functional Genomics     | \$ | 38,358    | 8398 |
|         | Facilities                                |    |           |      |
| CAP-199 | Bently Hall Phase I                       | \$ | 36,100    | 8399 |
| CAP-200 | Building Acquisition/Renovation - Eastern | \$ | 373,182   | 8400 |
| CAP-202 | Putnam Hall Rehabilitation                | \$ | 258,523   | 8401 |
| CAP-203 | Supplemental Renovations                  | \$ | 309,937   | 8402 |
| CAP-205 | Noncredit Job Training                    | \$ | 731,000   | 8403 |
| CAP-206 | Human Resources Training Center           | \$ | 1,116     | 8404 |

|                       |                                      |    |            |      |
|-----------------------|--------------------------------------|----|------------|------|
| CAP-208               | Student Services                     | \$ | 33,238     | 8405 |
| CAP-209               | Creativity Through Technology        | \$ | 338,520    | 8406 |
| CAP-211               | Ohio NMR Consortium                  | \$ | 80,800     | 8407 |
| CAP-212               | Exterior Site Improvement            | \$ | 248,065    | 8408 |
| CAP-213               | Daycare Center                       | \$ | 447,950    | 8409 |
| CAP-214               | Science/Fine Arts Renovation Phase 2 | \$ | 725,213    | 8410 |
| CAP-215               | Land-Use Plan/Future Development     | \$ | 30,000     | 8411 |
| CAP-219               | Mainframe Computing Alliance         | \$ | 10,000     | 8412 |
| CAP-220               | Nanoscale Patterning Consortium      | \$ | 131,003    | 8413 |
| Total Ohio University |                                      | \$ | 15,442,606 | 8414 |

BASIC RENOVATIONS 8415

The amount reappropriated for the foregoing appropriation 8416  
item CAP-020, Basic Renovations, is the unencumbered and 8417  
unallotted balance as of June 30, 2004, in appropriation item 8418  
CAP-020, Basic Renovations, plus \$42,454. 8419

BASIC RENOVATIONS - LANCASTER 8420

The amount reappropriated for the foregoing appropriation 8421  
item CAP-098, Basic Renovations - Lancaster, is the unencumbered 8422  
and unallotted balance as of June 30, 2004, in appropriation item 8423  
CAP-098, Basic Renovations - Lancaster, plus \$441. 8424

BASIC RENOVATIONS - ZANESVILLE 8425

The amount reappropriated for the foregoing appropriation 8426  
item CAP-099, Basic Renovations - Zanesville, is the unencumbered 8427  
and unallotted balance as of June 30, 2004, in appropriation item 8428  
CAP-099, Basic Renovations - Zanesville, plus \$1,333. 8429

BENNETT HALL HVAC/LAB - CHILLICOTHE 8430

The amount reappropriated for the foregoing appropriation 8431  
item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, is the 8432  
unencumbered and unallotted balance as of June 30, 2004, in 8433  
appropriation item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, 8434

|  |      |
|--|------|
| plus \$11,590.   | 8435 |
| GYMNASIUM DEVELOPMENT - EASTERN                                    | 8436 |
| The amount reappropriated for the foregoing appropriation          | 8437 |
| item CAP-136, Gymnasium Development - Eastern, is the unencumbered | 8438 |
| and unallotted balance as of June 30, 2004, in appropriation item  | 8439 |
| CAP-136, Gymnasium Development - Eastern, plus \$305.              | 8440 |
| COLLEGE OF HEALTH AND HUMAN SERVICES                               | 8441 |
| The amount reappropriated for the foregoing appropriation          | 8442 |
| item CAP-141, College of Health and Human Services, is the         | 8443 |
| unencumbered and unallotted balance as of June 30, 2004, in        | 8444 |
| appropriation item CAP-141, College of Health and Human Services,  | 8445 |
| plus \$7,534.  | 8446 |
| HEALTH PROFESSIONS LABS - PHASE I                                  | 8447 |
| The amount reappropriated for the foregoing appropriation          | 8448 |
| item CAP-142, Health Professions Labs Phase I, is the unencumbered | 8449 |
| and unallotted balance as of June 30, 2004, in appropriation item  | 8450 |
| CAP-142, Health Professions Labs Phase I, plus \$33,308.           | 8451 |
| GORDY HALL ADDITION AND REHABILITATION                             | 8452 |
| The amount reappropriated for the foregoing appropriation          | 8453 |
| item CAP-152, Gordy Hall Addition and Rehabilitation, is the       | 8454 |
| unencumbered and unallotted balance as of June 30, 2004, in        | 8455 |
| appropriation item CAP-152, Gordy Hall Addition and                | 8456 |
| Rehabilitation, plus \$940.  | 8457 |
| BRASEE HALL REHABILITATION - LANCASTER                             | 8458 |
| The amount reappropriated for the foregoing appropriation          | 8459 |
| item CAP-155, Brasee Hall Rehabilitation - Lancaster, is the       | 8460 |
| unencumbered and unallotted balance as of June 30, 2004, in        | 8461 |
| appropriation item CAP-155, Brasee Hall Rehabilitation -           | 8462 |
| Lancaster, plus \$13,216.  | 8463 |
| ELSON HALL REHABILITATION - ZANESVILLE                             | 8464 |

The amount reappropriated for the foregoing appropriation 8465  
item CAP-172, Elson Hall Rehabilitation - Zanesville, is the 8466  
unencumbered and unallotted balance as of June 30, 2004, in 8467  
appropriation item CAP-172, Elson Hall Rehabilitation - 8468  
Zanesville, plus \$4,404. 8469

TECHNOLOGY CENTER PLANNING - IRONTON 8470

The amount reappropriated for the foregoing appropriation 8471  
item CAP-187, Technology Center Planning - Ironton, is the 8472  
unencumbered and unallotted balance as of June 30, 2004, in 8473  
appropriation item CAP-187, Technology Center Planning - Ironton, 8474  
plus \$1,292. 8475

TECHNOLOGY CENTER CONSTRUCTION - IRONTON 8476

The amount reappropriated for the foregoing appropriation 8477  
item CAP-188, Technology Center Construction - Ironton, is the 8478  
unencumbered and unallotted balance as of June 30, 2004, in 8479  
appropriation item CAP-188, Technology Center Construction - 8480  
Ironton, plus \$5,331. 8481

CENTER FOR PUBLIC POLICY 8482

The amount reappropriated for the foregoing appropriation 8483  
item CAP-190, Center for Public Policy, is the unencumbered and 8484  
unallotted balance as of June 30, 2004, in appropriation item 8485  
CAP-190, Center for Public Policy, plus \$23,891. 8486

DISTRICT WATER COOLING 8487

The amount reappropriated for the foregoing appropriation 8488  
item CAP-191, District Water Cooling, is the unencumbered and 8489  
unallotted balance as of June 30, 2004, in appropriation item 8490  
CAP-191, District Water Cooling, plus \$17,029. 8491

SUPPLEMENTAL RENOVATIONS 8492

The amount reappropriated for the foregoing appropriation 8493  
item CAP-203, Supplemental Renovations, is the unencumbered and 8494

unallotted balance as of June 30, 2004, in appropriation item 8495  
 CAP-203, Supplemental Renovations, plus \$6,621. 8496

HUMAN RESOURCES TRAINING CENTER 8497

The amount reappropriated for the foregoing appropriation 8498  
 item CAP-206, Human Resources Training Center, is the unencumbered 8499  
 and unallotted balance as of June 30, 2004, in appropriation item 8500  
 CAP-206, Human Resources Training Center, plus \$1,116. 8501

Reappropriations

**Section 26.19. SSC SHAWNEE STATE UNIVERSITY 8502**

|                                |   |    |           |      |
|--------------------------------|---|----|-----------|------|
| CAP-004                        | Basic Renovations                                     | \$ | 1,468,735 | 8503 |
| CAP-008                        | Massie Hall Renovation                                | \$ | 54,541    | 8504 |
| CAP-010                        | Land Acquisition                                      | \$ | 116,917   | 8505 |
| CAP-016                        | Library Building                                      | \$ | 10,777    | 8506 |
| CAP-017                        | Math/Science Building                                 | \$ | 17,061    | 8507 |
| CAP-029                        | Fine Arts Class and Lab Building                      | \$ | 108,704   | 8508 |
| CAP-030                        | Utilities and Landscaping                             | \$ | 4,679     | 8509 |
| CAP-037                        | ADA Modifications                                     | \$ | 53,188    | 8510 |
| CAP-039                        | Central Heating Plant Replacement                     | \$ | 5,215     | 8511 |
| CAP-040                        | Chiller Replacement                                   | \$ | 12,054    | 8512 |
| CAP-041                        | Kricker Hall Renovation                               | \$ | 1,932     | 8513 |
| CAP-042                        | Sidewalk/Plaza Replacement                            | \$ | 250,276   | 8514 |
| CAP-043                        | Communication/Data Upgrade                            | \$ | 23,079    | 8515 |
| CAP-044                        | Land Acquisition                                      | \$ | 343,830   | 8516 |
| CAP-045                        | Rehabilitation of Health Sciences<br>Building Phase I | \$ | 1,681,974 | 8517 |
| CAP-046                        | Digital Infrastructure                                | \$ | 81,153    | 8518 |
| CAP-047                        | Natatorium Rehabilitation                             | \$ | 450,000   | 8519 |
| CAP-048                        | Facilities Building Renovation                        | \$ | 242,120   | 8520 |
| Total Shawnee State University |   | \$ | 4,926,235 | 8521 |

Reappropriations

|         |   |               |      |
|---------|---|---------------|------|
|         | <b>Section 26.20. UTO UNIVERSITY OF TOLEDO</b>      |               | 8523 |
| CAP-007 | University Hall Renovation                          | \$ 12,966     | 8524 |
| CAP-010 | Basic Renovations                                   | \$ 4,724,946  | 8525 |
| CAP-025 | Roof Renovations                                    | \$ 25,655     | 8526 |
| CAP-062 | Pharmacy, Chemical and Life Sciences<br>Facility    | \$ 3,318      | 8527 |
| CAP-071 | Southwest Academic Center Rehabilitation            | \$ 12,321     | 8528 |
| CAP-073 | ADA Modifications                                   | \$ 6,452      | 8529 |
| CAP-077 | Tribology   | \$ 231,196    | 8530 |
| CAP-083 | Bowman-Oddy Rehabilitation Phase 2                  | \$ 241,368    | 8531 |
| CAP-091 | Greenhouse Improvements                             | \$ 11,675     | 8532 |
| CAP-092 | Plant and Microbe Functional Genomics<br>Facilities | \$ 42,587     | 8533 |
| CAP-093 | Distance Learning                                   | \$ 50,915     | 8534 |
| CAP-094 | Plant Operations Renovation                         | \$ 450,000    | 8535 |
| CAP-096 | Health & Human Services Rehabilitation<br>Phase I   | \$ 2,559,923  | 8536 |
| CAP-097 | Libbey Hall Rehabilitation                          | \$ 275,000    | 8537 |
| CAP-100 | University Computer Center                          | \$ 4,878      | 8538 |
| CAP-105 | Gillham Hall Rehabilitation                         | \$ 9,522,871  | 8539 |
| CAP-108 | Roof Renovations/Scott Park                         | \$ 12,508     | 8540 |
| CAP-109 | Student Services                                    | \$ 192,781    | 8541 |
| CAP-110 | Distributed Learning Courses                        | \$ 94,996     | 8542 |
| CAP-111 | Scott Park Classroom Abatement                      | \$ 418,139    | 8543 |
| CAP-112 | Campus Signage Improvements                         | \$ 132,951    | 8544 |
| CAP-113 | Wind Tunnel Relocation                              | \$ 16,370     | 8545 |
| CAP-115 | Palmer Hall - 3rd Floor Classroom<br>Renovations    | \$ 2,200,000  | 8546 |
| CAP-116 | Bowman-Oddy-N Wing Renovations                      | \$ 5,207,000  | 8547 |
| CAP-117 | Mainframe Computing Alliance                        | \$ 61,277     | 8548 |
| CAP-118 | Macromolecular Crystallography                      | \$ 941,600    | 8549 |
|         | Total University of Toledo                          | \$ 27,453,693 | 8550 |

Reappropriations

|   |                                     |              |                    |
|---|-------------------------------------|--------------|--------------------|
| <b>Section 26.21. WSU WRIGHT STATE UNIVERSITY</b> |                                     |              | 8552               |
| CAP-015   | Basic Renovations                   | \$ 2,291,904 | 8553               |
| CAP-064   | Basic Renovations - Lake            | \$ 7,350     | 8554               |
| CAP-071   | New Academic Building               | \$ 8,881     | 8555               |
| CAP-080   | Library Access Consolidation System | \$ 6,160,731 | 8556               |
| CAP-084   | ADA Modifications                   | \$ 2,751     | 8557               |
| CAP-093   | Information Technology Center       | \$ 23,860    | 8558               |
| CAP-102   | Specialized Communication           | \$ 12,894    | 8559               |
| CAP-103   | Millett Hall Rehabilitation         | \$ 21,479    | 8560               |
| CAP-113   | Advanced Internet Utilization       | \$ 167,583   | 8561               |
| CAP-114   | Environmental Technology Consortium | \$ 575,245   | 8562               |
| CAP-115   | Russ Engineering Expansion          | \$ 2,631,000 | 8563               |
| CAP-116   | Rike Hall Renovation - Planning     | \$ 200,000   | 8564               |
| CAP-117   | Electrical Infrastructure Phase 1   | \$ 1,956,600 | 8565               |
| CAP-118   | Campus Master Plan Phase V-A        | \$ 1,534,031 | 8566               |
| CAP-119   | Science Lab Renovations - Planning  | \$ 500,000   | 8567               |
| CAP-120   | Lake Campus University Center       | \$ 587,200   | 8568               |
| CAP-122   | Accelerated Maturation of Materials | \$ 100,000   | 8569               |
| Total Wright State University                     |                                     |              | \$ 16,781,509 8570 |

BASIC RENOVATIONS 8571

The amount reappropriated for the foregoing appropriation 8572  
 item CAP-015, Basic Renovations, is the unencumbered and 8573  
 unallotted balance as of June 30, 2004, in appropriation items 8574  
 CAP-015, Basic Renovations; CAP-094, Campus Services Building; and 8575  
 CAP-098, Center/Hamilton/Physical Education Chiller, plus \$23,400. 8576

BASIC RENOVATIONS - LAKE 8577

The amount reappropriated for the foregoing appropriation 8578  
 item CAP-064, Basic Renovations - Lake, is the sum of the 8579  
 unencumbered and unallotted balance as of June 30, 2004, in 8580  
 appropriation item CAP-064, Basic Renovations - Lake, plus \$7,350. 8581

LIBRARY ACCESS CONSOLIDATION SYSTEM 8582

The amount reappropriated for the foregoing appropriation 8583  
 item CAP-080, Library Access Consolidation System, is the 8584  
 unencumbered and unallotted balance as of June 30, 2004, in 8585  
 appropriation item CAP-080, Library Access Consolidation System, 8586  
 plus \$33,780. 8587

CAMPUS MASTER PLAN PHASE V-A 8588

The amount reappropriated for the foregoing appropriation 8589  
 item CAP-118, Campus Master Plan Phase V-A, is the sum of the 8590  
 unencumbered and unallotted balance as of June 30, 2004, in 8591  
 appropriation items CAP-072, Access Circulation, CAP-104, Road and 8592  
 Parking Lot Improvements, and CAP-118, Campus Master Plan Phase 8593  
 V-A. 8594

Reappropriations

**Section 26.22. YSU YOUNGSTOWN STATE UNIVERSITY** 8595

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-014 | Basic Renovations                       | \$ | 3,029,503 | 8596 |
| CAP-027 | Property Acquisition/Street Closures    | \$ | 19,673    | 8597 |
| CAP-040 | Bliss Hall Rehabilitation - Final Phase | \$ | 49,029    | 8598 |
| CAP-066 | Asbestos Abatement                      | \$ | 48,279    | 8599 |
| CAP-086 | Instructional and Data Processing       | \$ | 898,064   | 8600 |
|         | Equipment                               |    |           |      |
| CAP-099 | Todd Hall Renovations                   | \$ | 151,979   | 8601 |
| CAP-108 | Electronic Campus                       | \$ | 1,553,708 | 8602 |
|         | Infrastructure/Technology               |    |           |      |
| CAP-111 | Fine Arts Distance Learning             | \$ | 45,146    | 8603 |
| CAP-112 | Beeghly Center Rehabilitation           | \$ | 229,765   | 8604 |
| CAP-113 | Campus Development                      | \$ | 929,396   | 8605 |
| CAP-114 | Chiller and Steamline Replacement Phase | \$ | 777,900   | 8606 |
|         | 3                                       |    |           |      |
| CAP-117 | Ward Beecher/HVAC Ugrade                | \$ | 174,982   | 8607 |
| CAP-120 | Student Services                        | \$ | 61,545    | 8608 |



|                                   |  |    |            |      |
|-----------------------------------|--|----|------------|------|
| CAP-121                           | Administrative Technology Computer<br>Systems Improvements | \$ | 1,500,000  | 8609 |
| CAP-123                           | Campus Wide Electrical Upgrades                            | \$ | 1,000,000  | 8610 |
| CAP-124                           | Classroom Updates  | \$ | 800,000    | 8611 |
| CAP-125                           | Campus Wide Building System Upgrades                       | \$ | 400,000    | 8612 |
| CAP-127                           | Recreation and Wellness Center                             | \$ | 1,000,000  | 8613 |
| Total Youngstown State University |  | \$ | 12,668,969 | 8614 |

Reappropriations

|   |  |    |           |      |
|---|--|----|-----------|------|
| <b>Section 26.23. MCO MEDICAL COLLEGE OF OHIO</b> |  |    |           | 8616 |
| CAP-010   | Basic Renovations                              | \$ | 123,787   | 8617 |
| CAP-046   | Instructional and Data Processing<br>Equipment | \$ | 490,676   | 8618 |
| CAP-048   | Medical Informatics Data Highway               | \$ | 6,803     | 8619 |
| CAP-049   | Center for Classrooms of the Future            | \$ | 5,460     | 8620 |
| CAP-053   | ADA Modifications                              | \$ | 8,258     | 8621 |
| CAP-062   | Waterproofing                                  | \$ | 3,381     | 8622 |
| CAP-066   | Core Research Facility                         | \$ | 2,193,940 | 8623 |
| CAP-067   | Student Services                               | \$ | 553       | 8624 |
| CAP-072   | Campus Substation Repairs                      | \$ | 5,317     | 8625 |
| CAP-074   | Mulford Library Roof                           | \$ | 1,740     | 8626 |
| CAP-076   | Supplemental Renovations                       | \$ | 16,306    | 8627 |
| CAP-077   | Academic Classroom Improvements                | \$ | 400,000   | 8628 |
| CAP-078   | Clinical Academic Renovation                   | \$ | 700,000   | 8629 |
| CAP-079   | Campus Waterproofing                           | \$ | 41,500    | 8630 |
| Total Medical College of Ohio                     |  | \$ | 3,997,721 | 8631 |

Reappropriations

|   |   |    |         |      |
|---|---|----|---------|------|
| <b>Section 26.24. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF</b> |   |    |         | 8633 |
| MEDICINE  |   |    |         | 8634 |
| CAP-018   | Basic Renovations                       | \$ | 495,179 | 8635 |
| CAP-022   | Cooperating Regional Library Depository | \$ | 452,200 | 8636 |
| CAP-034   | ADA Modifications                       | \$ | 5,562   | 8637 |

|   |                                      |    |           |      |
|---|--------------------------------------|----|-----------|------|
| CAP-036   | Computer Services Networking         | \$ | 398       | 8638 |
| CAP-040   | Campus Network Expansion             | \$ | 1,223,974 | 8639 |
| CAP-042   | Outdoor Athletic Facilities          | \$ | 6,158     | 8640 |
| CAP-045   | Renovation of Olson and Meshul Halls | \$ | 1,316,849 | 8641 |
| CAP-046   | HEI Data Reporting                   | \$ | 217,400   | 8642 |
| CAP-047   | Roof Renovations                     | \$ | 12,418    | 8643 |
| Total Northeastern Ohio Universities College of |                                      | \$ | 3,730,138 | 8644 |

Medicine

ROOF RENOVATIONS 8645

The amount reappropriated for the foregoing appropriation 8646  
item CAP-047, Roof Renovations, shall be \$12,418. 8647

**Section 26.25. CWR CASE WESTERN RESERVE UNIVERSITY 8648**

|         |   |    |           |      |
|---------|---|----|-----------|------|
| CAP-005 | NE Ohio Biomedical Research Consortium  | \$ | 33,750    | 8649 |
| CAP-013 | Ohio MEMSnet  | \$ | 17,579    | 8650 |
| CAP-016 | Ohio Pharmacological Sciences Consortium  | \$ | 9,892     | 8651 |
| CAP-022 | Developing and Improving Institutional<br>Animal Resources  | \$ | 64,144    | 8652 |
| CAP-028 | Ohio MicroMD: The Ohio BioMEMS<br>Consortium on Medical Therapeutic<br>Microdevices               | \$ | 11,002    | 8653 |
| CAP-029 | Consortium for Novel Microfabrication<br>Methods of Mesoscale Devices in<br>Non-Silicon Materials | \$ | 167,893   | 8654 |
| CAP-031 | Research in Propulsion Systems for<br>Future Vehicles   | \$ | 180,161   | 8655 |
| CAP-032 | Center for Fire & Explosion Science &<br>Technology   | \$ | 31,978    | 8656 |
| CAP-033 | Acquisition of 900 MHz NMR Spectrometer   | \$ | 1,400,000 | 8657 |
| CAP-035 | Construction of Near Field Optical Probe<br>for Bioinspired Research & Education                  | \$ | 145,000   | 8658 |
| CAP-036 | Ohio Eminent Scholar for Fuel Cells   | \$ | 500,000   | 8659 |

|                                       |  |    |           |      |
|---------------------------------------|--|----|-----------|------|
| CAP-037                               | Mass Spectrometry Consortium for<br>Materials and Medical Research                   | \$ | 155,000   | 8660 |
| CAP-038                               | Ohio In-vivo Cellular and Molecular<br>Imaging Consortium                            | \$ | 1,040,000 | 8661 |
| CAP-039                               | Ohio Organic Semiconductor Consortium  | \$ | 215,000   | 8662 |
| CAP-040                               | Ohio NMR Consortium  | \$ | 800,000   | 8663 |
| CAP-041                               | Acquisition of a 600 MHz NMR<br>Spectrometer Equipped with Cryoprobe                 | \$ | 250,000   | 8664 |
| CAP-042                               | Nanoscale Hybrid Materials: Novel<br>Synthesis, Characterization and<br>Applications | \$ | 200,000   | 8665 |
| CAP-043                               | Ohio Organic Semiconductor Consortium  | \$ | 250,000   | 8666 |
| Total Case Western Reserve University |  | \$ | 5,471,399 | 8667 |

Reappropriations

|  |                                      |    |           |      |
|--|--------------------------------------|----|-----------|------|
| <b>Section 26.26. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY</b> |                                      |    |           | 8669 |
| COLLEGE  |                                      |    |           | 8670 |
| CAP-008  | Interior Renovations                 | \$ | 102,045   | 8671 |
| CAP-013  | Basic Renovations                    | \$ | 479,518   | 8672 |
| CAP-016  | Health Professions Building Planning | \$ | 1,468     | 8673 |
| CAP-030  | Student Life/Education Building      | \$ | 3,707,269 | 8674 |
| CAP-032  | Child Care Facility                  | \$ | 89,715    | 8675 |
| CAP-033  | One Stop Shop Renovation             | \$ | 547,860   | 8676 |
| CAP-034  | Rekeying of Main Campus              | \$ | 365,160   | 8677 |
| CAP-035  | Install Kiosks                       | \$ | 150,450   | 8678 |
| Total Cincinnati State Community College                           |                                      | \$ | 5,443,485 | 8679 |

Reappropriations

|   |                                       |    |         |      |
|---|---------------------------------------|----|---------|------|
| <b>Section 26.27. CLT CLARK STATE COMMUNITY COLLEGE</b> |                                       |    |         | 8681 |
| CAP-006   | Basic Renovations                     | \$ | 703,692 | 8682 |
| CAP-034   | ADA Modifications                     | \$ | 28,451  | 8683 |
| CAP-038   | Future Health Professionals           | \$ | 25,910  | 8684 |
| CAP-039   | Champaign Health and Education Center | \$ | 100,000 | 8685 |

|                                     |                                   |    |         |      |
|-------------------------------------|-----------------------------------|----|---------|------|
| CAP-040                             | Clark Health and Education Center | \$ | 50,000  | 8686 |
| Total Clark State Community College |                                   | \$ | 908,053 | 8687 |

Reappropriations

|  |                                   |    |            |      |
|--|-----------------------------------|----|------------|------|
| <b>Section 26.28. CTI COLUMBUS STATE COMMUNITY COLLEGE</b> |                                   |    |            | 8689 |
| CAP-006  | Basic Renovations                 | \$ | 1,286,530  | 8690 |
| CAP-007  | Land Acquisition                  | \$ | 936,000    | 8691 |
| CAP-028  | Instructional and Data Processing | \$ | 858,973    | 8692 |
|  | Equipment                         |    |            |      |
| CAP-033  | Child Care Facility               | \$ | 89,510     | 8693 |
| CAP-037  | Academic Center "C"               | \$ | 132,684    | 8694 |
| CAP-040  | Building "D" Planning             | \$ | 22,283,398 | 8695 |
| CAP-043  | Building "E" Planning             | \$ | 1,022,862  | 8696 |
| Total Columbus State Community College                     |                                   | \$ | 26,609,957 | 8697 |

ACADEMIC CENTER "C" 8698

The amount reappropriated for the foregoing appropriation 8699  
item CAP-037, Academic Center "C", shall be the sum of the 8700  
unencumbered and unallotted balance as of June 30, 2004, in 8701  
appropriation item CAP-037, Academic Center "C", plus \$29,271. 8702

Reappropriations

|  |                                       |    |           |      |
|--|---------------------------------------|----|-----------|------|
| <b>Section 26.29. CCC CUYAHOGA COMMUNITY COLLEGE</b> |                                       |    |           | 8703 |
| CAP-031  | Basic Renovations                     | \$ | 4,226,339 | 8704 |
| CAP-064  | Technology Learning Center - Western  | \$ | 57,818    | 8705 |
| CAP-067  | Plans Ops/Vehicle                     | \$ | 63,336    | 8706 |
|  | Maintenance/Storage-Phase 1           |    |           |      |
| CAP-073  | Noncredit Job Training                | \$ | 1,994     | 8707 |
| CAP-076  | Distance Learning                     | \$ | 139,287   | 8708 |
| CAP-079  | Cleveland Art Museum - Improvements   | \$ | 5,000,000 | 8709 |
| CAP-084  | Literacy Initiative                   | \$ | 202,020   | 8710 |
| CAP-087  | Center for Nursing and Health Careers | \$ | 222,164   | 8711 |
| CAP-088  | Corporate College                     | \$ | 500,000   | 8712 |

|         |                                       |    |            |      |
|---------|---------------------------------------|----|------------|------|
| CAP-089 | East I Renovations Phase 2 - Eastern  | \$ | 4,339,089  | 8713 |
| CAP-090 | Building A Expansion Module - Western | \$ | 6,194,517  | 8714 |
|         | Total Cuyahoga Community College      | \$ | 20,946,564 | 8715 |

BASIC RENOVATIONS 8716

The amount reappropriated for the foregoing appropriation 8717  
item CAP-031, Basic Renovations, is the sum of the unencumbered 8718  
and unallotted balance as of June 30, 2004, in appropriation items 8719  
CAP-031, Basic Renovations, CAP-058, ADA Modifications, CAP-070, 8720  
Interior/Exterior Signage Program, CAP-078, Humanities Building 8721  
Renovations - Metro, CAP 080, UTC Curtainwall Modifications, 8722  
CAP-081, Interior Courtyards Renovations, CAP-082, Carpet 8723  
Replacement - Western, CAP-085, Expansion Joint Construction, 8724  
CAP-086, Carpet Replacement - Western, plus \$15,884. 8725

TECHNOLOGY LEARNING CENTER 8726

The amount reappropriated for the foregoing appropriation 8727  
item CAP-064, Technology Learning Center - Western, is the sum of 8728  
the unencumbered and unallotted balance as of June 30, 2004, in 8729  
appropriation item CAP-064, Technology Learning Center - Western, 8730  
minus \$1,693,253. 8731

BUILDING A EXPANSION MODULE - WESTERN 8732

The amount reappropriated for the foregoing appropriation 8733  
item CAP-090, Building A Expansion Module - Western, is the sum of 8734  
the unencumbered and unallotted balance as of June 30, 2004, in 8735  
appropriation items CAP-066, Renovate/Create New Classrooms - 8736  
West, CAP-090, Building A Expansion Module - Western, plus 8737  
\$1,677,369. 8738

Reappropriations

**Section 26.30. ESC EDISON STATE COMMUNITY COLLEGE** 8739

|         |                      |    |         |      |
|---------|----------------------|----|---------|------|
| CAP-006 | Basic Renovations    | \$ | 427,272 | 8740 |
| CAP-011 | Roadway Construction | \$ | 16,696  | 8741 |

|                                      |                         |    |         |      |
|--------------------------------------|-------------------------|----|---------|------|
| CAP-014                              | Student Activities Area | \$ | 13,398  | 8742 |
| CAP-018                              | Master Plan Update      | \$ | 1,220   | 8743 |
| CAP-021                              | Student Services        | \$ | 12,358  | 8744 |
| Total Edison State Community College |                         | \$ | 470,944 | 8745 |

Reappropriations

|   |  |    |           |      |
|---|--|----|-----------|------|
| <b>Section 26.31. JTC JEFFERSON COMMUNITY COLLEGE</b> |  |    |           | 8747 |
| CAP-022   | Basic Renovations                              | \$ | 630,584   | 8748 |
| CAP-031   | Law Enforcement/Engineering Lab<br>Renovations | \$ | 56,172    | 8749 |
| CAP-033   | ADA Modifications                              | \$ | 19,598    | 8750 |
| CAP-037   | Electrical System Evaluation/Renovation        | \$ | 382,820   | 8751 |
| CAP-038   | Library Interior Renovation                    | \$ | 259,020   | 8752 |
| CAP-039   | Lecture Hall Interior Renovation               | \$ | 175,325   | 8753 |
| CAP-041   | Campus Master Plan                             | \$ | 189,442   | 8754 |
| Total Jefferson Community College                     |  | \$ | 1,712,961 | 8755 |

Reappropriations

|  |  |    |           |      |
|--|--|----|-----------|------|
| <b>Section 26.32. LCC LAKELAND COMMUNITY COLLEGE</b> |  |    |           | 8757 |
| CAP-006  | Basic Renovations                              | \$ | 1,736,909 | 8758 |
| CAP-034  | Child Care Facility                            | \$ | 1,197     | 8759 |
| CAP-036  | Noncredit Job Training                         | \$ | 850,000   | 8760 |
| CAP-037  | Building East End Project                      | \$ | 985,000   | 8761 |
| CAP-038  | HVAC Upgrades/Rehabilitation                   | \$ | 1,000,000 | 8762 |
| CAP-039  | Main Gym Floor Renovation                      | \$ | 150,000   | 8763 |
| CAP-040  | Roadway and Drainage Improvements              | \$ | 534,730   | 8764 |
| CAP-043  | Mooreland Educational Center<br>Rehabilitation | \$ | 84,400    | 8765 |
| Total Lakeland Community College                     |  | \$ | 5,342,236 | 8766 |

Reappropriations

|  |                   |    |         |      |
|--|-------------------|----|---------|------|
| <b>Section 26.33. LOR LORAIN COMMUNITY COLLEGE</b> |                   |    |         | 8768 |
| CAP-005  | Basic Renovations | \$ | 858,437 | 8769 |

|                                |                     |    |           |      |
|--------------------------------|---------------------|----|-----------|------|
| CAP-041                        | Student Services    | \$ | 388,000   | 8770 |
| CAP-042                        | Virtual Lab Courses | \$ | 224,730   | 8771 |
| Total Lorain Community College |                     | \$ | 1,471,167 | 8772 |

Reappropriations

|   |  |    |         |      |
|---|--|----|---------|------|
| <b>Section 26.34. NTC NORTHWEST STATE COMMUNITY COLLEGE</b> |  |    |         | 8774 |
| CAP-003   | Basic Renovations                              | \$ | 269,232 | 8775 |
| CAP-010   | Instructional and Data Processing<br>Equipment | \$ | 118,215 | 8776 |
| CAP-013   | Classroom & Engineering Build                  | \$ | 9,917   | 8777 |
| CAP-021   | Services Facility                              | \$ | 200,000 | 8778 |
| Total Northwest State Community College                     |  | \$ | 597,364 | 8779 |

Reappropriations

|   |   |    |            |      |
|---|---|----|------------|------|
| <b>Section 26.35. OTC OWENS COMMUNITY COLLEGE</b> |   |    |            | 8781 |
| CAP-019   | Basic Renovations                                     | \$ | 1,621,573  | 8782 |
| CAP-034   | Center for Fine and Performing Arts -<br>Construction | \$ | 11,419     | 8783 |
| CAP-036   | Child Care Facility                                   | \$ | 250,600    | 8784 |
| CAP-037   | Education Center                                      | \$ | 9,546,360  | 8785 |
| CAP-038   | Fire and Police Training Center                       | \$ | 1,145,610  | 8786 |
| Total Owens Community College                     |   | \$ | 12,575,562 | 8787 |

Reappropriations

|  |  |    |         |      |
|--|--|----|---------|------|
| <b>Section 26.36. RGC RIO GRANDE COMMUNITY COLLEGE</b> |  |    |         | 8789 |
| CAP-005  | Basic Renovations                              | \$ | 638,954 | 8790 |
| CAP-012  | Instructional and Data Processing<br>Equipment | \$ | 84,061  | 8791 |
| CAP-013  | College of Business                            | \$ | 7,392   | 8792 |
| CAP-015  | ADA Modifications                              | \$ | 75,446  | 8793 |
| CAP-022  | Child Care Facility                            | \$ | 35,000  | 8794 |
| Total Rio Grande Community College                     |  | \$ | 840,853 | 8795 |

Reappropriations

|  |   |              |                   |
|--|---|--------------|-------------------|
| <b>Section 26.37. SCC SINCLAIR COMMUNITY COLLEGE</b> |   |              | 8797              |
| CAP-007  | Basic Renovations                                   | \$ 2,295,992 | 8798              |
| CAP-034  | Advanced Educational Applications Center<br>Phase I | \$ 40,000    | 8799              |
| CAP-036  | Advanced Integrated Manufacturing Center            | \$ 188,286   | 8800              |
| CAP-042  | Autolab/Fire Science Facility                       | \$ 45,000    | 8801              |
| CAP-055  | Distance Learning                                   | \$ 54,463    | 8802              |
| CAP-056  | Information Literacy                                | \$ 334,053   | 8803              |
| Total Sinclair Community College                     |   |              | \$ 2,957,794 8804 |

Reappropriations

|  |                         |            |                   |
|--|-------------------------|------------|-------------------|
| <b>Section 26.38. SOC SOUTHERN STATE COMMUNITY COLLEGE</b> |                         |            | 8806              |
| CAP-010  | Basic Renovations       | \$ 384,421 | 8807              |
| CAP-022  | Clinton County Facility | \$ 180     | 8808              |
| CAP-024  | Noncredit Job Training  | \$ 228,055 | 8809              |
| CAP-025  | Multi-Purpose Facility  | \$ 749,525 | 8810              |
| Total Southern State Community College                     |                         |            | \$ 1,362,181 8811 |

Reappropriations

|   |                     |            |                 |
|---|---------------------|------------|-----------------|
| <b>Section 26.39. TTC TERRA STATE COMMUNITY COLLEGE</b> |                     |            | 8813            |
| CAP-009   | Basic Renovations   | \$ 327,766 | 8814            |
| CAP-015   | Child Care Facility | \$ 166,148 | 8815            |
| CAP-018   | Nursing Online      | \$ 1,677   | 8816            |
| Total Terra State Community College                     |                     |            | \$ 495,591 8817 |

Reappropriations

|  |  |            |                 |
|--|--|------------|-----------------|
| <b>Section 26.40. WTC WASHINGTON STATE COMMUNITY COLLEGE</b> |  |            | 8819            |
| CAP-009  | Instructional and Data Processing<br>Equipment | \$ 115,254 | 8820            |
| CAP-012  | ADA Modifications                              | \$ 14,575  | 8821            |
| CAP-013  | Child Care Facility                            | \$ 5,860   | 8822            |
| CAP-016  | Noncredit Job Training                         | \$ 14,859  | 8823            |
| Total Washington State Community College                     |  |            | \$ 150,548 8824 |



Reappropriations

|   |                                    |            |      |
|---|------------------------------------|------------|------|
| <b>Section 26.41. BTC BELMONT TECHNICAL COLLEGE</b> |                                    |            | 8826 |
| CAP-008   | Basic Renovations                  | \$ 698,854 | 8827 |
| CAP-014   | Main Building Renovation - Phase 3 | \$ 49,137  | 8828 |
| CAP-019   | ADA Modifications                  | \$ 49,915  | 8829 |
| Total Belmont Technical College                     |                                    | \$ 797,906 | 8830 |

Reappropriations

|  |                   |            |      |
|--|-------------------|------------|------|
| <b>Section 26.42. COT CENTRAL OHIO TECHNICAL COLLEGE</b> |                   |            | 8832 |
| CAP-003  | Basic Renovations | \$ 154,332 | 8833 |
| Total Central Ohio Technical College                     |                   | \$ 154,332 | 8834 |

Reappropriations

|   |  |              |      |
|---|--|--------------|------|
| <b>Section 26.43. HTC HOCKING TECHNICAL COLLEGE</b> |  |              | 8836 |
| CAP-019   | Basic Renovations                              | \$ 572,765   | 8837 |
| CAP-024   | Building Addition                              | \$ 5,270     | 8838 |
| CAP-027   | Instructional and Data Processing<br>Equipment | \$ 370,526   | 8839 |
| CAP-028   | College Hall Rehabilitation                    | \$ 3,769     | 8840 |
| CAP-032   | Public Safety Service                          | \$ 57,060    | 8841 |
| CAP-033   | Light and Oakley Halls                         | \$ 40,855    | 8842 |
| CAP-035   | Child Care Facility                            | \$ 9,406     | 8843 |
| Total Hocking Technical College                     |  | \$ 1,059,651 | 8844 |

Reappropriations

|  |  |            |      |
|--|--|------------|------|
| <b>Section 26.44. LTC LIMA TECHNICAL COLLEGE</b> |  |            | 8846 |
| CAP-004  | Basic Renovations                              | \$ 861,383 | 8847 |
| CAP-006  | Building Renovations                           | \$ 5,000   | 8848 |
| CAP-007  | Training and Education Facility                | \$ 79,934  | 8849 |
| CAP-008  | Instructional and Data Processing<br>Equipment | \$ 156,394 | 8850 |
| CAP-009  | Life and Physical Sciences                     | \$ 10,133  | 8851 |

|                              |                                 |    |           |      |
|------------------------------|---------------------------------|----|-----------|------|
| CAP-014                      | Distance Education              | \$ | 222,115   | 8852 |
| CAP-015                      | Information Technology Building | \$ | 3,767,610 | 8853 |
| Total Lima Technical College |                                 | \$ | 5,102,569 | 8854 |

Reappropriations

|  |                           |    |           |      |
|--|---------------------------|----|-----------|------|
| <b>Section 26.45. MAT MUSKINGUM AREA TECHNICAL COLLEGE</b> |                           |    |           | 8856 |
| CAP-007  | Basic Renovations         | \$ | 244,465   | 8857 |
| CAP-017  | Basic Capacity Grant      | \$ | 1,410     | 8858 |
| CAP-021  | Lighting/HVAC Replacement | \$ | 843,606   | 8859 |
| Total Muskingum Area Technical College                     |                           | \$ | 1,089,481 | 8860 |

Reappropriations

|  |  |    |         |      |
|--|--|----|---------|------|
| <b>Section 26.46. MTC MARION TECHNICAL COLLEGE</b> |  |    |         | 8862 |
| CAP-006  | Instructional and Data Processing<br>Equipment | \$ | 84,323  | 8863 |
| CAP-012  | Technical Education Center                     | \$ | 205,044 | 8864 |
| Total Marion Technical College                     |  | \$ | 289,367 | 8865 |

Reappropriations

|   |                                 |    |         |      |
|---|---------------------------------|----|---------|------|
| <b>Section 26.47. NCC NORTH CENTRAL TECHNICAL COLLEGE</b> |                                 |    |         | 8867 |
| CAP-003   | Basic Renovations               | \$ | 360,533 | 8868 |
| CAP-009   | ADA Modifications               | \$ | 25,000  | 8869 |
| CAP-013   | Engineering Center Renovation   | \$ | 2,372   | 8870 |
| CAP-018   | Fallerius Center Rehabilitation | \$ | 39,674  | 8871 |
| Total North Central Technical College                     |                                 | \$ | 427,579 | 8872 |

Reappropriations

|   |   |    |         |      |
|---|---|----|---------|------|
| <b>Section 26.48. STC STARK TECHNICAL COLLEGE</b> |   |    |         | 8874 |
| CAP-004   | Basic Renovations                             | \$ | 537,874 | 8875 |
| CAP-015   | Loop Road Property<br>Acquisition/Development | \$ | 629     | 8876 |
| CAP-024   | Phase 2 Renovations                           | \$ | 252     | 8877 |
| CAP-027   | Information Technology Learning Center        | \$ | 10,000  | 8878 |

|   |   |    |             |      |
|---|---|----|-------------|------|
| CAP-030                                 | Northside Development Parking Lot -<br>Phase II | \$ | 77,423      | 8879 |
| CAP-031                                 | Student Services                                | \$ | 31,087      | 8880 |
| CAP-032                                 | Automotive Technology Building Addition         | \$ | 1,719,554   | 8881 |
| Total Stark Technical College           |   | \$ | 2,376,819   | 8882 |
| TOTAL HIGHER EDUCATION IMPROVEMENT FUND |   | \$ | 576,230,916 | 8883 |

**Section 26.49.** For all of the foregoing appropriation items 8885  
from the Higher Education Improvement Fund (Fund 034) that require 8886  
local funds to be contributed by any state-supported or 8887  
state-assisted institution of higher education, the Board of 8888  
Regents shall not recommend that any funds be released until the 8889  
recipient institution demonstrates to the Board of Regents and the 8890  
Office of Budget and Management that the local funds contribution 8891  
requirement has been secured or satisfied. The local funds shall 8892  
be in addition to the foregoing appropriations. 8893

**Section 26.50.** The Ohio Public Facilities Commission is 8894  
hereby authorized to issue and sell, in accordance with Section 2n 8895  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 8896  
sections 151.01 and 151.04 of the Revised Code, original 8897  
obligations in an aggregate principal amount not to exceed 8898  
\$1,000,000, in addition to the original issuance of obligations 8899  
heretofore authorized by prior acts of the General Assembly. The 8900  
authorized obligations shall be issued, subject to applicable 8901  
constitutional and statutory limitations, to pay costs of capital 8902  
facilities as defined in sections 151.01 and 151.04 of the Revised 8903  
Code for state-supported and state-assisted institutions of higher 8904  
education. 8905

**Section 26.51.** The Ohio Public Facilities Commission is 8906  
hereby authorized to issue and sell, in accordance with Section 2n 8907  
of Article VIII, Ohio Constitution, Chapter 151. and particularly 8908

sections 151.01 and 151.04 of the Revised Code, original 8909  
obligations in an aggregate principal amount not to exceed 8910  
\$2,000,000, in addition to the original issuance of obligations 8911  
heretofore authorized by prior acts of the General Assembly. The 8912  
authorized obligations shall be issued, subject to applicable 8913  
constitutional and statutory limitations, to pay costs of capital 8914  
facilities as defined in sections 151.01 and 151.04 of the Revised 8915  
Code for state-supported and state-assisted institutions of higher 8916  
education. 8917

**Section 26.52.** None of the foregoing capital improvements 8918  
appropriations for state-supported or state-assisted institutions 8919  
of higher education shall be expended until the particular 8920  
appropriation has been recommended for release by the Board of 8921  
Regents and released by the Director of Budget and Management or 8922  
the Controlling Board. Either the institution concerned, or the 8923  
Board of Regents with the concurrence of the institution 8924  
concerned, may initiate the request to the Director of Budget and 8925  
Management or the Controlling Board for the release of the 8926  
particular appropriations. 8927

**Section 26.53.** (A) No capital improvement appropriations made 8928  
in Sections 26.02 to 26.56, 34, 34.01, 34.02, and 34.03 of this 8929  
act shall be released for planning or for improvement, renovation, 8930  
construction, or acquisition of capital facilities if the 8931  
institution of higher education or the state does not own the real 8932  
property on which the capital facilities are or will be located. 8933  
This restriction does not apply in any of the following 8934  
circumstances: 8935

(1) The institution has a long-term (at least fifteen years) 8936  
lease of, or other interest (such as an easement) in, the real 8937  
property. 8938

(2) The Board of Regents certifies to the Controlling Board 8939  
that undue delay will occur if planning does not proceed while the 8940  
property or property interest acquisition process continues. In 8941  
this case, funds may be released upon approval of the Controlling 8942  
Board to pay for planning through the development of schematic 8943  
drawings only. 8944

(3) In the case of an appropriation for capital facilities 8945  
that, because of their unique nature or location, will be owned or 8946  
will be part of facilities owned by a separate nonprofit 8947  
organization or public body and made available to the institution 8948  
of higher education for its use, the nonprofit organization or 8949  
public body either owns or has a long-term (at least fifteen 8950  
years) lease of the real property or other capital facility to be 8951  
improved, renovated, constructed, or acquired and has entered into 8952  
a joint or cooperative use agreement, approved by the Board of 8953  
Regents, with the institution of higher education that meets the 8954  
requirements of division (C) of this section. 8955

(B) Any foregoing appropriations which require cooperation 8956  
between a technical college and a branch campus of a university 8957  
may be released by the Controlling Board upon recommendation by 8958  
the Board of Regents that the facilities proposed by the 8959  
institutions are: 8960

(1) The result of a joint planning effort by the university 8961  
and the technical college, satisfactory to the Board of Regents; 8962

(2) Facilities that will meet the needs of the region in 8963  
terms of technical and general education, taking into 8964  
consideration the totality of facilities which will be available 8965  
after the completion of these projects; 8966

(3) Planned to permit maximum joint use by the university and 8967  
technical college of the totality of facilities which will be 8968  
available upon their completion; 8969

(4) To be located on or adjacent to the branch campus of the university. 8970  
8971

(C) In the case of capital facilities referred to in division 8972  
(A)(3) of this section, the joint or cooperative use agreements 8973  
shall include, as a minimum, provisions that: 8974

(1) Specify the extent and nature of that joint or 8975  
cooperative use, extending for not fewer than fifteen years, with 8976  
the value of such use or right to use to be, as determined by the 8977  
parties and approved by the Board of Regents, reasonably related 8978  
to the amount of the appropriations; 8979

(2) Provide for pro rata reimbursement to the state should 8980  
the arrangement for joint or cooperative use be terminated; 8981

(3) Provide that procedures to be followed during the capital 8982  
improvement process will comply with appropriate applicable state 8983  
laws and rules, including provisions of this act; 8984

(4) Provide for payment or reimbursement to the institution 8985  
of its administrative costs incurred as a result of the facilities 8986  
project, not to exceed 1.5 per cent of the appropriated amount. 8987

(D) Upon the recommendation of the Board of Regents, the 8988  
Controlling Board may approve the transfer of appropriations for 8989  
projects requiring cooperation between institutions from one 8990  
institution to another institution, with the approval of both 8991  
institutions. 8992

(E) Notwithstanding section 127.14 of the Revised Code, the 8993  
Controlling Board, upon the recommendation of the Board of 8994  
Regents, may transfer amounts appropriated to the Board of Regents 8995  
to accounts of state-supported or state-assisted institutions 8996  
created for that same purpose. 8997

**Section 26.54.** The requirements of Chapters 123. and 153. of 8998  
the Revised Code, with respect to the powers and duties of the 8999

Director of Administrative Services in the procedure for and award 9000  
of contracts for capital improvement projects, and the 9001  
requirements of section 127.16 of the Revised Code, with respect 9002  
to the Controlling Board, do not apply to projects of community 9003  
college districts and technical college districts. 9004

**Section 26.55.** Those institutions locally administering 9005  
capital improvement projects pursuant to section 3345.50 of the 9006  
Revised Code may: 9007

(A) Establish charges for recovering costs directly related 9008  
to project administration as defined by the Director of 9009  
Administrative Services. The Department of Administrative Services 9010  
shall review and approve these administrative charges when such 9011  
charges are in excess of 1.5 per cent of the total construction 9012  
budget. 9013

(B) Seek reimbursement from state capital appropriations to 9014  
the institution for the in-house design services performed by the 9015  
institution for such capital projects. Acceptable charges shall be 9016  
limited to design document preparation work that is done by the 9017  
institution. These reimbursable design costs shall be shown as 9018  
"A/E fees" within the project's budget that is submitted to the 9019  
Controlling Board or the Director of Budget and Management as part 9020  
of a request for release of funds. The reimbursement for in-house 9021  
design may not exceed seven per cent of the estimated construction 9022  
cost. 9023

**Section 26.56.** The Board of Regents shall adopt rules 9024  
regarding the release of moneys from all the foregoing 9025  
appropriations for capital facilities for all state-supported and 9026  
state-assisted institutions of higher education. 9027

**Section 27.** All items set forth in this section are hereby 9028  
appropriated out of any moneys in the state treasury to the credit 9029

of the Parks and Recreation Improvement Fund (Fund 035) that are 9030  
not otherwise appropriated: 9031

Reappropriations

|         |   |              |      |
|---------|---|--------------|------|
|         | DNR DEPARTMENT OF NATURAL RESOURCES               |              | 9032 |
| CAP-005 | Cowan Lake State Park                             | \$ 23,445    | 9033 |
| CAP-008 | Delaware State Park                               | \$ 56,223    | 9034 |
| CAP-011 | Findley State Park                                | \$ 22,856    | 9035 |
| CAP-012 | Land Acquisition                                  | \$ 6,800,000 | 9036 |
| CAP-016 | Hueston Woods State Park                          | \$ 23,258    | 9037 |
| CAP-017 | Indian Lake State Park                            | \$ 130,288   | 9038 |
| CAP-019 | Lake Hope State Park                              | \$ 6,776     | 9039 |
| CAP-025 | Punderson State Park                              | \$ 1,163     | 9040 |
| CAP-029 | Salt Fork State Park                              | \$ 127,555   | 9041 |
| CAP-032 | West Branch State Park                            | \$ 200,895   | 9042 |
| CAP-045 | Mary J. Thurston State Park Marina/Dock           | \$ 300,000   | 9043 |
| CAP-051 | Buck Creek State Park                             | \$ 250       | 9044 |
| CAP-064 | Geneva State Park                                 | \$ 4,182     | 9045 |
| CAP-069 | Hocking Hills State Park                          | \$ 87,756    | 9046 |
| CAP-070 | Lake Logan State Park                             | \$ 600       | 9047 |
| CAP-093 | Portage Lakes State Park                          | \$ 13,373    | 9048 |
| CAP-113 | East Harbor State Park Shoreline<br>Stabilization | \$ 850,000   | 9049 |
| CAP-119 | Forked Run State Park                             | \$ 27,747    | 9050 |
| CAP-162 | Shawnee State Park                                | \$ 760       | 9051 |
| CAP-205 | Deer Creek State Park                             | \$ 19,051    | 9052 |
| CAP-234 | State Parks Campgrounds, Lodges, and<br>Cabins    | \$ 5,494,293 | 9053 |
| CAP-331 | Park Boating Facilities                           | \$ 2,688,216 | 9054 |
| CAP-390 | State Park Maintenance Facility<br>Development    | \$ 1,656,339 | 9055 |
| CAP-701 | Buckeye Lake Dam Rehabilitation                   | \$ 427,756   | 9056 |
| CAP-702 | Upgrade Underground Storage Tanks                 | \$ 234,134   | 9057 |
| CAP-703 | Cap Abandoned Water Wells                         | \$ 78,000    | 9058 |



|         |   |    |            |      |
|---------|---|----|------------|------|
| CAP-718 | Grand Lake St. Mary's State Park                | \$ | 251,882    | 9059 |
| CAP-719 | Indian Lake State Park                          | \$ | 1,000      | 9060 |
| CAP-727 | Riverfront Improvements                         | \$ | 1,275,000  | 9061 |
| CAP-744 | Multi-Agency Radio Communication<br>Equipment   | \$ | 425,000    | 9062 |
| CAP-748 | Local Parks Projects                            | \$ | 3,269,000  | 9063 |
| CAP-821 | State Park Dredging and Shoreline<br>Protection | \$ | 14,000     | 9064 |
| CAP-827 | Cuyahoga Valley Scenic Railroad                 | \$ | 1,000,000  | 9065 |
| CAP-836 | State Parks Renovation/Upgrading                | \$ | 350        | 9066 |
| CAP-876 | Statewide Trails Program                        | \$ | 1,168,398  | 9067 |
| CAP-927 | Mohican State Park                              | \$ | 96,816     | 9068 |
| CAP-928 | Handicapped Accessibility                       | \$ | 472,555    | 9069 |
| CAP-929 | Hazardous Waste/Asbestos Abatement              | \$ | 49,383     | 9070 |
| CAP-931 | Wastewater/Water Systems Upgrade                | \$ | 2,804,375  | 9071 |
|         | Total Department of Natural Resources           | \$ | 30,102,675 | 9072 |
|         | TOTAL Parks and Recreation Improvement Fund     | \$ | 30,102,675 | 9073 |

**Section 27.01. RIVERFRONT IMPROVEMENTS** 9074

Of the foregoing reappropriation item CAP-727, Riverfront 9075  
Improvements, \$100,000 shall be used for the Spencerville Canal 9076  
Improvements and \$350,000 shall be used for the Rush Creek and 9077  
Upper Hocking Project. 9078

**LOCAL PARKS PROJECTS** 9079

The following projects shall be funded from the foregoing 9080  
reappropriation item CAP-748, Local Parks Projects: \$12,500 for 9081  
Big Prairie/Lakeville Park Improvements; \$6,500 for Crossroads 9082  
Park Improvements; \$1,500,000 for the Cleveland Lakefront Park 9083  
Improvements; \$500,000 for Colerain Township Park Improvements; 9084  
\$50,000 for Smith Field Park Improvements; \$50,000 for St. 9085  
Clairsville Park Improvements; \$50,000 for Mt. Orab Park 9086  
Improvements; \$50,000 for Liberty Township Playground; \$100,000 9087  
for Gallipolis City Park; \$20,000 for Junction City Park 9088

Improvements; \$200,000 for the Goll Woods Nature Preserve; \$15,000 9089  
for Ryan Park Improvements; and \$15,000 for Circleville Park 9090  
Improvements. 9091

STATEWIDE TRAILS PROGRAM 9092

Of the foregoing reappropriation item CAP-876, Statewide 9093  
Trails Program, \$30,000 shall be used for Fairfield Heritage 9094  
Trails and \$100,000 shall be used for the Upper Sandusky Bike 9095  
Path. 9096

FEDERAL REIMBURSEMENT 9097

All reimbursements received from the federal government for 9098  
any expenditures made pursuant to Sections 28 and 28.01 shall be 9099  
deposited in the state treasury to the credit of the Parks and 9100  
Recreation Improvement Fund. 9101

**Section 27.02.** (A) No capital improvement appropriations made 9102  
in Section 25 of this act shall be released for planning or for 9103  
improvement, renovation, construction, or acquisition of capital 9104  
facilities if a governmental agency, as defined in section 154.01 9105  
of the Revised Code, does not own the real property that 9106  
constitutes the capital facilities or on which the capital 9107  
facilities are or will be located. This restriction does not apply 9108  
in any of the following circumstances: 9109

(1) The governmental agency has a long-term (at least fifteen 9110  
years) lease of, or other interest (such as an easement) in, the 9111  
real property. 9112

(2) In the case of an appropriation for capital facilities 9113  
for parks and recreation that, because of their unique nature or 9114  
location, will be owned or will be part of facilities owned by a 9115  
separate nonprofit organization and made available to the 9116  
governmental agency for its use, the nonprofit organization either 9117  
owns or has a long-term (at least fifteen years) lease of the real 9118

property or other capital facility to be improved, renovated, 9119  
constructed, or acquired and has entered into a joint or 9120  
cooperative use agreement, approved by the Department of Natural 9121  
Resources, with the governmental agency for that agency's use of 9122  
and right to use the capital facilities to be financed and, if 9123  
applicable, improved, the value of such use or right to use being, 9124  
as determined by the parties, reasonably related to the amount of 9125  
the appropriation. 9126

(B) In the case of capital facilities referred to in division 9127  
(A)(2) of this section, the joint or cooperative use agreement 9128  
shall include, as a minimum, provisions that: 9129

(1) Specify the extent and nature of that joint or 9130  
cooperative use, extending for not fewer than fifteen years, with 9131  
the value of such use or right to use to be, as determined by the 9132  
parties and approved by the applicable department, reasonably 9133  
related to the amount of the appropriation; 9134

(2) Provide for pro rata reimbursement to the state should 9135  
the arrangement for joint or cooperative use by a governmental 9136  
agency be terminated; and 9137

(3) Provide that procedures to be followed during the capital 9138  
improvement process will comply with appropriate applicable state 9139  
laws and rules, including provisions of this act. 9140

**Section 28.** All items set forth in this section are hereby 9141  
appropriated out of any moneys in the state treasury to the credit 9142  
of the State Capital Improvements Fund (Fund 038) that are not 9143  
otherwise appropriated: 9144

Reappropriations

PWC PUBLIC WORKS COMMISSION 9145

Ohio Small Government Capital Improvement Commission 9146

CAP-150 Local Public Infrastructure \$ 6,012,256 9147

CIF-000 Ohio Small Government Capital \$ 28,663,238 9148

|         |                                      |    |             |      |
|---------|--------------------------------------|----|-------------|------|
|         | Improvement                          |    |             |      |
| CIF-001 | Infrastructure - District 1          | \$ | 38,838,365  | 9149 |
| CIF-002 | Infrastructure - District 2          | \$ | 15,959,512  | 9150 |
| CIF-003 | Infrastructure - District 3          | \$ | 25,971,425  | 9151 |
| CIF-004 | Infrastructure - District 4          | \$ | 10,770,680  | 9152 |
| CIF-005 | Infrastructure - District 5          | \$ | 9,844,776   | 9153 |
| CIF-006 | Infrastructure - District 6          | \$ | 10,014,525  | 9154 |
| CIF-007 | Infrastructure - District 7          | \$ | 11,202,068  | 9155 |
| CIF-008 | Infrastructure - District 8          | \$ | 16,715,668  | 9156 |
| CIF-009 | Infrastructure - District 9          | \$ | 7,843,466   | 9157 |
| CIF-010 | Infrastructure - District 10         | \$ | 17,810,902  | 9158 |
| CIF-011 | Infrastructure - District 11         | \$ | 13,088,231  | 9159 |
| CIF-012 | Infrastructure - District 12         | \$ | 11,302,331  | 9160 |
| CIF-013 | Infrastructure - District 13         | \$ | 7,319,679   | 9161 |
| CIF-014 | Infrastructure - District 14         | \$ | 7,650,077   | 9162 |
| CIF-015 | Infrastructure - District 15         | \$ | 8,599,690   | 9163 |
| CIF-016 | Infrastructure - District 16         | \$ | 12,055,292  | 9164 |
| CIF-017 | Infrastructure - District 17         | \$ | 7,821,687   | 9165 |
| CIF-018 | Infrastructure - District 18         | \$ | 7,187,679   | 9166 |
| CIF-019 | Infrastructure - District 19         | \$ | 10,134,118  | 9167 |
| CIF-020 | Infrastructure - District 20         | \$ | 5,332,876   | 9168 |
| CIF-021 | Infrastructure - District 21         | \$ | 388,034     | 9169 |
|         | Total Public Works Commission        | \$ | 290,546,575 | 9170 |
|         | TOTAL State Capital Improvement Fund | \$ | 290,546,575 | 9171 |

The appropriations in this section shall be used in 9172  
accordance with sections 164.01 to 164.12 of the Revised Code. All 9173  
expenditures made from these appropriations shall be approved by 9174  
the Director of the Public Works Commission. The Director of the 9175  
Public Works Commission shall not allocate funds in amounts 9176  
greater than those amounts appropriated by the General Assembly. 9177

**Section 29.** All items set forth in this section are hereby 9178  
appropriated out of any moneys in the state treasury to the credit 9179

of the State Capital Improvements Revolving Loan Fund (Fund 040) 9180  
and derived from repayments of loans made to local subdivisions 9181  
for capital improvements, investment earnings on moneys in the 9182  
fund, and moneys obtained from federal or private grants or from 9183  
other sources for the purpose of making loans for the purpose of 9184  
financing or assisting in the financing of the cost of capital 9185  
improvement projects of local subdivisions: 9186

Reappropriations

| PWC PUBLIC WORKS COMMISSION                     |                                 |               | 9187 |
|---|---------------------------------|---------------|------|
| CAP-151   | Revolving Loan                  | \$ 7,995,595  | 9188 |
| RLF-001   | Revolving Loan Fund-District 1  | \$ 6,925,816  | 9189 |
| RLF-002   | Revolving Loan Fund-District 2  | \$ 5,365,318  | 9190 |
| RLF-003   | Revolving Loan Fund-District 3  | \$ 5,352,452  | 9191 |
| RLF-004   | Revolving Loan Fund-District 4  | \$ 3,032,167  | 9192 |
| RLF-005   | Revolving Loan Fund-District 5  | \$ 1,973,026  | 9193 |
| RLF-006   | Revolving Loan Fund-District 6  | \$ 1,743,529  | 9194 |
| RLF-007   | Revolving Loan Fund-District 7  | \$ 3,277,638  | 9195 |
| RLF-008   | Revolving Loan Fund-District 8  | \$ 1,971,732  | 9196 |
| RLF-009   | Revolving Loan Fund-District 9  | \$ 1,868,591  | 9197 |
| RLF-010   | Revolving Loan Fund-District 10 | \$ 3,875,201  | 9198 |
| RLF-011   | Revolving Loan Fund-District 11 | \$ 1,908,555  | 9199 |
| RLF-012   | Revolving Loan Fund-District 12 | \$ 5,337,940  | 9200 |
| RLF-013   | Revolving Loan Fund-District 13 | \$ 1,169,315  | 9201 |
| RLF-014   | Revolving Loan Fund-District 14 | \$ 1,380,861  | 9202 |
| RLF-015   | Revolving Loan Fund-District 15 | \$ 948,611    | 9203 |
| RLF-016   | Revolving Loan Fund-District 16 | \$ 1,753,105  | 9204 |
| RLF-017   | Revolving Loan Fund-District 17 | \$ 1,834,153  | 9205 |
| RLF-018   | Revolving Loan Fund-District 18 | \$ 2,071,737  | 9206 |
| RLF-019   | Revolving Loan Fund-District 19 | \$ 1,158,219  | 9207 |
| RLF-020   | Revolving Loan Fund-District 20 | \$ 1,402,306  | 9208 |
| RLF-021   | Revolving Loan Fund-District 21 | \$ 307,232    | 9209 |
| Total Public Works Commission                   |                                 | \$ 62,653,099 | 9210 |
| TOTAL State Capital Improvements Revolving Loan |                                 | 62,653,099    | 9211 |

Fund

The appropriations in this section shall be used in 9212  
accordance with sections 164.01 to 164.12 of the Revised Code. All 9213  
expenditures made from these appropriations shall be approved by 9214  
the Director of the Public Works Commission. The Director of the 9215  
Public Works Commission shall not allocate funds in amounts 9216  
greater than those amounts appropriated by the General Assembly. 9217

**Section 30.** All items set forth in this section are hereby 9218  
appropriated out of any moneys in the state treasury to the credit 9219  
of the Clean Ohio Conservation Fund (Fund 056) that are not 9220  
otherwise appropriated: 9221

Reappropriations

| PWC PUBLIC WORKS COMMISSION |                        |              | 9222 |
|-----------------------------|------------------------|--------------|------|
| COF-001                     | Clean Ohio-District 1  | \$ 6,763,703 | 9223 |
| COF-002                     | Clean Ohio-District 2  | \$ 2,936,190 | 9224 |
| COF-003                     | Clean Ohio-District 3  | \$ 3,668,434 | 9225 |
| COF-004                     | Clean Ohio-District 4  | \$ 2,011,171 | 9226 |
| COF-005                     | Clean Ohio-District 5  | \$ 1,383,772 | 9227 |
| COF-006                     | Clean Ohio-District 6  | \$ 1,171,944 | 9228 |
| COF-007                     | Clean Ohio-District 7  | \$ 1,377,683 | 9229 |
| COF-008                     | Clean Ohio-District 8  | \$ 2,508,162 | 9230 |
| COF-009                     | Clean Ohio-District 9  | \$ 381,213   | 9231 |
| COF-010                     | Clean Ohio-District 10 | \$ 3,009,510 | 9232 |
| COF-011                     | Clean Ohio-District 11 | \$ 3,493,667 | 9233 |
| COF-012                     | Clean Ohio-District 12 | \$ 1,561,788 | 9234 |
| COF-013                     | Clean Ohio-District 13 | \$ 2,399,270 | 9235 |
| COF-014                     | Clean Ohio-District 14 | \$ 3,179,867 | 9236 |
| COF-015                     | Clean Ohio-District 15 | \$ 942,242   | 9237 |
| COF-016                     | Clean Ohio-District 16 | \$ 3,545,729 | 9238 |
| COF-017                     | Clean Ohio-District 17 | \$ 2,631,843 | 9239 |
| COF-018                     | Clean Ohio-District 18 | \$ 2,403,861 | 9240 |
| COF-019                     | Clean Ohio-District 19 | \$ 1,161,016 | 9241 |

|                                    |    |            |      |
|------------------------------------|----|------------|------|
| Total Public Works Commission      | \$ | 46,531,065 | 9242 |
| TOTAL Clean Ohio Conservation Fund | \$ | 46,531,065 | 9243 |

**Section 31.** All items set forth in this section are hereby 9245  
appropriated out of any moneys in the state treasury to the credit 9246  
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 9247  
not otherwise appropriated: 9248

Reappropriations

|   |    |           |      |
|---|----|-----------|------|
| AGR DEPARTMENT OF AGRICULTURE               |    |           | 9249 |
| CAP-047 Clean Ohio Agricultural Easement    | \$ | 6,256,886 | 9250 |
| Total Department of Agriculture             | \$ | 6,256,886 | 9251 |
| TOTAL Clean Ohio Agricultural Easement Fund | \$ | 6,256,886 | 9252 |

AGRICULTURAL EASEMENT PURCHASE 9253

The foregoing appropriation item CAP-047, Clean Ohio 9254  
Agricultural Easement Fund, shall be used in accordance with 9255  
sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised 9256  
Code. 9257

**Section 32.** All items set forth in this section are hereby 9258  
appropriated out of any moneys in the state treasury to the credit 9259  
of the Clean Ohio Trail Fund (Fund 061) that are not otherwise 9260  
appropriated: 9261

DNR DEPARTMENT OF NATURAL RESOURCES 9262

Reappropriations

|                                       |    |           |      |
|---------------------------------------|----|-----------|------|
| CAP-014 Clean Trail Ohio              | \$ | 6,250,000 | 9263 |
| Total Department of Natural Resources | \$ | 6,250,000 | 9264 |
| TOTAL Clean Ohio Trail Fund           | \$ | 6,250,000 | 9265 |

**Section 33.** All items set forth in this section are hereby 9267  
appropriated out of any moneys in the state treasury to the credit 9268  
of the School Building Program Assistance Fund (Fund 032) that are 9269  
not otherwise appropriated: 9270

Appropriations

|   |                |      |
|---|----------------|------|
| SFC SCHOOL FACILITIES COMMISSION              |                | 9271 |
| CAP-770 School Facilities Program Assistance  | \$ 522,600,000 | 9272 |
| Total School Facilities Commission            | \$ 522,600,000 | 9273 |
| TOTAL School Building Program Assistance Fund | \$ 522,600,000 | 9274 |

**Section 33.01.** The Ohio Public Facilities Commission is 9276  
hereby authorized to issue and sell, in accordance with Section 2n 9277  
of Article VIII, Ohio Constitution, and Chapter 151. of the 9278  
Revised Code and particularly sections 151.01 and 151.03 of the 9279  
Revised Code, original obligations in an aggregate principal 9280  
amount not to exceed \$522,000,000, in addition to the original 9281  
issuance of obligations heretofore authorized by prior acts of the 9282  
General Assembly. The authorized obligations shall be issued, 9283  
subject to applicable constitutional and statutory limitations, to 9284  
pay the costs to the state of constructing classroom facilities 9285  
pursuant to sections 3318.01 to 3318.35 of the Revised Code. 9286

**Section 34.** All items set forth in this section are hereby 9287  
appropriated out of any moneys in the state treasury to the credit 9288  
of the Higher Education Improvement Fund (Fund 034) that are not 9289  
otherwise appropriated. The appropriations made in this act are in 9290  
addition to any other capital appropriations made for the 9291  
2005-2006 biennium. 9292

Appropriations

|   |               |      |
|---|---------------|------|
| BOR BOARD OF REGENTS                    |               | 9293 |
| Higher Education Improvement Fund       |               | 9294 |
| CAP 068 Third Frontier Project          | \$ 50,000,000 | 9295 |
| Total Board of Regents                  | \$ 50,000,000 | 9296 |
| TOTAL Higher Education Improvement Fund | \$ 50,000,000 | 9297 |

**Section 34.01.** THIRD FRONTIER PROJECT 9299

The foregoing appropriation item CAP-068, Third Frontier 9300



Project, shall be used to acquire, renovate, or construct 9301  
facilities and purchase equipment for research programs, 9302  
technology development, product development, and commercialization 9303  
programs at or involving state-supported and state-assisted 9304  
institutions of higher education. The funds shall be used to make 9305  
grants awarded on a competitive basis, and shall be administered 9306  
by the Third Frontier Commission. Expenditure of the funds shall 9307  
comply with Section 2n of Article VIII, Ohio Constitution, and 9308  
sections 151.01 and 151.04 of the Revised Code for the period 9309  
beginning July 1, 2004, and ending June 30, 2006. 9310

The Third Frontier Commission shall develop guidelines 9311  
relative to the application for and selection of projects funded 9312  
from appropriation item CAP-068, Third Frontier Project. The 9313  
commission may develop the guidelines in consultation with other 9314  
interested parties. The Board of Regents and all state-assisted 9315  
and state-supported institutions of higher education shall take 9316  
all actions necessary to implement grants awarded by the Third 9317  
Frontier Commission. 9318

The foregoing appropriation item CAP-068, Third Frontier 9319  
Project, for which an appropriation is made from the Higher 9320  
Education Improvement Fund (Fund 034), is determined to consist of 9321  
capital improvements and capital facilities for state-supported 9322  
and state-assisted institutions of higher education, and is 9323  
designated for the capital facilities to which proceeds of 9324  
obligations in the Higher Education Improvement Fund (Fund 034) 9325  
are to be applied. 9326

**Section 34.02.** The Ohio Public Facilities Commission is 9327  
hereby authorized to issue and sell, in accordance with Section 2n 9328  
of Article VIII, Ohio Constitution, and Chapter 151. and 9329  
particularly sections 151.01 and 151.04 of the Revised Code, 9330  
original obligations in an aggregate principal amount not to 9331

exceed \$50,000,000, in addition to the original issuance of 9332  
obligations heretofore authorized by prior acts of the General 9333  
Assembly. The authorized obligations shall be issued, subject to 9334  
applicable constitutional and statutory limitations, to pay costs 9335  
of capital facilities as defined in sections 151.01 and 151.04 of 9336  
the Revised Code for state-supported and state-assisted 9337  
institutions of higher education. 9338

**Section 34.03.** The foregoing appropriation item CAP-068, 9339  
Third Frontier Project, is subject to Sections 26.49, 26.52, 9340  
26.53, 26.54, 26.55, and 26.56 of this act. 9341

**Section 35.** All items set forth in this section are hereby 9342  
appropriated out of any moneys in the state treasury to the credit 9343  
of the State Capital Improvements Fund (Fund 038) that are not 9344  
otherwise appropriated: 9345

|                                       | Appropriations |      |
|---------------------------------------|----------------|------|
| PWC PUBLIC WORKS COMMISSION           |                | 9346 |
| CAP-150 Local Public Infrastructure   | \$ 120,000,000 | 9347 |
| Total Public Works Commission         | \$ 120,000,000 | 9348 |
| TOTAL State Capital Improvements Fund | \$ 120,000,000 | 9349 |

The foregoing appropriation item CAP-150, Local Public 9350  
Infrastructure, shall be used in accordance with sections 164.01 9351  
to 164.12 of the Revised Code. The Director of the Public Works 9352  
Commission may certify to the Director of Budget and Management 9353  
that a need exists to appropriate investment earnings to be used 9354  
in accordance with sections 164.01 to 164.12 of the Revised Code. 9355  
If the Director of Budget and Management determines pursuant to 9356  
division (D) of section 164.08 and section 164.12 of the Revised 9357  
Code that investment earnings are available to support additional 9358  
appropriations, such amounts are hereby appropriated. 9359

**Section 36.** The Treasurer of State is hereby authorized 9360

pursuant to section 164.09 of the Revised Code to issue and sell, 9361  
in accordance with Section 2m of Article VIII, Ohio Constitution, 9362  
and sections 164.01 to 164.12 of the Revised Code, original 9363  
obligations of the state, in an aggregate principal amount not to 9364  
exceed \$120,000,000, in addition to the original obligations 9365  
heretofore authorized by prior acts of the General Assembly. These 9366  
authorized obligations shall be issued and sold from time to time 9367  
and in amounts necessary to ensure sufficient moneys to the credit 9368  
of the State Capital Improvements Fund (Fund 038) to pay costs 9369  
charged to that fund, as estimated by the Director of Budget and 9370  
Management. 9371

**Section 37.** All items set forth in this section are hereby 9372  
appropriated out of any moneys in the state treasury to the credit 9373  
of the State Capital Improvements Revolving Loan Fund (Fund 040). 9374  
Revenues to the State Capital Improvements Revolving Loan Fund 9375  
shall consist of all repayments of loans made to local 9376  
subdivisions for capital improvements, investment earnings on 9377  
moneys in the fund, and moneys obtained from federal or private 9378  
grants or from other sources for the purpose of making loans for 9379  
the purpose of financing or assisting in the financing of the cost 9380  
of capital improvement projects of local subdivisions. 9381

PWC PUBLIC WORKS COMMISSION 9382

|  | Appropriations |      |
|--|----------------|------|
| CAP-151 Revolving Loan                     | \$ 16,750,000  | 9383 |
| Total Public Works Commission              | \$ 16,750,000  | 9384 |
| TOTAL State Capital Improvements Revolving |                | 9385 |
| Loan Fund                                  | \$ 16,750,000  | 9386 |

The foregoing appropriation item CAP-151, Revolving Loan, 9387  
shall be used in accordance with sections 164.01 to 164.12 of the 9388  
Revised Code. 9389

**Section 38.** CERTIFICATION OF AVAILABILITY OF MONEYS 9390

No moneys that require release shall be expended from any 9391  
appropriation contained in this act without certification of the 9392  
Director of Budget and Management that there are sufficient moneys 9393  
in the state treasury in the fund from which the appropriation is 9394  
made. Such certification made by the Office of Budget and 9395  
Management shall be based on estimates of revenue, receipts, and 9396  
expenses. Nothing herein shall be construed as a limitation on the 9397  
authority of the Director of Budget and Management as granted in 9398  
section 126.07 of the Revised Code. 9399

**Section 39. LIMITATION ON USE OF CAPITAL APPROPRIATIONS** 9400

The appropriations made in this act, excluding those made to 9401  
the State Capital Improvement Fund (Fund 038) and the State 9402  
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 9403  
or structures, including remodeling and renovations, are limited 9404  
to: 9405

(A) Acquisition of real property or interest in real 9406  
property; 9407

(B) Buildings and structures, which includes construction, 9408  
demolition, complete heating, lighting, and lighting fixtures, and 9409  
all necessary utilities, ventilating, plumbing, sprinkling, and 9410  
sewer systems, when such systems are authorized or necessary; 9411

(C) Architectural, engineering, and professional services 9412  
expenses directly related to the projects; 9413

(D) Machinery that is a part of structures at the time of 9414  
initial acquisition or construction; 9415

(E) Acquisition, development, and deployment of new computer 9416  
systems, including the redevelopment or integration of existing 9417  
and new computer systems, but excluding regular or ongoing 9418  
maintenance or support agreements; 9419

(F) Equipment that meets all the following criteria: 9420

(1) The equipment is essential in bringing the facility up to its intended use. 9421  
9422

(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more. 9423  
9424

(3) The equipment has a useful life of five years or more. 9425

(4) The equipment is necessary for the functioning of the particular facility or project. 9426  
9427

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. 9428  
9429  
9430  
9431  
9432

**Section 40. CONTINGENCY RESERVE REQUIREMENT** 9433

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, shall contain a contingency reserve, the amount of which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project. 9434  
9435  
9436  
9437  
9438  
9439  
9440  
9441  
9442  
9443  
9444  
9445  
9446  
9447  
9448

Any funds remaining upon completion of a project, may, upon approval of the Controlling Board, be released for the use of the 9449  
9450

institution to which the appropriation was made for another 9451  
capital facilities project or projects. 9452

**Section 41. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 9453**  
PROJECTS 9454

Notwithstanding sections 123.01 and 123.15 of the Revised 9455  
Code, the Director of Administrative Services may authorize the 9456  
Departments of Mental Health, Mental Retardation and Developmental 9457  
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 9458  
Jobs and Family Services, Rehabilitation and Correction, Youth 9459  
Services, Public Safety, and Transportation, the Ohio Veterans' 9460  
Home, and the Rehabilitation Services Commission to administer any 9461  
capital facilities projects when the estimated cost, including 9462  
design fees, construction, equipment, and contingency amounts, is 9463  
less than \$1,500,000. Requests for authorization to administer 9464  
capital facilities projects shall be made in writing to the 9465  
Director of Administrative Services by the respective state agency 9466  
within sixty days after the effective date of the act in which the 9467  
General Assembly initially makes an appropriation for the project. 9468  
Upon the release of funds for such projects by the Controlling 9469  
Board or the Director of Budget and Management, the agency may 9470  
administer the capital project or projects for which agency 9471  
administration has been authorized without the supervision, 9472  
control, or approval of the Director of Administrative Services. 9473

The state agency authorized by the Director of Administrative 9474  
Services to administer capital facilities projects pursuant to 9475  
this section shall comply with the applicable procedures and 9476  
guidelines established in Chapter 153. of the Revised Code. 9477

**Section 42. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST 9478**  
THE STATE 9479

Except as otherwise provided in this section, an 9480

appropriation contained in this act or any other act may be used 9481  
for the purpose of satisfying judgments, settlements, or 9482  
administrative awards ordered or approved by the Court of Claims 9483  
or by any other court of competent jurisdiction in connection with 9484  
civil actions against the state. This authorization shall not 9485  
apply to appropriations to be applied to or used for payment of 9486  
guarantees by or on behalf of the state or for payments under 9487  
lease agreements relating to or debt service on bonds, notes, or 9488  
other obligations of the state. Notwithstanding any other section 9489  
of law to the contrary, this authorization includes appropriations 9490  
from funds into which proceeds or direct obligations of the state 9491  
are deposited only to the extent that the judgment, settlement, or 9492  
administrative award is for or represents capital costs for which 9493  
the appropriation may otherwise be used and is consistent with the 9494  
purpose for which any related bonds were issued. Nothing contained 9495  
in this section is intended to subject the state to suit in any 9496  
forum in which it is not otherwise subject to suit, or is it 9497  
intended to waive or compromise any defense or right available to 9498  
the state in any suit against it. 9499

**Section 43.** Notwithstanding section 126.14 of the Revised 9500  
Code, appropriations for appropriation items CAP-002, Local Jails, 9501  
and CAP-003, Community-Based Correctional Facilities, appropriated 9502  
from the Adult Correctional Building Fund (Fund 027) to the 9503  
Department of Rehabilitation and Correction shall be released upon 9504  
the written approval of the Director of Budget and Management. The 9505  
appropriations from the Public School Building Fund (Fund 021), 9506  
the Education Facilities Trust Fund (Fund N87), and the School 9507  
Building Program Assistance Fund (Fund 032) to the School 9508  
Facilities Commission, from the Transportation Building Fund (Fund 9509  
029) to the Department of Transportation, from the Clean Ohio 9510  
Conservation Fund (Fund 056) to the Public Works Commission, and 9511  
appropriations from the State Capital Improvement Fund (Fund 038) 9512

and the State Capital Improvements Revolving Loan Fund (Fund 040) 9513  
to the Public Works Commission shall be released upon presentation 9514  
of a request to release the funds, by the agency to which the 9515  
appropriation has been made, to the Director of Budget and 9516  
Management. 9517

**Section 44.** Except as provided in section 4115.04 of the 9518  
Revised Code, no moneys appropriated or reappropriated by the 9519  
125th General Assembly shall be used for the construction of 9520  
public improvements, as defined in section 4115.03 of the Revised 9521  
Code, unless the mechanics, laborers, or workers engaged therein 9522  
are paid the prevailing rate of wages as prescribed in section 9523  
4115.04 of the Revised Code. Nothing in this section shall affect 9524  
the wages and salaries established for state employees under the 9525  
provisions of Chapter 124. of the Revised Code, or collective 9526  
bargaining agreements entered into by the state pursuant to 9527  
Chapter 4117. of the Revised Code, while engaged on force account 9528  
work, nor shall this section interfere with the use of inmate and 9529  
patient labor by the state. 9530

**Section 45. CAPITAL FACILITIES LEASES** 9531

Capital facilities for which appropriations are made from the 9532  
Administrative Building Fund (Fund 026), the Adult Correctional 9533  
Building Fund (Fund 027), the Juvenile Correctional Building Fund 9534  
(Fund 028), and the Arts Facilities Building Fund (Fund 030) may 9535  
be leased by the Ohio Building Authority to the Department of 9536  
Youth Services, the Arts and Sports Facilities Commission, the 9537  
Department of Administrative Services, and the Department of 9538  
Rehabilitation and Correction, and other agreements may be made by 9539  
the Ohio Building Authority and the departments with respect to 9540  
the use or purchase of such capital facilities, or subject to the 9541  
approval of the director of the department or the commission, the 9542  
Ohio Building Authority may lease such capital facilities to, and 9543



make other agreements with respect to the use or purchase thereof 9544  
with, any governmental agency or nonprofit corporation having 9545  
authority under law to own, lease, or operate such capital 9546  
facilities. The director of the department or the commission may 9547  
sublease such capital facilities to, and make other agreements 9548  
with respect to the use or purchase thereof with, any such 9549  
governmental agency or nonprofit corporation, which may include 9550  
provisions for transmittal of receipts of that agency or nonprofit 9551  
corporation of any charges for the use of such facilities, all 9552  
upon such terms and conditions as the parties may agree upon and 9553  
any other provision of law affecting the leasing, acquisition, or 9554  
disposition of capital facilities by such parties. 9555

**Section 46. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 9556**  
**MANAGEMENT 9557**

The Director of Budget and Management shall authorize both of 9558  
the following: 9559

(A) The initial release of moneys for projects from the funds 9560  
into which proceeds of direct obligations of the state are 9561  
deposited. 9562

(B) The expenditure or encumbrance of moneys from funds into 9563  
which proceeds of direct obligations are deposited, only after 9564  
determining to the director's satisfaction that either of the 9565  
following apply: 9566

(1) The application of such moneys to the particular project 9567  
will not negatively affect any exemption or exclusion from federal 9568  
income tax of the interest or interest equivalent on obligations, 9569  
issued to provide moneys to the particular fund. 9570

(2) Moneys for the project will come from the proceeds of 9571  
obligations, the interest on which is not so excluded or exempt 9572  
and which have been authorized as "taxable obligations" by the 9573

issuing authority. 9574

The director shall report any nonrelease of moneys pursuant 9575  
to this section to the Governor, the presiding officer of each 9576  
house of the General Assembly, and the agency for the use of which 9577  
the project is intended. 9578

**Section 47. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 9579**

The Ohio Administrative Knowledge System (OAKS) shall be an 9580  
enterprise resource planning system that replaces the state's 9581  
central services infrastructure systems, including, but not 9582  
limited to, the central accounting system, the human 9583  
resources/payroll system, the capital improvements projects 9584  
tracking system, the fixed assets management system, and the 9585  
procurement system. The Department of Administrative Services, in 9586  
conjunction with the Office of Budget and Management, may acquire 9587  
the system, including, but not limited to, the enterprise resource 9588  
planning software and installation and implementation thereof 9589  
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 9590  
arrangement utilized under Chapter 125. of the Revised Code, 9591  
including any fractionalized interest therein as defined in 9592  
division (N) of section 133.01 of the Revised Code, shall provide 9593  
at the end of the lease periods that OAKS becomes the property of 9594  
the state. 9595

**Section 48. SCHOOL FACILITIES ENCUMBRANCES AND 9596**  
**REAPPROPRIATION 9597**

At the request of the Executive Director of the Ohio School 9598  
Facilities Commission, the Director of Budget and Management may 9599  
cancel encumbrances for school district projects from a previous 9600  
biennium if the district has not raised its local share of project 9601  
costs within one year of receiving Controlling Board approval in 9602  
accordance with section 3318.05 of the Revised Code. The Executive 9603

Director of the Ohio School Facilities Commission shall certify 9604  
the amounts of these canceled encumbrances to the Director of 9605  
Budget and Management on a quarterly basis. The amounts of the 9606  
canceled encumbrances are hereby appropriated. 9607

**Section 49. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES** 9608  
**OF CAPITAL APPROPRIATIONS** 9609

(A) An unexpended balance of a capital appropriation or 9610  
reappropriation that a state agency has lawfully encumbered prior 9611  
to the close of a capital biennium is hereby reappropriated for 9612  
the following capital biennium from the fund from which it was 9613  
originally appropriated or was reappropriated and shall be used 9614  
only for the purpose of discharging the encumbrance in the 9615  
following capital biennium. For those encumbered appropriations or 9616  
reappropriations, any Controlling Board approval previously 9617  
granted and referenced by the encumbering document remains in 9618  
effect until the encumbrance is discharged in the following 9619  
capital biennium or until the encumbrance expires at the end of 9620  
the following capital biennium. 9621

(B) At the end of the reappropriation period provided for by 9622  
division (A) of this section, an unexpended balance of a capital 9623  
appropriation or reappropriation that remains encumbered at the 9624  
end of that period is hereby reappropriated for the next capital 9625  
biennium from the fund from which it was originally appropriated 9626  
or was reappropriated and shall be used only for the purpose of 9627  
discharging the encumbrance in the next capital biennium. For 9628  
those encumbered appropriations or reappropriations, any 9629  
Controlling Board approval previously granted and referenced by 9630  
the encumbering document remains in effect until the encumbrance 9631  
is discharged in the next capital biennium or until the 9632  
encumbrance expires at the end of the next capital biennium. 9633

(C) At the end of the reappropriation period provided for by 9634

division (B) of this section, a reappropriation made pursuant to 9635  
division (B) of this section shall lapse, and the encumbrance 9636  
shall expire. 9637

(D) If an encumbrance expired pursuant to division (C) of 9638  
this section, the Director of Budget and Management may 9639  
re-establish the encumbrance as provided in this division. If a 9640  
reappropriation for a project is made by the General Assembly for 9641  
the biennium immediately following the biennium in which an 9642  
encumbrance for that project expired, the Director of Budget and 9643  
Management may re-establish the encumbrance in an amount not to 9644  
exceed the amount of the expired encumbrance, in the name of the 9645  
contractor named in the expired encumbrance, and for the same 9646  
purpose specified in the expired encumbrance. The encumbrance 9647  
shall be charged against the reappropriation for the project. The 9648  
amount re-encumbered shall be used only for the purpose of 9649  
discharging the encumbrance in the capital biennium for which the 9650  
reappropriation was made. For those re-encumbered 9651  
reappropriations, any Controlling Board approval previously 9652  
granted and referenced by the expired encumbering document remains 9653  
in effect until the encumbrance is discharged or expires at the 9654  
end of the capital biennium for which the reappropriation was 9655  
made. If any portion of the amount re-encumbered by the Director 9656  
of Budget and Management under this division is not expended prior 9657  
to the close of the capital biennium for which the reappropriation 9658  
was made, that amount is hereby reappropriated for the following 9659  
capital biennium as provided for in division (A) of this section 9660  
and subject to the provisions of division (A) of this section. 9661

**Section 50.** Capital reappropriations in this act that have 9662  
been released by the Controlling Board or the Director of Budget 9663  
and Management between June 30, 2002, and July 1, 2004, do not 9664  
require further approval or release prior to being encumbered. 9665  
Funds reappropriated in excess of such prior releases shall be 9666

released in accordance with applicable provisions of this act. 9667

**Section 51.** Unless otherwise specified, the reappropriations 9668  
made in this act represent the unencumbered and unallotted 9669  
balances of prior years' capital improvements appropriations 9670  
estimated to be available on June 30, 2004. The actual balances on 9671  
June 30, 2004, for the appropriation items in this act are hereby 9672  
reappropriated. Additionally, there is hereby reappropriated the 9673  
unencumbered and unallotted balances on June 30, 2004, of any 9674  
appropriation items either reappropriated in Am. Sub. H.B. 524 of 9675  
the 124th General Assembly or appropriated in H.B. 675 of the 9676  
124th General Assembly, or created by the Controlling Board 9677  
pursuant to section 127.15 of the Revised Code from appropriation 9678  
items in Am. Sub. H.B. 524 and H.B. 675, both of the 124th General 9679  
Assembly, and this act, if the Director of Budget and Management 9680  
determines that such balances are needed to complete the projects 9681  
for which they were reappropriated or appropriated. The 9682  
appropriation items and amounts that are reappropriated by this 9683  
act shall be reported to the Controlling Board within 30 days 9684  
after the effective date of this section. 9685

**Section 52.** No appropriation for a health care facility 9686  
authorized under this act may be released until the requirements 9687  
of sections 3702.51 to 3702.68 of the Revised Code have been met. 9688

**Section 53.** All proceeds received by the state as a result of 9689  
litigation, judgments, settlements, or claims, filed by or on 9690  
behalf of any state agency as defined by section 1.60 of the 9691  
Revised Code or any state-supported or state-assisted institution 9692  
of higher education, for damages or costs resulting from the use, 9693  
removal, or hazard abatement of asbestos materials shall be 9694  
deposited in the Asbestos Abatement Distribution Fund (Fund 674). 9695  
All funds deposited into the Asbestos Abatement Distribution Fund 9696

are hereby appropriated to the Attorney General. To the extent 9697  
practicable, the proceeds placed in the Asbestos Abatement 9698  
Distribution Fund shall be divided among the state agencies and 9699  
state-supported or state-assisted institutions of higher education 9700  
in accordance with the general provisions of the litigation 9701  
regarding the percentage of recovery. Distribution of the proceeds 9702  
to each state agency or state-supported or state-assisted 9703  
institution of higher education shall be made in accordance with 9704  
the Asbestos Abatement Distribution Plan to be developed by the 9705  
Attorney General, the Division of Public Works within the 9706  
Department of Administrative Services, and the Office of Budget 9707  
and Management. 9708

In those circumstances where asbestos litigation proceeds are 9709  
for reimbursement of expenditures made with funds outside the 9710  
state treasury or damages to buildings not constructed with state 9711  
appropriations, direct payments shall be made to the affected 9712  
institutions of higher education. Any proceeds received for 9713  
reimbursement of expenditures made with funds within the state 9714  
treasury or damages to buildings occupied by state agencies shall 9715  
be distributed to the affected agencies with an intrastate 9716  
transfer voucher to the funds identified in the Asbestos Abatement 9717  
Distribution Plan. 9718

Such proceeds shall be used for additional asbestos abatement 9719  
or encapsulation projects, or for other capital improvements, 9720  
except that proceeds distributed to the General Revenue Fund and 9721  
other funds that are not bond improvement funds may be used for 9722  
any purpose. The Controlling Board may, for bond improvement 9723  
funds, create appropriation items or increase appropriation 9724  
authority in existing appropriation items equaling the amount of 9725  
such proceeds. Such amounts approved by the Controlling Board are 9726  
hereby appropriated. Such proceeds deposited in bond improvement 9727  
funds shall not be expended until released by the Controlling 9728

Board, which shall require certification by the Director of Budget 9729  
and Management that such proceeds are sufficient and available to 9730  
fund the additional anticipated expenditures. 9731

**Section 54. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 9732**  
REVISED CODE 9733

The capital improvements for which appropriations are made in 9734  
this act from the Ohio Parks and Natural Resources Fund (Fund 9735  
031), the School Building Program Assistance Fund (Fund 032), the 9736  
Higher Education Improvement Fund (Fund 034), the Clean Ohio 9737  
Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement 9738  
Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are 9739  
determined to be capital improvements and capital facilities for 9740  
natural resources, a statewide system of common schools, 9741  
state-supported and state-assisted institutions of higher 9742  
education, and conservation purposes (under the Clean Ohio 9743  
Program) and are designated as capital facilities to which 9744  
proceeds of obligations issued under Chapter 151. of the Revised 9745  
Code are to be applied. 9746

**Section 55. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 9747**  
REVISED CODE 9748

The capital improvements for which appropriations are made in 9749  
this act from the Sports Facilities Building Fund (Fund 024), the 9750  
Highway Safety Building Fund (Fund 025), the Administrative 9751  
Building Fund (Fund 026), the Adult Correctional Building Fund 9752  
(Fund 027), the Juvenile Correctional Building Fund (Fund 028), 9753  
the Transportation Building Fund (Fund 029), and the Arts 9754  
Facilities Building Fund (Fund 030) are determined to be capital 9755  
improvements and capital facilities for housing state agencies and 9756  
branches of state government and are designated as capital 9757  
facilities to which proceeds of obligations issued under Chapter 9758

152. of the Revised Code are to be applied. 9759

**Section 56.** OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 9760  
REVISED CODE 9761

The capital improvements for which appropriations are made in 9762  
this act from the Mental Health Facilities Improvement Fund (Fund 9763  
033) and the Parks and Recreation Improvement Fund (Fund 035) are 9764  
determined to be capital improvements and capital facilities for 9765  
mental hygiene and retardation and parks and recreation and are 9766  
designated as capital facilities to which proceeds of obligations 9767  
issued under Chapter 154. of the Revised Code are to be applied. 9768

**Section 57.** Upon the request of the agency to which a capital 9769  
project appropriation item is appropriated, the Director of Budget 9770  
and Management may transfer open encumbrance amounts between 9771  
separate encumbrances for the project appropriation item to the 9772  
extent that any reductions in encumbrances are agreed to by the 9773  
contracting vendor and the agency. 9774

**Section 58.** Any proceeds received by the state as the result 9775  
of litigation or a settlement agreement related to any liability 9776  
for the planning, design, engineering, construction, or 9777  
constructed management of such facilities operated by the 9778  
Department of Administrative Services shall be deposited into the 9779  
Administrative Building Fund (Fund 026). 9780

**Section 59.** Sections 3 to 58 of this act shall remain in full 9781  
force and effect commencing on July 1, 2004, and terminating on 9782  
June 30, 2006, for the purpose of drawing money from the state 9783  
treasury in payment of liabilities lawfully incurred hereunder, 9784  
and on June 30, 2006, and not before, the moneys hereby 9785  
appropriated shall lapse into the funds from which they are 9786  
severally appropriated. If, under Section 1c of Article II, Ohio 9787



Constitution, Section 1c, Sections 3 to 58 of this act do not take 9788  
effect until after July 1, 2004, Sections 3 to 58 of this act 9789  
shall be and remain in full force and effect commencing on that 9790  
later effective date. 9791

**Section 60.** (A) As used in this section, "design-build 9792  
construction method" means a construction method that has both of 9793  
the following characteristics: 9794

(1) An architecture firm and a contractor form a single 9795  
entity that files a bid to construct a project and that, if 9796  
awarded the contract to construct the project, agrees to a project 9797  
price and completion date. 9798

(2) The entity described in division (A)(1) of this section 9799  
assumes all of the financial risk if the project is delayed or 9800  
exceeds the project price, and receives bonuses if the cost it 9801  
incurs is less than the project price and it meets the 9802  
construction target dates. 9803

(B) The Board of County Commissioners of Ashtabula County may 9804  
construct, as a pilot project, a lodge and conference center at 9805  
Geneva State Park on land leased from the Department of Natural 9806  
Resources. 9807

**Section 61.** That Section 11.04 of Am. Sub. H.B. 87 of the 9808  
125th General Assembly, as amended by Am. Sub. H.B. 95 of the 9809  
125th General Assembly, be amended to read as follows: 9810

**Sec. 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES** 9811

Of the foregoing appropriation item 772-421, Highway 9812  
Construction - State, \$3,145,500 is to be used each fiscal year 9813  
during the 2003-2005 biennium by the Department of Transportation 9814  
for the construction, reconstruction, or maintenance of public 9815  
access roads, including support features, to and within state 9816

facilities owned or operated by the Department of Natural Resources, as requested by the Director of Natural Resources.

Notwithstanding section 5511.06 of the Revised Code, of the foregoing appropriation item 772-421, Highway Construction - State, \$2,228,000 in each fiscal year of the 2003-2005 biennium shall be used by the Department of Transportation for the construction, reconstruction, or maintenance of park drives or park roads within the boundaries of metropolitan parks.

Included in the foregoing appropriation item 772-421, Highway Construction - State, the department may perform related road work on behalf of the Ohio Expositions Commission at the state fairgrounds, including reconstruction or maintenance of public access roads, including support features, to and within the facilities as requested by the commission and approved by the Director of Transportation.

LIQUIDATION OF UNFORESEEN LIABILITIES

Any appropriation made to the Department of Transportation, Highway Operating Fund, not otherwise restricted by law, is available to liquidate unforeseen liabilities arising from contractual agreements of prior years when the prior year encumbrance is insufficient.

GRADE CROSSING PROFILE AND SAFETY IMPROVEMENT PROGRAM

The Director of Budget and Management shall cancel any encumbrances or parts of encumbrances against appropriation item, 776-665, Railroad Crossing Safety Devices and reestablish them against appropriation item 870-614, Grade Crossing Protection Devices-State, to be used by the Public Utilities Commission of Ohio (PUCO) for the Grade Crossing Profile and Safety Improvement Program, which is hereby created. The amounts of the reestablished encumbrances are hereby appropriated. A local matching grant of \$25,000 or less may be awarded to political subdivisions to pay

for profile improvements at crossings that meet all the following 9848  
criteria: have a daily train count of at least ten trains, have a 9849  
daily traffic count of at least 100 motor vehicles, are currently 9850  
not equipped with automatic gates or lights, and are currently 9851  
ranked in the bottom third of the hazard index as determined by 9852  
the PUCO Accident Prevention Formula. In addition, grants up to 9853  
\$5,000 may be awarded to political subdivisions to fund 9854  
non-profile improvement safety devices such as rumble strips, 9855  
vegetation removal, and lighting, at crossings that meet all the 9856  
criteria foregoing. 9857

The PUCO and the Ohio Department of Transportation shall 9858  
notify each political subdivision with jurisdiction over a 9859  
crossing of the requirements of this section and that funding is 9860  
available for rail crossing safety improvements through the Grade 9861  
Crossing Profile and Safety Improvement Program. 9862

The PUCO shall issue a report on or before June 30, 2005, 9863  
describing the activities carried out by the PUCO to comply with 9864  
this section. The report shall include the number and location of 9865  
crossings that received safety improvements and the cost of each 9866  
improvement to date. 9867

All appropriations in Fund 4A3 remaining unencumbered on June 9868  
30, 2005, are hereby reappropriated for the same purpose in fiscal 9869  
year 2006. 9870

**Section 62.** That existing Section 11.04 of Am. Sub. H.B. 87 9871  
of the 125th General Assembly, as amended by Am. Sub. H.B. 95 of 9872  
the 125th General Assembly, is hereby repealed. 9873

**Section 63.** The amendment by this act of Section 11.04 of Am. 9874  
Sub. H.B. 87 of the 125th General Assembly, and the items of which 9875  
the amendment is composed, are not subject to the referendum. 9876  
Therefore, under Ohio Constitution, Article II, Section 1d and 9877

section 1.471 of the Revised Code, the amendment, and the items of 9878  
which it is composed, go into immediate effect when this act 9879  
becomes law. 9880

**Section 64.** That Sections 8.04, 12, 38.12, 41.06, 41.13, 55, 9881  
59, 59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. Sub. 9882  
H.B. 95 of the 125th General Assembly be amended to read as 9883  
follows: 9884

**Sec. 8.04. CENTRAL SERVICE AGENCY FUND** 9885

The Director of Budget and Management may transfer up to 9886  
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 9887  
2005 from the Occupational Licensing and Regulatory Fund (Fund 9888  
4K9) to the Central Service Agency Fund (Fund 115). The Director 9889  
of Budget and Management may transfer up to \$40,700 in fiscal year 9890  
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 9891  
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 9892  
(Fund 115). The Director of Budget and Management may transfer up 9893  
to \$1,210 in fiscal year 2004 and up to \$1,340 in fiscal year 2005 9894  
from the Motor Vehicle Collision Repair Registration Fund (Fund 9895  
5H9) to the Central Service Agency Fund (Fund 115). The 9896  
appropriation item 100-632, Central Service Agency, shall be used 9897  
to purchase the necessary equipment, products, and services to 9898  
maintain a local area network for the professional licensing 9899  
boards, and to support their licensing applications in fiscal 9900  
years 2004 and 2005. The amount of the cash transfer is 9901  
appropriated to appropriation item 100-632, Central Service 9902  
Agency. 9903

**Sec. 12. AGR DEPARTMENT OF AGRICULTURE** 9904

General Revenue Fund 9905  
GRF 700-321 Operating Expenses \$ 2,737,665 \$ 2,771,628 9906  
GRF 700-401 Animal Disease Control \$ 4,121,815 \$ 4,121,815 9907

|             |   |    |            |    |            |      |
|-------------|---|----|------------|----|------------|------|
| GRF 700-402 | Amusement Ride Safety   | \$ | 278,767    | \$ | 275,943    | 9908 |
| GRF 700-403 | Dairy Division  | \$ | 1,494,597  | \$ | 1,494,153  | 9909 |
| GRF 700-404 | Ohio Proud  | \$ | 197,727    | \$ | 197,229    | 9910 |
| GRF 700-405 | Animal Damage Control   | \$ | 94,954     | \$ | 94,954     | 9911 |
| GRF 700-406 | Consumer Analytical<br>Lab                                      | \$ | 819,281    | \$ | 872,241    | 9912 |
| GRF 700-407 | Food Safety   | \$ | 999,042    | \$ | 999,042    | 9913 |
| GRF 700-409 | Farmland Preservation   | \$ | 256,993    | \$ | 256,993    | 9914 |
| GRF 700-410 | Plant Industry  | \$ | 1,109,867  | \$ | 1,107,677  | 9915 |
| GRF 700-411 | International Trade<br>and Market Development                   | \$ | 621,049    | \$ | 517,524    | 9916 |
| GRF 700-412 | Weights and Measures  | \$ | 914,137    | \$ | 909,120    | 9917 |
| GRF 700-413 | Gypsy Moth Prevention   | \$ | 546,118    | \$ | 576,299    | 9918 |
| GRF 700-414 | Concentrated Animal<br>Feeding Facilities<br>Advisory Committee | \$ | 16,521     | \$ | 16,086     | 9919 |
| GRF 700-415 | Poultry Inspection  | \$ | 270,645    | \$ | 267,743    | 9920 |
| GRF 700-418 | Livestock Regulation<br>Program                                 | \$ | 1,306,911  | \$ | 1,306,911  | 9921 |
| GRF 700-424 | Livestock Testing and<br>Inspections                            | \$ | 123,347    | \$ | 123,347    | 9922 |
| GRF 700-499 | Meat Inspection<br>Program - State Share                        | \$ | 4,651,611  | \$ | 4,696,889  | 9923 |
| GRF 700-501 | County Agricultural<br>Societies                                | \$ | 381,091    | \$ | 381,091    | 9924 |
| TOTAL GRF   | General Revenue Fund  | \$ | 20,942,138 | \$ | 20,986,685 | 9925 |
|             | Federal Special Revenue Fund Group                              |    |            |    |            | 9926 |
| 3J4 700-607 | Indirect Cost   | \$ | 938,785    | \$ | 949,877    | 9927 |
| 3R2 700-614 | Federal Plant Industry  | \$ | 1,400,000  | \$ | 1,425,000  | 9928 |
| 326 700-618 | Meat Inspection<br>Service - Federal<br>Share                   | \$ | 4,876,904  | \$ | 4,951,291  | 9929 |
| 336 700-617 | Ohio Farm Loan  | \$ | 181,774    | \$ | 181,774    | 9930 |

| Revolving Fund                    |         |   |    |                      |    |                       |      |
|-----------------------------------|---------|---|----|----------------------|----|-----------------------|------|
| 382                               | 700-601 | Cooperative Contracts                                   | \$ | <del>2,400,000</del> | \$ | <del>2,500,000</del>  | 9931 |
|                                   |         |   |    | <u>2,460,000</u>     |    | <u>2,560,000</u>      | 9932 |
| TOTAL FED Federal Special Revenue |         |   |    |                      |    |                       | 9933 |
| Fund Group                        |         |   | \$ | <del>9,797,463</del> | \$ | <del>10,007,942</del> | 9934 |
|                                   |         |   |    | <u>9,857,463</u>     |    | <u>10,067,942</u>     | 9935 |
| State Special Revenue Fund Group  |         |   |    |                      |    |                       | 9936 |
| 4C9                               | 700-605 | Feed, Fertilizer, and<br>Lime Inspection                | \$ | 986,765              | \$ | 1,008,541             | 9937 |
| 4D2                               | 700-609 | Auction Education                                       | \$ | 30,476               | \$ | 30,476                | 9938 |
| 4E4                               | 700-606 | Utility Radiological<br>Safety                          | \$ | 73,059               | \$ | 73,059                | 9939 |
| 4P7                               | 700-610 | Food Safety Inspection                                  | \$ | 575,797              | \$ | 582,711               | 9940 |
| 4R0                               | 700-636 | Ohio Proud Marketing                                    | \$ | 40,300               | \$ | 38,300                | 9941 |
| 4R2                               | 700-637 | Dairy Inspection Fund                                   | \$ | 1,157,603            | \$ | 1,184,183             | 9942 |
| 4T6                               | 700-611 | Poultry and Meat<br>Inspection                          | \$ | 46,162               | \$ | 47,294                | 9943 |
| 4T7                               | 700-613 | International Trade<br>and Market Development<br>Rotary | \$ | 41,238               | \$ | 42,000                | 9944 |
| 4V5                               | 700-615 | Animal Industry Lab<br>Fees                             | \$ | 711,944              | \$ | 711,944               | 9945 |
| 494                               | 700-612 | Agricultural Commodity<br>Marketing Program             | \$ | 170,077              | \$ | 170,220               | 9946 |
| 496                               | 700-626 | Ohio Grape Industries                                   | \$ | 1,071,099            | \$ | 1,071,099             | 9947 |
| 497                               | 700-627 | Commodity Handlers<br>Regulatory Program                | \$ | 664,118              | \$ | 664,118               | 9948 |
| 498                               | 700-628 | Commodity Indemnity<br>Fund                             | \$ | 250,000              | \$ | 250,000               | 9949 |
| 5B8                               | 700-629 | Auctioneers   | \$ | 291,672              | \$ | 365,390               | 9950 |
| 5H2                               | 700-608 | Metrology Lab   | \$ | 105,879              | \$ | 108,849               | 9951 |
| 5L8                               | 700-604 | Livestock Management<br>Program                         | \$ | 250,000              | \$ | 250,000               | 9952 |

|   |                    |                         |               |                   |               |                   |      |
|---|--------------------|-------------------------|---------------|-------------------|---------------|-------------------|------|
| 578   | 700-620            | Ride Inspection Fees    | \$            | 497,000           | \$            | 497,000           | 9953 |
| 579   | 700-630            | Scale Certification     | \$            | 168,785           | \$            | 171,677           | 9954 |
| 652   | 700-634            | Laboratory Services     | \$            | 1,043,444         | \$            | 1,074,447         | 9955 |
| 669   | 700-635            | Pesticide Program       | \$            | 2,243,232         | \$            | 2,243,232         | 9956 |
| TOTAL SSR State Special Revenue                                     |                    |                         |               |                   |               |                   | 9957 |
| Fund Group  |                    |                         | \$            | 10,418,650        | \$            | 10,584,540        | 9958 |
| Clean Ohio Fund Group   |                    |                         |               |                   |               |                   | 9959 |
| 057   | 700-632            | Clean Ohio              | \$            | 149,000           | \$            | 149,000           | 9960 |
| Agricultural Easement   |                    |                         |               |                   |               |                   |      |
| TOTAL CLR Clean Ohio Fund Group                                     |                    |                         | \$            | 149,000           | \$            | 149,000           | 9961 |
| <del>Holding Account Redistribution Fund Group</del>                |                    |                         |               |                   |               |                   | 9962 |
| <del>XXX</del>  | <del>700-XXX</del> | <del>Farm Service</del> | <del>\$</del> | <del>60,000</del> | <del>\$</del> | <del>60,000</del> | 9963 |
| <del>Electronic Filing</del>  |                    |                         |               |                   |               |                   |      |
| <del>TOTAL 090 Holding Account</del>                                |                    |                         | <del>\$</del> | <del>60,000</del> | <del>\$</del> | <del>60,000</del> | 9964 |
| <del>Redistribution Fund Group</del>                                |                    |                         |               |                   |               |                   |      |
| TOTAL ALL BUDGET FUND GROUPS  |                    |                         | \$            | 41,367,251        | \$            | 41,788,167        | 9965 |
| ANIMAL DAMAGE CONTROL   |                    |                         |               |                   |               |                   | 9966 |
| Of the foregoing appropriation item 700-405, Animal Damage          |                    |                         |               |                   |               |                   | 9967 |
| Control, \$50,000 shall be used in each fiscal year for coyote and  |                    |                         |               |                   |               |                   | 9968 |
| black vulture indemnification.                                      |                    |                         |               |                   |               |                   | 9969 |
| INTERNATIONAL TRADE AND MARKET DEVELOPMENT                          |                    |                         |               |                   |               |                   | 9970 |
| Of the foregoing appropriation item 700-411, International          |                    |                         |               |                   |               |                   | 9971 |
| Trade and Market Development, \$100,000 shall be used in fiscal     |                    |                         |               |                   |               |                   | 9972 |
| year 2004 for the Ohio-Israel Agricultural Initiative.              |                    |                         |               |                   |               |                   | 9973 |
| FAMILY FARM LOAN PROGRAM  |                    |                         |               |                   |               |                   | 9974 |
| Notwithstanding Chapter 166. of the Revised Code, up to             |                    |                         |               |                   |               |                   | 9975 |
| \$1,500,000 in each fiscal year shall be transferred from moneys in |                    |                         |               |                   |               |                   | 9976 |
| the Facilities Establishment Fund (Fund 037) to the Family Farm     |                    |                         |               |                   |               |                   | 9977 |
| Loan Fund (Fund 5H1) in the Department of Development. These        |                    |                         |               |                   |               |                   | 9978 |
| moneys shall be used for loan guarantees. The transfer is subject   |                    |                         |               |                   |               |                   | 9979 |

to Controlling Board approval. 9980

Financial assistance from the Family Farm Loan Fund (Fund 9981  
5H1) shall be repaid to Fund 5H1. This fund is established in 9982  
accordance with sections 166.031, 901.80, 901.81, 901.82, and 9983  
901.83 of the Revised Code. 9984

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 9985  
all outstanding balances, all loan repayments, and any other 9986  
outstanding obligations shall revert to the Facilities 9987  
Establishment Fund (Fund 037). 9988

CLEAN OHIO AGRICULTURAL EASEMENT 9989

The foregoing appropriation item 700-632, Clean Ohio 9990  
Agricultural Easement, shall be used by the Department of 9991  
Agriculture in administering sections 901.21, 901.22, and 5301.67 9992  
to 5301.70 of the Revised Code. 9993

~~FARM SERVICE ELECTRONIC FILING 9994~~

~~As soon as possible on or after July 1, 2003, the Director of 9995  
Budget and Management shall make a one-time cash transfer of 9996  
\$60,000 from Fund 382, Cooperative Contracts, to Fund XXX, Farm 9997  
Service Electronic Filing Fund, in fiscal year 2004. The Farm 9998  
Service Electronic Filing Fund shall be administered by the 9999  
Department of Agriculture. 10000~~

COOPERATIVE CONTRACTS 10001

The Director of Budget and Management shall transfer the cash 10002  
balance as of the effective date of this amendment from Fund 5Y7, 10003  
Farm Service Agency Electronic Filing Fund, to Fund 382, 10004  
Cooperative Contracts. Encumbrances from appropriation item 10005  
700-XXX, Farm Service Electronic Filing, shall be canceled and 10006  
re-established in appropriation item 700-601, Cooperative 10007  
Contracts. Those amounts are hereby appropriated. Fund 5Y7, Farm 10008  
Service Agency Electronic Filing Fund, is hereby closed. The 10009



definition of Fund 382 is hereby expanded to include revenue from 10010  
the United States Farm Service Agency. The use of the money is 10011  
hereby expanded to include fees charged in advance by the 10012  
Secretary of State for electronic filing related to Farm Service 10013  
Agency agricultural loans. 10014

**Sec. 38.12. SHOVEL READY SITES** 10015

The foregoing appropriation item 195-516, Shovel Ready Sites, 10016  
shall be used for the Shovel Ready Sites Program. 10017

The Director of Development shall ~~contract~~ make grants for 10018  
pilot projects ~~with~~ to three port authorities or development 10019  
entities approved by the Director, two of which shall be from 10020  
urban counties with populations of at least 200,000 but not more 10021  
than 600,000 residents, and one of which shall be from a rural 10022  
county. Fiscal year 2004 grant funds shall be advanced to the port 10023  
authorities or development entities and shall be available for 10024  
immediate use on the pilot projects. At any time after July 1, 10025  
2004, and upon documentation of expenditure of at least 90 per 10026  
cent of the fiscal year 2004 funds, fiscal year 2005 funds shall 10027  
be advanced and shall be available for immediate use on the pilot 10028  
projects. The appropriation shall be used to leverage federal 10029  
funds, local funds, or both, ~~to provide~~ as grants for the 10030  
preparation of sites ~~for immediate construction for,~~ including the 10031  
costs related to the acquisition of property, including options; 10032  
site preparation, including brownfield cleanup activities; the 10033  
construction of road, water, telecommunication, and utility 10034  
infrastructure; and professional fees related to the pilot 10035  
projects in the state. Professional fees shall not exceed 20 per 10036  
cent of the grant amount. The port authorities or development 10037  
entities shall enter into an agreement with the Director, in a 10038  
format determined by the Director, governing the use of the funds. 10039

Sec. 41.06. EDUCATION MANAGEMENT INFORMATION SYSTEM 10040

The foregoing appropriation item 200-446, Education 10041  
Management Information System, shall be used by the Department of 10042  
Education to improve the Education Management Information System 10043  
(EMIS). 10044

Of the foregoing appropriation item 200-446, Education 10045  
Management Information System, up to \$1,295,857 in each fiscal 10046  
year shall be distributed to designated data acquisition sites for 10047  
costs relating to processing, storing, and transferring data for 10048  
the effective operation of the EMIS. These costs may include, but 10049  
are not limited to, personnel, hardware, software development, 10050  
communications connectivity, professional development, and support 10051  
services, and to provide services to participate in the State 10052  
Education Technology Plan pursuant to section 3301.07 of the 10053  
Revised Code. 10054

Of the foregoing appropriation item 200-446, Education 10055  
Management Information System, up to \$8,055,189 in each fiscal 10056  
year shall be distributed on a per-pupil basis to school 10057  
districts, community schools established under Chapter 3314. of 10058  
the Revised Code, education service centers, joint vocational 10059  
school districts, and any other education entity that reports data 10060  
through EMIS. From this funding, each school district or community 10061  
school established under Chapter 3314. of the Revised Code with 10062  
enrollment greater than 100 students and each vocational school 10063  
district shall receive a minimum of \$5,000 in each fiscal year. 10064  
Each school district or community school established under Chapter 10065  
3314. of the Revised Code with enrollment between one and one 10066  
hundred and each education service center and each county board of 10067  
MR/DD that submits data through EMIS shall receive \$3,000 in each 10068  
fiscal year. This subsidy shall be used for costs relating to 10069  
reporting, processing, storing, transferring, and exchanging data 10070

necessary to meet requirements of the Department of Education's 10071  
data system. 10072

Of the foregoing appropriation item 200-446, Education 10073  
Management Information System, \$782,500 in each fiscal year shall 10074  
be used by the Department of Education, in consultation with an 10075  
advisory group of school districts, community schools, and other 10076  
education-related entities, for the development and implementation 10077  
of a common core of Education Management Information System data 10078  
definitions and data format standards. Once these definitions and 10079  
standards have been developed, they shall be approved by the 10080  
Education Data Advisory Council. Once the standards are approved 10081  
by the Education Data Advisory Council, any software meeting the 10082  
standards shall be designated as an approved vendor and may enter 10083  
into contracts with local school districts, community schools, 10084  
data acquisition centers, or other educational entities for the 10085  
purpose of collecting and managing data required under Ohio's 10086  
education management information system (EMIS) laws. On an annual 10087  
basis, the Department of Education shall convene an advisory group 10088  
of school districts, community schools, and other 10089  
education-related entities to review the Education Management 10090  
Information System data definitions and data format standards. The 10091  
advisory group shall recommend changes and enhancements based upon 10092  
surveys of its members, education agencies in other states, and 10093  
current industry practices, to reflect best practices, align with 10094  
federal initiatives, and meet the needs of school districts. 10095

School districts and community schools shall implement a 10096  
common and uniform set of data definitions and data format 10097  
standards for Education Management Information System purposes by 10098  
July 1, 2004. The Department of Education shall work with data 10099  
acquisition sites and their member school districts and community 10100  
schools to implement those uniform standards. School districts and 10101  
community schools that do not adopt and implement the uniform data 10102

definitions and standards by July 1, 2004, as jointly determined 10103  
by the Department of Education software development team and the 10104  
advisory group shall have all EMIS funding withheld until they are 10105  
in compliance. 10106

GED TESTING/ADULT HIGH SCHOOL 10107

The foregoing appropriation item 200-447, GED Testing/Adult 10108  
High School, shall be used to provide General Educational 10109  
Development (GED) testing at no cost to applicants, pursuant to 10110  
rules adopted by the State Board of Education. The Department of 10111  
Education shall reimburse school districts and community schools, 10112  
created in accordance with Chapter 3314. of the Revised Code, for 10113  
a portion of the costs incurred in providing summer instructional 10114  
or intervention services to students who have not graduated due to 10115  
their inability to pass one or more parts of the state's ninth 10116  
grade proficiency test. School districts shall also provide such 10117  
services to students who are residents of the district pursuant to 10118  
section 3313.64 of the Revised Code, but who are enrolled in 10119  
chartered, nonpublic schools. The services shall be provided in 10120  
the public school, in nonpublic schools, in public centers, or in 10121  
mobile units located on or off the nonpublic school premises. No 10122  
school district shall provide summer instructional or intervention 10123  
services to nonpublic school students as authorized by this 10124  
section unless such services are available to students attending 10125  
the public schools within the district. No school district shall 10126  
provide services for use in religious courses, devotional 10127  
exercises, religious training, or any other religious activity. 10128  
Chartered, nonpublic schools shall pay for any unreimbursed costs 10129  
incurred by school districts for providing summer instruction or 10130  
intervention services to students enrolled in chartered, nonpublic 10131  
schools. School districts may provide these services to students 10132  
directly or contract with postsecondary or nonprofit 10133  
community-based institutions in providing instruction. The 10134

appropriation also shall be used for state reimbursement to school 10135  
districts for adult high school continuing education programs 10136  
pursuant to section 3313.531 of the Revised Code or for costs 10137  
associated with awarding adult high school diplomas under section 10138  
3313.611 of the Revised Code. 10139

EDUCATOR PREPARATION 10140

The foregoing appropriation item 200-448, Educator 10141  
Preparation, shall be used by the Ohio Teacher Education and 10142  
Licensure Advisory Commission to carry out the responsibilities of 10143  
the 21-member Ohio Teacher Education and Licensure Advisory 10144  
Commission. The advisory commission is charged by the State Board 10145  
of Education with considering all matters related to educator 10146  
preparation and licensure, including standards for educator 10147  
preparation and licensure, approval of institutions and programs, 10148  
and recommending decisions to the State Board of Education. 10149

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP 10150

The foregoing appropriation item 200-449, Head Start/Head 10151  
Start Plus Start Up, shall be used to provide start up grants for 10152  
Title IV-A reimbursable funding for the provision of services to 10153  
children eligible for Title IV-A services. In fiscal year 2004, 10154  
these grants shall be provided to Title IV-A Head Start agencies. 10155  
In fiscal year 2005, these grants shall be provided to Title IV-A 10156  
Head Start agencies and Title IV-A Head Start Plus agencies. The 10157  
amount of each grant shall be determined by the Department of 10158  
Education. In fiscal year 2005, up to \$100,000 may be used by the 10159  
Department of Education to provide associated program support and 10160  
technical assistance. Funds appropriated for this purpose shall be 10161  
reimbursed to the General Revenue Fund when the Title IV-A Head 10162  
Start or Title IV-A Head Start Plus programs cease or are no 10163  
longer funded from Title IV-A. If one program ceases or is no 10164  
longer funded with Title IV-A funds, the General Revenue Fund will 10165  
be reimbursed for that program. 10166

If a Title IV-A Head Start agency or Title IV-A Head Start Plus agency chooses not to participate in the program or if the Department ~~ex~~ of Education suspends or terminates part or all of its funding, reimbursement owed to the grantee shall be held by the Department of Education up to the amount of the grant owed by the grantee. If insufficient reimbursement is available to recover the amount owed by the grantee, the grantee shall return the remaining balance within 60 days of the date of the decision not to participate, the suspension, or the termination. Funding recovered from such grantees shall be used by the Department of Education for supplying grants to new grantees for Title IV-A reimbursable funding for provision of services to children eligible for Title IV-A services. Any funding remaining when the Title IV-A Head Start and the Title IV-A Head Start Plus programs cease or are no longer funded with Title IV-A funds shall be returned to the General Revenue Fund.

The Title IV-A Head Start Plus agency that is receiving funds to operate a Head Start program in accordance with section 3301.35 of the Revised Code shall provide the program through contracts with child care providers licensed or certified in accordance with Chapter 5104. of the Revised Code. If a licensed or certified child care provider is not in operation or willing to participate and if eligible families are in need of full-day and full-year Head Start and child care services, the Title IV-A Head Start Plus agency may be the sole source provider.

TEACHING SUCCESS COMMISSION INITIATIVES 10192

The foregoing appropriation item 200-452, Teaching Success Commission Initiatives, shall be used by the Department of Education to support initiatives recommended by the Governor's Commission on Teaching Success.

COMMUNITY SCHOOLS 10197

Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

Of the foregoing appropriation item 200-455, Community Schools, up to \$250,000 in each fiscal year may be used by the Department of Education for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing such training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

The remaining appropriation may be used by the Department of Education to make grants of up to \$50,000 to each proposing group with a preliminary agreement obtained under division (C)(2) of section 3314.02 of the Revised Code in order to defray planning and initial start-up costs. In the first year of operation of a community school, the Department of Education may make a grant of not more than \$100,000 to the governing authority of the school to partially defray additional start-up costs. The amount of the grant shall be based on a thorough examination of the needs of the community school. The Department of Education shall not utilize moneys received under this section for any other purpose other than those specified under this section.

A community school awarded start-up grants from appropriation item 200-613, Public Charter Schools (Fund 3T4), shall not be eligible for grants under this section.

**Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200-540, Special

Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 10228  
up to \$45,441,712 in fiscal year 2005 shall be used to fund 10229  
special education and related services at county boards of mental 10230  
retardation and developmental disabilities for eligible students 10231  
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 10232  
be used in each fiscal year to fund special education classroom 10233  
and related services units at institutions. 10234

Of the foregoing appropriation item 200-540, Special 10235  
Education Enhancements, up to \$2,906,875 in each fiscal year shall 10236  
be used for home instruction for children with disabilities; up to 10237  
\$1,462,500 in each fiscal year shall be used for parent mentoring 10238  
programs; and up to \$2,783,396 in each fiscal year may be used for 10239  
school psychology interns. 10240

Of the foregoing appropriation item 200-540, Special 10241  
Education Enhancements, \$3,406,090 in each fiscal year shall be 10242  
used by the Department of Education to assist school districts in 10243  
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 10244  
3301-51-04 of the Administrative Code. 10245

Of the foregoing appropriation item 200-540, Special 10246  
Education Enhancements, \$78,384,498 in each fiscal year shall be 10247  
distributed by the Department of Education to county boards of 10248  
mental retardation and developmental disabilities, educational 10249  
service centers, and school districts for preschool special 10250  
education units and preschool supervisory units in accordance with 10251  
section 3317.161 of the Revised Code. The ~~department~~ Department 10252  
may reimburse county boards of mental retardation and 10253  
developmental disabilities, educational service centers, and 10254  
school districts for related services as defined in rule 10255  
~~3301-31-05~~ 3301-51-11 of the Administrative Code, for preschool 10256  
occupational and physical therapy services provided by a physical 10257  
therapy assistant and certified occupational therapy assistant, 10258  
and for an instructional assistant. To the greatest extent 10259



possible, the Department of Education shall allocate these units 10260  
to school districts and educational service centers. The 10261  
Controlling Board may approve the transfer of unallocated funds 10262  
from appropriation item 200-501, Base Cost Funding, to 10263  
appropriation item 200-540, Special Education Enhancements, to 10264  
fully fund existing units as necessary or to fully fund additional 10265  
units. The Controlling Board may approve the transfer of 10266  
unallocated funds from appropriation item 200-540, Special 10267  
Education Enhancements, to appropriation item 200-501, Base Cost 10268  
Funding, to fully fund the special education weight cost funding. 10269

The Department of Education shall require school districts, 10270  
educational service centers, and county MR/DD boards serving 10271  
preschool children with disabilities to document child progress 10272  
using research-based indicators prescribed by the Department and 10273  
report results annually. The reporting dates and methodology shall 10274  
be determined by the Department. 10275

Of the foregoing appropriation item 200-540, Special 10276  
Education Enhancements, \$315,000 in each fiscal year shall be 10277  
expended to conduct a demonstration project involving language and 10278  
literacy intervention teams supporting student acquisition of 10279  
language and literacy skills. The demonstration project shall 10280  
demonstrate improvement of language and literacy skills of at-risk 10281  
learners under the instruction of certified speech pathologists 10282  
and educators. Baseline data shall be collected and comparison 10283  
data for fiscal year 2004 and fiscal year 2005 shall be collected 10284  
and reported to the Governor, ~~Ohio Reads~~ OhioReads Council, 10285  
Department of Education, and the General Assembly. 10286

Of the foregoing appropriation item 200-540, Special 10287  
Education Enhancements, up to \$500,000 in each fiscal year shall 10288  
be used for the Research-Based Reading Mentoring Program. 10289

Of the foregoing appropriation item 200-540, Special 10290  
Education Enhancements, \$600,000 in each fiscal year shall be used 10291

to support the Bellefaire Jewish Children's Bureau. 10292

**Sec. 55. OHS OHIO HISTORICAL SOCIETY** 10293

General Revenue Fund 10294

GRF 360-403 Adena - Worthington \$ 200,000 \$ 150,000 10295

Home

GRF 360-501 Operating Subsidy \$ 3,389,973 \$ 3,389,973 10296

GRF 360-502 Site Operations \$ 8,240,438 \$ 8,240,438 10297

GRF 360-503 Ohio Bicentennial \$ 1,847,239 \$ 58,164 10298

Commission

GRF 360-504 Ohio Preservation \$ 289,733 \$ 289,733 10299

Office

GRF 360-505 Afro-American Museum \$ 778,231 \$ 778,231 10300

GRF 360-506 Hayes Presidential \$ 524,981 \$ 524,981 10301

Center

GRF 360-508 Historical Grants \$ ~~2,200,000~~ \$ ~~1,550,000~~ 10302

2,400,000 1,750,000

TOTAL GRF General Revenue Fund \$ ~~17,470,595~~ \$ ~~14,981,520~~ 10303

17,670,595 15,181,520

TOTAL ALL BUDGET FUND GROUPS \$ ~~17,470,595~~ \$ ~~14,981,520~~ 10304

17,670,595 15,181,520

**SUBSIDY APPROPRIATION** 10305

Upon approval by the Director of Budget and Management, the 10306

foregoing appropriation items shall be released to the Ohio 10307

Historical Society in quarterly amounts that in total do not 10308

exceed the annual appropriations. The funds and fiscal records of 10309

the society for fiscal years 2004 and 2005 shall be examined by 10310

independent certified public accountants approved by the Auditor 10311

of State, and a copy of the audited financial statements shall be 10312

filed with the Office of Budget and Management. The society shall 10313

prepare and submit to the Office of Budget and Management the 10314

following: 10315

(A) An estimated operating budget for each fiscal year of the 10316  
biennium. The operating budget shall be submitted at or near the 10317  
beginning of each year. 10318

(B) Financial reports, indicating actual receipts and 10319  
expenditures for the fiscal year to date. These reports shall be 10320  
filed at least semiannually during the fiscal biennium. 10321

The foregoing appropriations shall be considered to be the 10322  
contractual consideration provided by the state to support the 10323  
state's offer to contract with the Ohio Historical Society under 10324  
section 149.30 of the Revised Code. If the Ohio Historical Society 10325  
accepts this contractual offer, the society may not, during fiscal 10326  
year 2004 or 2005, close any of the sites operated by the society 10327  
as of the effective date of this section. 10328

Not later than May 15, 2004, the Ohio Historical Society 10329  
shall submit to the Controlling Board a plan for the 10330  
implementation of the recommendations of the Select Committee to 10331  
Study the Effectiveness of Ohio's Historical Programs and 10332  
Partnerships. No appropriations to the society for fiscal year 10333  
2005 may be expended without prior approval of the implementation 10334  
plan by the Controlling Board. 10335

HAYES PRESIDENTIAL CENTER 10336

If a United States government agency, including, but not 10337  
limited to, the National Park Service, chooses to take over the 10338  
operations or maintenance of the Hayes Presidential Center, in 10339  
whole or in part, the Ohio Historical Society shall make 10340  
arrangements with the National Park Service or other United States 10341  
government agency for the efficient transfer of operations or 10342  
maintenance. 10343

HISTORICAL GRANTS 10344

Of the foregoing appropriation item 360-508, Historical 10345

Grants, ~~\$91,667~~ \$100,000 in each fiscal year 2004 and ~~\$88,571~~ in 10346  
~~fiscal year 2005~~ shall be distributed to the Hebrew Union College 10347  
in Cincinnati for the Center for Holocaust and Humanity Education, 10348  
~~\$137,500~~ \$150,000 in fiscal year 2004 shall be distributed to the 10349  
National Underground Railroad Freedom Center in Cincinnati, 10350  
~~\$229,167~~ \$250,000 in each fiscal year 2004 and ~~\$221,430~~ in ~~fiscal~~ 10351  
~~year 2005~~ shall be distributed to the Great Lakes Historical 10352  
Society in Vermilion, ~~\$733,333~~ \$800,000 in each fiscal year 2004 10353  
and ~~\$708,571~~ in ~~fiscal year 2005~~ shall be distributed to the 10354  
Western Reserve Historical Society in Cleveland, ~~\$458,333~~ \$500,000 10355  
in fiscal year 2004 shall be distributed to the Village of 10356  
Dennison for the Historical Center Street District, ~~\$91,667~~ 10357  
\$100,000 in each fiscal year 2004 and ~~\$88,571~~ in ~~fiscal year 2005~~ 10358  
shall be distributed to the Harbor Heritage Society Steamship 10359  
Mather in Cleveland, and ~~\$458,333~~ \$500,000 in each fiscal year 10360  
2004 and ~~\$442,857~~ in ~~fiscal year 2005~~ shall be distributed to the 10361  
Cincinnati Museum Center. 10362

OHIO BICENTENNIAL COMMISSION ROYALTIES 10363

Notwithstanding any previous arrangement to the contrary, the 10364  
Ohio Bicentennial Commission shall keep the first \$100,000 in 10365  
earned royalties associated with the Ohio Bicentennial logo during 10366  
the 2004-2005 biennium. This \$100,000 shall be used to cover the 10367  
operating expenses of the Ohio Bicentennial Commission in fiscal 10368  
year 2005. The remaining moneys collected from royalties 10369  
associated with the Ohio Bicentennial logo shall be deposited into 10370  
the General Revenue Fund, of which \$350,000 shall be distributed 10371  
to the Ohio Historical Society for use in appropriation item 10372  
360-403, Adena - Worthington Home. 10373

**Sec. 59. JFS DEPARTMENT OF JOB AND FAMILY SERVICES** 10374

General Revenue Fund 10375  
GRF 600-321 Support Services 10376

|             |   |    |             |    |             |       |
|-------------|---|----|-------------|----|-------------|-------|
|             | State                                       | \$ | 62,361,047  | \$ | 58,611,047  | 10377 |
|             | Federal                                     | \$ | 7,176,249   | \$ | 7,125,883   | 10378 |
|             | Support Services Total                      | \$ | 69,537,296  | \$ | 65,736,930  | 10379 |
| GRF 600-410 | TANF State                                  | \$ | 272,619,061 | \$ | 272,619,061 | 10380 |
| GRF 600-413 | Child Care                                  | \$ | 84,120,596  | \$ | 84,120,596  | 10381 |
|             | Match/Maintenance of Effort                 |    |             |    |             |       |
| GRF 600-416 | Computer Projects                           |    |             |    |             | 10382 |
|             | State                                       | \$ | 120,000,000 | \$ | 120,000,000 | 10383 |
|             | Federal                                     | \$ | 31,095,442  | \$ | 31,400,454  | 10384 |
|             | Computer Projects Total                     | \$ | 151,095,442 | \$ | 151,400,454 | 10385 |
| GRF 600-420 | Child Support Administration                | \$ | 5,091,446   | \$ | 5,091,446   | 10386 |
| GRF 600-421 | Office of Family Stability                  | \$ | 4,864,932   | \$ | 4,864,932   | 10387 |
| GRF 600-422 | Local Operations                            | \$ | 2,305,232   | \$ | 2,305,232   | 10388 |
| GRF 600-423 | Office of Children and Families             | \$ | 5,000,000   | \$ | 5,000,000   | 10389 |
| GRF 600-424 | Office of Workforce Development             | \$ | 877,971     | \$ | 877,971     | 10390 |
| GRF 600-425 | Office of Ohio Health Plans                 |    |             |    |             | 10391 |
|             | State                                       | \$ | 21,944,901  | \$ | 22,603,740  | 10392 |
|             | Federal                                     | \$ | 21,848,555  | \$ | 22,495,502  | 10393 |
|             | Office of Ohio Health Plans Total           | \$ | 43,793,456  | \$ | 45,099,242  | 10394 |
| GRF 600-435 | Unemployment Compensation Review Commission | \$ | 3,188,473   | \$ | 3,188,473   | 10395 |
| GRF 600-439 | Commission to Reform Medicaid               | \$ | 125,000     | \$ | 125,000     | 10396 |
| GRF 600-502 | Child Support Match                         | \$ | 16,814,103  | \$ | 16,814,103  | 10397 |

|                             |                                 |                             |                              |       |
|-----------------------------|---------------------------------|-----------------------------|------------------------------|-------|
| GRF 600-511                 | Disability Financial Assistance | \$ 22,839,371               | \$ 22,839,371                | 10398 |
| GRF 600-521                 | Family Stability Subsidy        | \$ 55,206,401               | \$ 55,206,401                | 10399 |
| GRF 600-523                 | Children and Families Subsidy   | \$ 69,846,563               | \$ 69,846,563                | 10400 |
| GRF 600-525                 | Health Care/Medicaid            |                             |                              | 10401 |
|                             | State                           | \$ 3,651,294,321            | \$ 3,842,465,911             | 10402 |
|                             | Federal                         | \$ <del>5,188,691,539</del> | \$ <del>5,463,149,039</del>  | 10403 |
|                             |                                 | <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>  | 10404 |
|                             |                                 | <u>8,840,875,056</u>        | <u>9,335,625,673</u>         |       |
| GRF 600-528                 | Adoption Services               |                             |                              | 10405 |
|                             | State                           | \$ 33,395,955               | \$ 36,017,981                | 10406 |
|                             | Federal                         | \$ 37,368,248               | \$ 41,115,000                | 10407 |
|                             | Adoption Services Total         | \$ 70,764,203               | \$ 77,132,981                | 10408 |
| TOTAL GRF                   | General Revenue Fund            |                             |                              | 10409 |
|                             | State                           | \$ 4,428,706,900            | \$ 4,619,409,355             | 10410 |
|                             | Federal                         | \$ <del>5,286,180,033</del> | \$ <del>5,565,285,878</del>  | 10411 |
|                             |                                 | <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> | 10412 |
|                             |                                 | <u>9,718,964,602</u>        | <u>10,217,894,429</u>        |       |
| General Services Fund Group |                                 |                             |                              | 10413 |
| 4A8 600-658                 | Child Support Collections       | \$ 27,255,646               | \$ 26,680,794                | 10414 |
| 4R4 600-665                 | BCII Services/Fees              | \$ 136,974                  | \$ 136,974                   | 10415 |
| 5C9 600-671                 | Medicaid Program Support        | \$ 54,686,270               | \$ 55,137,078                | 10416 |
| 5N1 600-677                 | County Technologies             | \$ 5,000,000                | \$ 5,000,000                 | 10417 |
| 613 600-645                 | Training Activities             | \$ 135,000                  | \$ 135,000                   | 10418 |
| TOTAL GSF                   | General Services Fund Group     |                             |                              | 10419 |
|                             |                                 | \$ 87,213,890               | \$ 87,089,846                | 10420 |

|                                    |    |               |                  |       |
|------------------------------------|----|---------------|------------------|-------|
| Federal Special Revenue Fund Group |    |               |                  | 10421 |
| 3A2 600-641 Emergency Food         | \$ | 2,083,500     | \$ 2,187,675     | 10422 |
| Distribution                       |    |               |                  |       |
| 3D3 600-648 Children's Trust Fund  | \$ | 2,040,524     | \$ 2,040,524     | 10423 |
| Federal                            |    |               |                  |       |
| 3F0 600-623 Health Care Federal    | \$ | 391,658,105   | \$ 394,221,409   | 10424 |
| 3F0 600-650 Hospital Care          | \$ | 298,128,308   | \$ 305,879,644   | 10425 |
| Assurance Match                    |    |               |                  |       |
| 3G5 600-655 Interagency            | \$ | 1,180,523,642 | \$ 1,245,244,536 | 10426 |
| Reimbursement                      |    |               |                  |       |
| 3H7 600-617 Child Care Federal     | \$ | 224,539,425   | \$ 235,045,596   | 10427 |
| 3N0 600-628 IV-E Foster Care       | \$ | 173,963,142   | \$ 173,963,142   | 10428 |
| Maintenance                        |    |               |                  |       |
| 3S5 600-622 Child Support Projects | \$ | 534,050       | \$ 534,050       | 10429 |
| 3V0 600-662 WIA Ohio Option #7     | \$ | 87,407,014    | \$ 89,352,850    | 10430 |
| 3V0 600-688 Workforce Investment   | \$ | 93,636,390    | \$ 94,932,750    | 10431 |
| Act                                |    |               |                  |       |
| 3V4 600-678 Federal Unemployment   | \$ | 153,690,682   | \$ 154,111,608   | 10432 |
| Programs                           |    |               |                  |       |
| 3V4 600-679 Unemployment           | \$ | 3,097,320     | \$ 2,860,297     | 10433 |
| Compensation Review                |    |               |                  |       |
| Commission - Federal               |    |               |                  |       |
| 3V6 600-689 TANF Block Grant       | \$ | 786,095,609   | \$ 845,909,688   | 10434 |
| 3W3 600-659 TANF/Title XX          | \$ | 88,994,049    | \$ 93,498,158    | 10435 |
| 316 600-602 State and Local        | \$ | 11,212,594    | \$ 11,249,282    | 10436 |
| Training                           |    |               |                  |       |
| 327 600-606 Child Welfare          | \$ | 29,119,408    | \$ 28,665,728    | 10437 |
| 331 600-686 Federal Operating      | \$ | 48,237,185    | \$ 47,340,081    | 10438 |
| 365 600-681 JOB Training Program   | \$ | 5,000,000     | \$ 0             | 10439 |
| 384 600-610 Food Stamps and State  | \$ | 134,560,572   | \$ 135,141,694   | 10440 |
| Administration                     |    |               |                  |       |
| 385 600-614 Refugee Services       | \$ | 5,793,656     | \$ 5,841,407     | 10441 |
| 395 600-616 Special                | \$ | 3,975,821     | \$ 3,975,821     | 10442 |

|                       |         |   |    |               |    |                     |
|-----------------------|---------|---|----|---------------|----|---------------------|
|                       |         | Activities/Child and<br>Family Services           |    |               |    |                     |
| 396                   | 600-620 | Social Services Block<br>Grant                    | \$ | 74,969,767    | \$ | 74,986,134 10443    |
| 397                   | 600-626 | Child Support                                     | \$ | 304,157,939   | \$ | 307,468,576 10444   |
| 398                   | 600-627 | Adoption Maintenance/<br>Administration           | \$ | 339,957,978   | \$ | 340,104,370 10445   |
| TOTAL FED             |         | Federal Special Revenue                           |    |               |    | 10446               |
| Fund Group            |         |   | \$ | 4,443,376,680 | \$ | 4,594,555,020 10447 |
| State Special Revenue |         | Fund Group  |    |               |    | 10448               |
| 198                   | 600-647 | Children's Trust Fund                             | \$ | 4,336,109     | \$ | 4,336,109 10449     |
| 4A9                   | 600-607 | Unemployment<br>Compensation Admin<br>Fund        | \$ | 8,001,000     | \$ | 8,001,000 10450     |
| 4E3                   | 600-605 | Nursing Home<br>Assessments                       | \$ | 4,759,913     | \$ | 4,759,914 10451     |
| 4E7                   | 600-604 | Child and Family<br>Services Collections          | \$ | 300,000       | \$ | 300,000 10452       |
| 4F1                   | 600-609 | Foundation<br>Grants/Child and<br>Family Services | \$ | 119,310       | \$ | 119,310 10453       |
| 4J5                   | 600-613 | Nursing Facility Bed<br>Assessments               | \$ | 35,060,013    | \$ | 35,064,238 10454    |
| 4J5                   | 600-618 | Residential State<br>Supplement Payments          | \$ | 15,700,000    | \$ | 15,700,000 10455    |
| 4K1                   | 600-621 | ICF/MR Bed Assessments                            | \$ | 20,467,050    | \$ | 20,428,726 10456    |
| 4R3                   | 600-687 | Banking Fees                                      | \$ | 892,000       | \$ | 892,000 10457       |
| 4Z1                   | 600-625 | HealthCare Compliance                             | \$ | 10,000,000    | \$ | 10,000,000 10458    |
| 5A5                   | 600-685 | Unemployment Benefit<br>Automation                | \$ | 14,000,000    | \$ | 0 10459             |
| 5P5                   | 600-692 | Health Care Services                              | \$ | 492,932,514   | \$ | 515,947,439 10460   |
| 5Q9                   | 600-619 | Supplemental Inpatient<br>Hospital Payments       | \$ | 30,797,539    | \$ | 30,797,539 10461    |



|  |   |  |  |       |
|--|---|--|--|-------|
| 5R2 600-608  | Medicaid-Nursing<br>Facilities                    | \$ 113,754,184                                       | \$ 113,754,184                                       | 10462 |
| 5S3 600-629  | MR/DD Medicaid<br>Administration and<br>Oversight | \$ 1,620,960   | \$ 1,620,960   | 10463 |
| 5T2 600-652  | Child Support Special<br>Payment                  | \$ 1,500,000   | \$ 750,000   | 10464 |
| 5U3 600-654  | Health Care Services<br>Administration            | \$ 7,576,322   | \$ 6,119,127   | 10465 |
| 5U6 600-663  | Children and Family<br>Support                    | \$ 4,929,718   | \$ 4,929,718   | 10466 |
| 651 600-649  | Hospital Care<br>Assurance Program Fund           | \$ 208,634,072                                       | \$ 214,058,558                                       | 10467 |
| TOTAL SSR State Special Revenue                        |   |  |  | 10468 |
| Fund Group   |   | \$ 975,380,704                                       | \$ 987,578,822                                       | 10469 |
| Agency Fund Group                                      |   |  |  | 10470 |
| 192 600-646  | Support Intercept -<br>Federal                    | \$ 136,500,000                                       | \$ 136,500,000                                       | 10471 |
| 5B6 600-601  | Food Stamp Intercept                              | \$ 5,000,000   | \$ 5,000,000   | 10472 |
| 583 600-642  | Support Intercept -<br>State                      | \$ 20,565,582  | \$ 20,565,582  | 10473 |
| TOTAL AGY Agency Fund Group                            |   | \$ 162,065,582                                       | \$ 162,065,582                                       | 10474 |
| Holding Account Redistribution Fund Group              |   |  |  | 10475 |
| R12 600-643  | Refunds and Audit<br>Settlements                  | \$ 5,343,906   | \$ 5,343,906   | 10476 |
| R13 600-644  | Forgery Collections                               | \$ 700,000   | \$ 700,000   | 10477 |
| TOTAL 090 Holding Account<br>Redistribution Fund Group |   | \$ 6,043,906   | \$ 6,043,906   | 10478 |
| TOTAL ALL BUDGET FUND GROUPS                           |   | <del>\$15,392,156,168</del><br><u>15,393,045,364</u> | <del>\$16,025,216,882</del><br><u>16,055,227,605</u> | 10479 |

There is hereby established the Ohio Commission to Reform Medicaid, which shall consist of nine members: three appointed by the Governor, three appointed by the Speaker of the House of Representatives, and three appointed by the President of the Senate. Appointments shall be made not later than ninety days after ~~the effective date of this section~~ June 26, 2003. All members shall serve at the pleasure of the appointing authority. ~~Members shall serve without compensation.~~ Vacancies shall be filled in the manner of original appointments.

The members of the Commission shall serve without compensation but shall be reimbursed in accordance with rules adopted under section 126.31 of the Revised Code for all actual and necessary expenses incurred on or after the effective date of this amendment in the performance of their official duties on the Commission.

A member of the Commission shall be considered present at a Commission meeting even though the member's participation is through a telephone conference call if the meeting's purpose is to gather information, no votes are taken at the meeting, and a room is made available for the public to observe the meeting.

The Commission shall conduct a complete review of the state Medicaid program and shall make recommendations for comprehensive reform and cost containment. The Commission shall submit a report of its findings and recommendations to the Governor, Speaker, and Senate President not later than January 1, 2005.

The Commission may hire a staff director and additional employees to provide technical support.

The Director of Job and Family Services shall, on behalf of the Commission, seek federal financial participation for the administrative costs of the Commission.

|                              |  |    |            |    |            |       |
|------------------------------|--|----|------------|----|------------|-------|
| <b>Sec. 66.</b>              | LIB STATE LIBRARY BOARD  |    |            |    | 10512      |       |
|                              | General Revenue Fund   |    |            |    | 10513      |       |
| GRF 350-321                  | Operating Expenses   | \$ | 6,700,721  | \$ | 6,700,721  | 10514 |
| GRF 350-400                  | Ohio Public Library  | \$ | 0          | \$ | 5,000,000  | 10515 |
|                              | Information Network  |    |            |    |            |       |
| GRF 350-401                  | Ohioana Rental   | \$ | 124,816    | \$ | 124,816    | 10516 |
|                              | Payments   |    |            |    |            |       |
| GRF 350-501                  | Cincinnati Public  | \$ | 584,414    | \$ | 569,803    | 10517 |
|                              | Library  |    |            |    |            |       |
| GRF 350-502                  | Regional Library   | \$ | 1,194,374  | \$ | 1,194,374  | 10518 |
|                              | Systems  |    |            |    |            |       |
| GRF 350-503                  | Cleveland Public   | \$ | 879,042    | \$ | 857,066    | 10519 |
|                              | Library  |    |            |    |            |       |
| TOTAL GRF                    | General Revenue Fund   | \$ | 9,483,367  | \$ | 14,446,780 | 10520 |
|                              | General Services Fund Group                                      |    |            |    |            | 10521 |
| 139 350-602                  | Intra-Agency Service   | \$ | 9,000      | \$ | 9,000      | 10522 |
|                              | Charges  |    |            |    |            |       |
| 4S4 350-604                  | OPLIN Technology   | \$ | 6,450,000  | \$ | 1,000,000  | 10523 |
| 459 350-602                  | Interlibrary Service   | \$ | 2,759,661  | \$ | 2,809,661  | 10524 |
|                              | Charges  |    |            |    |            |       |
| TOTAL GSF                    | General Services   |    |            |    |            | 10525 |
| Fund Group                   |  | \$ | 9,218,661  | \$ | 3,818,661  | 10526 |
|                              | Federal Special Revenue Fund Group                               |    |            |    |            | 10527 |
| 313 350-601                  | LSTA Federal   | \$ | 5,541,647  | \$ | 5,541,647  | 10528 |
| TOTAL FED                    | Federal Special Revenue  |    |            |    |            | 10529 |
| Fund Group                   |  | \$ | 5,541,647  | \$ | 5,541,647  | 10530 |
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 24,243,675 | \$ | 23,807,088 | 10531 |
|                              | OHIOANA RENTAL PAYMENTS  |    |            |    |            | 10532 |
|                              | The foregoing appropriation item 350-401, Ohioana Rental         |    |            |    |            | 10533 |
|                              | Payments, shall be used to pay the rental expenses of the Martha |    |            |    |            | 10534 |

Kinney Cooper Ohioana Library Association pursuant to section 10535  
3375.61 of the Revised Code. 10536

CINCINNATI PUBLIC LIBRARY 10537

The foregoing appropriation item 350-501, Cincinnati Public 10538  
Library, shall be used for the Talking Book program, which assists 10539  
the blind and disabled. 10540

REGIONAL LIBRARY SYSTEMS 10541

The foregoing appropriation item 350-502, Regional Library 10542  
Systems, shall be used to support regional library systems 10543  
eligible for funding under ~~section~~ sections 3375.83 and 3375.90 of 10544  
the Revised Code. 10545

CLEVELAND PUBLIC LIBRARY 10546

The foregoing appropriation item 350-503, Cleveland Public 10547  
Library, shall be used for the Talking Book program, which assists 10548  
the blind and disabled. 10549

OHIO PUBLIC LIBRARY INFORMATION NETWORK 10550

The foregoing appropriation items 350-604, OPLIN Technology, 10551  
and, in fiscal year 2005, 350-400, Ohio Public Library Information 10552  
Network, shall be used for an information telecommunications 10553  
network linking public libraries in the state and such others as 10554  
may be certified as participants by the Ohio Public Library 10555  
Information Network Board. 10556

The Ohio Public Library Information Network Board shall 10557  
consist of eleven members appointed by the State Library Board 10558  
from among the staff of public libraries and past and present 10559  
members of boards of trustees of public libraries, based on the 10560  
recommendations of the Ohio library community. The Ohio Public 10561  
Library Information Network Board, in consultation with the State 10562  
Library, shall develop a plan of operations for the network. The 10563  
board may make decisions regarding use of the foregoing OPLIN 10564

appropriation items 350-400 and 350-604 and may receive and expend 10565  
grants to carry out the operations of the network in accordance 10566  
with state law and the authority to appoint and fix the 10567  
compensation of a director and necessary staff. The State Library 10568  
shall be the fiscal agent for the network and shall have fiscal 10569  
accountability for the expenditure of funds. The Ohio Public 10570  
Library Information Network Board members shall be reimbursed for 10571  
actual travel and necessary expenses incurred in carrying out 10572  
their responsibilities. 10573

In order to limit access to obscene and illegal materials 10574  
through internet use at Ohio Public Library Information Network 10575  
(OPLIN) terminals, local libraries with OPLIN computer terminals 10576  
shall adopt policies that control access to obscene and illegal 10577  
materials. These policies may include use of technological systems 10578  
to select or block certain internet access. The OPLIN shall 10579  
condition provision of its funds, goods, and services on 10580  
compliance with these policies. The OPLIN Board shall also adopt 10581  
and communicate specific recommendations to local libraries on 10582  
methods to control such improper usage. These methods may include 10583  
each library implementing a written policy controlling such 10584  
improper use of library terminals and requirements for parental 10585  
involvement or written authorization for juvenile internet usage. 10586

The OPLIN Board shall research and assist or advise local 10587  
libraries with regard to emerging technologies and methods that 10588  
may be effective means to control access to obscene and illegal 10589  
materials. The OPLIN Executive Director shall biannually provide 10590  
written reports to the Governor, the Speaker and Minority Leader 10591  
of the House of Representatives, and the President and Minority 10592  
Leader of the Senate on any steps being taken by OPLIN and public 10593  
libraries in the state to limit and control such improper usage as 10594  
well as information on technological, legal, and law enforcement 10595  
trends nationally and internationally affecting this area of 10596

public access and service. 10597

The Ohio Public Library Information Network, InfOhio, and 10598  
OhioLink shall, to the extent feasible, coordinate and cooperate 10599  
in their purchase or other acquisition of the use of electronic 10600  
databases for their respective users and shall contribute funds in 10601  
an equitable manner to such effort. 10602

TRANSFER TO OPLIN TECHNOLOGY FUND 10603

Notwithstanding sections 5747.03 and 5747.47 of the Revised 10604  
Code and any other provision of law to the contrary, in accordance 10605  
with a schedule established by the Director of Budget and 10606  
Management, the Director of Budget and Management shall transfer 10607  
up to \$5,000,000 in fiscal year 2004 from the Library and Local 10608  
Government Support Fund (Fund 065) to the OPLIN Technology Fund 10609  
(Fund 4S4). 10610

**Sec. 89. BOR BOARD OF REGENTS** 10611

General Revenue Fund 10612

|             |                    |    |           |    |           |       |
|-------------|--------------------|----|-----------|----|-----------|-------|
| GRF 235-321 | Operating Expenses | \$ | 3,336,284 | \$ | 2,767,219 | 10613 |
|-------------|--------------------|----|-----------|----|-----------|-------|

|             |                       |    |             |    |             |       |
|-------------|-----------------------|----|-------------|----|-------------|-------|
| GRF 235-401 | Lease Rental Payments | \$ | 246,500,700 | \$ | 216,836,400 | 10614 |
|-------------|-----------------------|----|-------------|----|-------------|-------|

|             |            |    |         |    |         |       |
|-------------|------------|----|---------|----|---------|-------|
| GRF 235-402 | Sea Grants | \$ | 274,895 | \$ | 274,895 | 10615 |
|-------------|------------|----|---------|----|---------|-------|

|             |                       |    |           |    |           |       |
|-------------|-----------------------|----|-----------|----|-----------|-------|
| GRF 235-403 | Math/Science Teaching | \$ | 1,757,614 | \$ | 1,757,614 | 10616 |
|-------------|-----------------------|----|-----------|----|-----------|-------|

Improvement

|             |                   |    |           |    |           |       |
|-------------|-------------------|----|-----------|----|-----------|-------|
| GRF 235-404 | College Readiness | \$ | 3,152,603 | \$ | 3,401,759 | 10617 |
|-------------|-------------------|----|-----------|----|-----------|-------|

Initiatives

|             |                  |    |         |    |         |       |
|-------------|------------------|----|---------|----|---------|-------|
| GRF 235-406 | Articulation and | \$ | 733,200 | \$ | 733,200 | 10618 |
|-------------|------------------|----|---------|----|---------|-------|

Transfer

|             |                |    |        |    |        |       |
|-------------|----------------|----|--------|----|--------|-------|
| GRF 235-408 | Midwest Higher | \$ | 82,500 | \$ | 82,500 | 10619 |
|-------------|----------------|----|--------|----|--------|-------|

Education Compact

|             |                    |    |           |    |           |       |
|-------------|--------------------|----|-----------|----|-----------|-------|
| GRF 235-409 | Information System | \$ | 1,185,879 | \$ | 1,154,671 | 10620 |
|-------------|--------------------|----|-----------|----|-----------|-------|

|             |                  |    |           |    |           |       |
|-------------|------------------|----|-----------|----|-----------|-------|
| GRF 235-414 | State Grants and | \$ | 1,219,719 | \$ | 1,211,373 | 10621 |
|-------------|------------------|----|-----------|----|-----------|-------|

Scholarship

Administration

|             |   |    |               |    |               |       |
|-------------|---|----|---------------|----|---------------|-------|
| GRF 235-415 | Jobs Challenge                                      | \$ | 9,348,300     | \$ | 9,348,300     | 10622 |
| GRF 235-417 | Ohio Learning Network                               | \$ | 3,413,046     | \$ | 3,327,720     | 10623 |
| GRF 235-418 | Access Challenge                                    | \$ | 67,568,622    | \$ | 67,568,622    | 10624 |
| GRF 235-420 | Success Challenge                                   | \$ | 51,113,077    | \$ | 56,113,077    | 10625 |
| GRF 235-428 | Appalachian New<br>Economy Partnership              | \$ | 1,179,893     | \$ | 1,147,895     | 10626 |
| GRF 235-451 | Eminent Scholars                                    | \$ | 0             | \$ | 1,462,500     | 10627 |
| GRF 235-454 | Research Challenge                                  | \$ | 18,330,000    | \$ | 18,330,000    | 10628 |
| GRF 235-455 | EnterpriseOhio Network                              | \$ | 1,505,262     | \$ | 1,465,650     | 10629 |
| GRF 235-474 | Area Health Education<br>Centers Program<br>Support | \$ | 1,722,226     | \$ | 1,676,670     | 10630 |
| GRF 235-477 | Access Improvement<br>Projects                      | \$ | 1,048,664     | \$ | 1,080,124     | 10631 |
| GRF 235-501 | State Share of<br>Instruction                       | \$ | 1,534,189,277 | \$ | 1,559,096,031 | 10632 |
| GRF 235-502 | Student Support<br>Services                         | \$ | 870,675       | \$ | 848,908       | 10633 |
| GRF 235-503 | Ohio Instructional<br>Grants                        | \$ | 111,966,343   | \$ | 115,325,333   | 10634 |
| GRF 235-504 | War Orphans<br>Scholarships                         | \$ | 4,672,321     | \$ | 4,672,321     | 10635 |
| GRF 235-507 | OhioLINK  | \$ | 7,028,392     | \$ | 7,028,392     | 10636 |
| GRF 235-508 | Air Force Institute of<br>Technology                | \$ | 2,096,523     | \$ | 2,053,860     | 10637 |
| GRF 235-509 | Displaced Homemakers                                | \$ | 204,865       | \$ | 199,743       | 10638 |
| GRF 235-510 | Ohio Supercomputer<br>Center                        | \$ | 4,208,472     | \$ | 4,103,260     | 10639 |
| GRF 235-511 | Cooperative Extension<br>Service                    | \$ | 25,644,863    | \$ | 25,644,863    | 10640 |
| GRF 235-513 | Ohio University<br>Voinovich Center                 | \$ | 311,977       | \$ | 305,178       | 10641 |
| GRF 235-514 | Central State                                       | \$ | 11,039,203    | \$ | 11,039,203    | 10642 |

|             |  |    |            |    |                  |
|-------------|--|----|------------|----|------------------|
|             | Supplement   |    |            |    |                  |
| GRF 235-515 | Case Western Reserve<br>University School of<br>Medicine | \$ | 3,303,612  | \$ | 3,212,271 10643  |
| GRF 235-518 | Capitol Scholarship<br>Programs                          | \$ | 245,000    | \$ | 245,000 10644    |
| GRF 235-519 | Family Practice  | \$ | 5,529,432  | \$ | 5,391,196 10645  |
| GRF 235-520 | Shawnee State<br>Supplement                              | \$ | 2,082,289  | \$ | 2,082,289 10646  |
| GRF 235-521 | The Ohio State<br>University Glenn<br>Institute          | \$ | 311,977    | \$ | 305,178 10647    |
| GRF 235-524 | Police and Fire<br>Protection                            | \$ | 209,046    | \$ | 203,819 10648    |
| GRF 235-525 | Geriatric Medicine                                       | \$ | 820,696    | \$ | 800,179 10649    |
| GRF 235-526 | Primary Care<br>Residencies                              | \$ | 2,730,013  | \$ | 2,661,762 10650  |
| GRF 235-527 | Ohio Aerospace<br>Institute                              | \$ | 1,933,607  | \$ | 1,882,767 10651  |
| GRF 235-530 | Academic Scholarships                                    | \$ | 7,800,000  | \$ | 7,800,000 10652  |
| GRF 235-531 | Student Choice Grants                                    | \$ | 52,139,646 | \$ | 52,139,646 10653 |
| GRF 235-534 | Student Workforce<br>Development Grants                  | \$ | 2,437,500  | \$ | 2,437,500 10654  |
| GRF 235-535 | Ohio Agricultural<br>Research and<br>Development Center  | \$ | 35,830,188 | \$ | 35,830,188 10655 |
| GRF 235-536 | The Ohio State<br>University Clinical<br>Teaching        | \$ | 13,565,885 | \$ | 13,565,885 10656 |
| GRF 235-537 | University of<br>Cincinnati Clinical<br>Teaching         | \$ | 11,157,756 | \$ | 11,157,756 10657 |
| GRF 235-538 | Medical College of                                       | \$ | 8,696,866  | \$ | 8,696,866 10658  |



|             |                        |    |            |    |            |
|-------------|------------------------|----|------------|----|------------|
|             | Ohio at Toledo         |    |            |    |            |
|             | Clinical Teaching      |    |            |    |            |
| GRF 235-539 | Wright State           | \$ | 4,225,107  | \$ | 4,225,107  |
|             | University Clinical    |    |            |    | 10659      |
|             | Teaching               |    |            |    |            |
| GRF 235-540 | Ohio University        | \$ | 4,084,540  | \$ | 4,084,540  |
|             | Clinical Teaching      |    |            |    | 10660      |
| GRF 235-541 | Northeastern Ohio      | \$ | 4,200,945  | \$ | 4,200,945  |
|             | Universities College   |    |            |    | 10661      |
|             | of Medicine Clinical   |    |            |    |            |
|             | Teaching               |    |            |    |            |
| GRF 235-543 | Ohio College of        | \$ | 424,033    | \$ | 424,033    |
|             | Podiatric Medicine     |    |            |    | 10662      |
|             | Clinical Subsidy       |    |            |    |            |
| GRF 235-547 | School of              | \$ | 1,264,611  | \$ | 1,232,996  |
|             | International Business |    |            |    | 10663      |
| GRF 235-549 | Part-time Student      | \$ | 14,036,622 | \$ | 14,457,721 |
|             | Instructional Grants   |    |            |    | 10664      |
| GRF 235-552 | Capital Component      | \$ | 18,711,936 | \$ | 18,711,936 |
| GRF 235-553 | Dayton Area Graduate   | \$ | 3,074,550  | \$ | 2,993,937  |
|             | Studies Institute      |    |            |    | 10666      |
| GRF 235-554 | Computer Science       | \$ | 2,577,209  | \$ | 2,512,779  |
|             | Graduate Education     |    |            |    | 10667      |
| GRF 235-555 | Library Depositories   | \$ | 1,775,467  | \$ | 1,731,080  |
| GRF 235-556 | Ohio Academic          | \$ | 3,657,009  | \$ | 3,803,289  |
|             | Resources Network      |    |            |    | 10669      |
| GRF 235-558 | Long-term Care         | \$ | 230,906    | \$ | 225,134    |
|             | Research               |    |            |    | 10670      |
| GRF 235-561 | Bowling Green State    | \$ | 121,586    | \$ | 118,546    |
|             | University Canadian    |    |            |    | 10671      |
|             | Studies Center         |    |            |    |            |
| GRF 235-572 | The Ohio State         | \$ | 1,400,394  | \$ | 1,362,259  |
|             | University Clinic      |    |            |    | 10672      |

|                                |                                    |    |                          |    |                                |
|--------------------------------|------------------------------------|----|--------------------------|----|--------------------------------|
|                                | Support                            |    |                          |    |                                |
| GRF 235-583                    | Urban University                   | \$ | 5,692,236                | \$ | 5,553,506 10673                |
|                                | Programs                           |    |                          |    |                                |
| GRF 235-585                    | Ohio University                    | \$ | 41,596                   | \$ | 40,556 10674                   |
|                                | Innovation Center                  |    |                          |    |                                |
| GRF 235-587                    | Rural University                   | \$ | 1,224,510                | \$ | 1,224,510 10675                |
|                                | Projects                           |    |                          |    |                                |
| GRF 235-588                    | Ohio Resource Center               | \$ | 853,262                  | \$ | 853,262 10676                  |
|                                | for Mathematics,                   |    |                          |    |                                |
|                                | Science, and Reading               |    |                          |    |                                |
| GRF 235-595                    | International Center               | \$ | 137,352                  | \$ | 133,918 10677                  |
|                                | for Water Resources                |    |                          |    |                                |
|                                | Development                        |    |                          |    |                                |
| GRF 235-596                    | Hazardous Materials                | \$ | 339,647                  | \$ | 331,156 10678                  |
|                                | Program                            |    |                          |    |                                |
| GRF 235-599                    | National Guard                     | \$ | <del>13,252,916</del>    | \$ | <del>14,578,208</del> 10679    |
|                                | Scholarship Program                |    | <u>14,752,916</u>        |    | <u>16,078,208</u>              |
| GRF 235-909                    | Higher Education                   | \$ | 97,668,000               | \$ | 130,967,600 10680              |
|                                | General Obligation                 |    |                          |    |                                |
|                                | Debt Service                       |    |                          |    |                                |
| TOTAL GRF General Revenue Fund |                                    | \$ | <del>2,443,493,342</del> | \$ | <del>2,482,236,601</del> 10681 |
|                                |                                    |    | <u>2,444,993,342</u>     |    | <u>2,483,736,601</u>           |
|                                | General Services Fund Group        |    |                          |    | 10682                          |
| 220 235-614                    | Program Approval and               | \$ | 400,000                  | \$ | 400,000 10683                  |
|                                | Reauthorization                    |    |                          |    |                                |
| 456 235-603                    | Sales and Services                 | \$ | 500,002                  | \$ | 500,003 10684                  |
| TOTAL GSF General Services     |                                    |    |                          |    | 10685                          |
| Fund Group                     |                                    | \$ | 900,002                  | \$ | 900,003 10686                  |
|                                | Federal Special Revenue Fund Group |    |                          |    | 10687                          |
| 3H2 235-608                    | Human Services Project             | \$ | 1,500,000                | \$ | 1,500,000 10688                |
| 3N6 235-605                    | State Student                      | \$ | 2,196,680                | \$ | 2,196,680 10689                |
|                                | Incentive Grants                   |    |                          |    |                                |

|                                   |         |  |    |                          |    |                          |       |
|-----------------------------------|---------|--|----|--------------------------|----|--------------------------|-------|
| 3T0                               | 235-610 | National Health<br>Service Corps - Ohio<br>Loan Repayment          | \$ | 150,001                  | \$ | 150,001                  | 10690 |
| 312                               | 235-609 | Tech Prep  | \$ | 183,850                  | \$ | 183,850                  | 10691 |
| 312                               | 235-611 | Gear-up Grant  | \$ | 1,478,245                | \$ | 1,370,691                | 10692 |
| 312                               | 235-612 | Carl D. Perkins<br>Grant/Plan<br>Administration                    | \$ | 112,960                  | \$ | 112,960                  | 10693 |
| 312                               | 235-615 | Professional<br>Development  | \$ | 523,129                  | \$ | 523,129                  | 10694 |
| 312                               | 235-616 | Workforce Investment<br>Act Administration                         | \$ | 850,000                  | \$ | 850,000                  | 10695 |
| 312                               | 235-631 | Federal Grants   | \$ | 3,444,949                | \$ | 3,150,590                | 10696 |
| TOTAL FED Federal Special Revenue |         |  |    |                          |    |                          | 10697 |
| Fund Group                        |         |  | \$ | 10,439,814               | \$ | 10,037,901               | 10698 |
| State Special Revenue Fund Group  |         |  |    |                          |    |                          | 10699 |
| 4E8                               | 235-602 | Higher Educational<br>Facility Commission<br>Administration        | \$ | 20,000                   | \$ | 20,000                   | 10700 |
| 4P4                               | 235-604 | Physician Loan<br>Repayment  | \$ | 476,870                  | \$ | 476,870                  | 10701 |
| 649                               | 235-607 | The Ohio State<br>University<br>Highway/Transportation<br>Research | \$ | 760,000                  | \$ | 760,000                  | 10702 |
| 682                               | 235-606 | Nursing Loan Program   | \$ | 893,000                  | \$ | 893,000                  | 10703 |
| TOTAL SSR State Special Revenue   |         |  |    |                          |    |                          | 10704 |
| Fund Group                        |         |  | \$ | 2,149,870                | \$ | 2,149,870                | 10705 |
| TOTAL ALL BUDGET FUND GROUPS      |         |  | \$ | <del>2,456,983,028</del> | \$ | <del>2,495,324,375</del> | 10706 |
|                                   |         |  |    | <u>2,458,483,028</u>     |    | <u>2,496,824,375</u>     |       |

**Sec. 89.04. STATE SHARE OF INSTRUCTION**

10708

As soon as practicable during each fiscal year of the 10709  
2003-2005 biennium in accordance with instructions of the Board of 10710  
Regents, each state-assisted institution of higher education shall 10711  
report its actual enrollment to the Board of Regents. 10712

The Board of Regents shall establish procedures required by 10713  
the system of formulas set out below and for the assignment of 10714  
individual institutions to categories described in the formulas. 10715  
The system of formulas establishes the manner in which aggregate 10716  
expenditure requirements shall be determined for each of the three 10717  
components of institutional operations. In addition to other 10718  
adjustments and calculations described below, the subsidy 10719  
entitlement of an institution shall be determined by subtracting 10720  
from the institution's aggregate expenditure requirements income 10721  
to be derived from the local contributions assumed in calculating 10722  
the subsidy entitlements. The local contributions for purposes of 10723  
determining subsidy support shall not limit the authority of the 10724  
individual boards of trustees to establish fee levels. 10725

The General Studies and Technical models shall be adjusted by 10726  
the Board of Regents so that the share of state subsidy earned by 10727  
those models is not altered by changes in the overall local share. 10728  
A lower-division fee differential shall be used to maintain the 10729  
relationship that would have occurred between these models and the 10730  
baccalaureate models had an assumed share of 37 per cent been 10731  
funded. 10732

In defining the number of full-time equivalent (FTE) students 10733  
for state subsidy purposes, the Board of Regents shall exclude all 10734  
undergraduate students who are not residents of Ohio, except those 10735  
charged in-state fees in accordance with reciprocity agreements 10736  
made pursuant to section 3333.17 of the Revised Code or employer 10737  
contracts entered into pursuant to section 3333.32 of the Revised 10738  
Code. 10739

|  |           |           |       |
|--|-----------|-----------|-------|
| (A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT         | 10740     |           |       |
| (1) INSTRUCTION AND SUPPORT SERVICES                               | 10741     |           |       |
| MODEL  | FY 2004   | FY 2005   | 10742 |
| General Studies I  | \$ 4,947  | \$ 4,983  | 10743 |
| General Studies II   | \$ 5,323  | \$ 5,336  | 10744 |
| General Studies III  | \$ 6,883  | \$ 7,120  | 10745 |
| Technical I  | \$ 5,913  | \$ 6,137  | 10746 |
| Technical III  | \$ 9,522  | \$ 10,026 | 10747 |
| Baccalaureate I  | \$ 7,623  | \$ 7,721  | 10748 |
| Baccalaureate II   | \$ 8,584  | \$ 8,864  | 10749 |
| Baccalaureate III  | \$ 12,559 | \$ 12,932 | 10750 |
| Masters and Professional I   | \$ 15,867 | \$ 18,000 | 10751 |
| Masters and Professional II  | \$ 20,861 | \$ 22,141 | 10752 |
| Masters and Professional III                                       | \$ 27,376 | \$ 28,190 | 10753 |
| Medical I  | \$ 30,867 | \$ 31,819 | 10754 |
| Medical II   | \$ 41,495 | \$ 41,960 | 10755 |
| MPD I  | \$ 14,938 | \$ 14,966 | 10756 |
| (2) STUDENT SERVICES   | 10757     |           |       |
| For this purpose, FTE counts shall be weighted to reflect          | 10758     |           |       |
| differences among institutions in the numbers of students enrolled | 10759     |           |       |
| on a part-time basis. The student services subsidy per FTE shall   | 10760     |           |       |
| be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all | 10761     |           |       |
| models.  | 10762     |           |       |
| (B) PLANT OPERATION AND MAINTENANCE (POM)                          | 10763     |           |       |
| (1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY             | 10764     |           |       |
| Space undergoing renovation shall be funded at the rate            | 10765     |           |       |
| allowed for storage space.   | 10766     |           |       |
| In the calculation of square footage for each campus, square       | 10767     |           |       |
| footage shall be weighted to reflect differences in space          | 10768     |           |       |
| utilization.   | 10769     |           |       |

The space inventories for each campus shall be those 10770  
 determined in the fiscal year 2003 state share of instruction 10771  
 calculation, adjusted for changes attributable to the construction 10772  
 or renovation of facilities for which state appropriations were 10773  
 made or local commitments were made prior to January 1, 1995. 10774

Only 50 per cent of the space permanently taken out of 10775  
 operation in fiscal year 2004 or fiscal year 2005 that is not 10776  
 otherwise replaced by a campus shall be deleted from the plant 10777  
 operation and maintenance space inventory. 10778

The square-foot-based plant operation and maintenance subsidy 10779  
 for each campus shall be determined as follows: 10780

(a) For each standard room type category shown below, the 10781  
 subsidy-eligible net assignable square feet (NASF) for each campus 10782  
 shall be multiplied by the following rates, and the amounts summed 10783  
 for each campus to determine the total gross square-foot-based POM 10784  
 expenditure requirement: 10785

|                              | FY 2004 | FY 2005 |       |
|------------------------------|---------|---------|-------|
| Classrooms                   | \$5.80  | \$6.04  | 10787 |
| Laboratories                 | \$7.22  | \$7.53  | 10788 |
| Offices                      | \$5.80  | \$6.04  | 10789 |
| Audio Visual Data Processing | \$7.22  | \$7.53  | 10790 |
| Storage                      | \$2.57  | \$2.68  | 10791 |
| Circulation                  | \$7.31  | \$7.62  | 10792 |
| Other                        | \$5.80  | \$6.04  | 10793 |

(b) The total gross square-foot POM expenditure requirement 10794  
 shall be allocated to models in proportion to ~~FTE enrollments as~~ 10795  
~~reported in enrollment data~~ each campus's activity-based POM 10796  
weight multiplied by the two- or five-year average 10797  
subsidy-eligible FTEs for all models ~~except Doctoral I and~~ 10798  
~~Doctoral II.~~ 10799

(c) The amounts allocated to models in division (B)(1)(b) of 10800

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  | 10813 |
| General Studies II           | \$ 696  | \$ 705  | 10814 |
| General Studies III          | \$1,608 | \$1,651 | 10815 |
| Technical I                  | \$ 777  | \$ 806  | 10816 |
| Technical III                | \$1,501 | \$1,570 | 10817 |
| Baccalaureate I              | \$ 700  | \$ 706  | 10818 |
| Baccalaureate II             | \$1,250 | \$1,232 | 10819 |
| Baccalaureate III            | \$1,520 | \$1,458 | 10820 |
| Masters and Professional I   | \$1,258 | \$1,301 | 10821 |
| Masters and Professional II  | \$2,817 | \$2,688 | 10822 |
| Masters and Professional III | \$3,832 | \$3,712 | 10823 |
| Medical I                    | \$2,663 | \$2,669 | 10824 |
| Medical II                   | \$3,837 | \$4,110 | 10825 |
| MPD I                        | \$1,213 | \$1,233 | 10826 |

(b) The sum of the products for each campus determined in division (B)(2)(a) of this section for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job training-related public services expenditures to determine the

|  |            |
|--|------------|
| total activity-based POM subsidy.                                  | 10833      |
| (C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS       | 10834      |
| (1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS                       | 10835      |
| The calculation of the core subsidy entitlement shall consist      | 10836      |
| of the following components:                                       | 10837      |
| (a) For each campus and for each fiscal year, the core             | 10838      |
| subsidy entitlement shall be determined by multiplying the amounts | 10839      |
| listed above in divisions (A)(1) and (2) and (B)(2) of this        | 10840      |
| section less assumed local contributions, by (i) average           | 10841      |
| subsidy-eligible FTEs for the two-year period ending in the prior  | 10842      |
| year for all models except Doctoral I and Doctoral II; and (ii)    | 10843      |
| average subsidy-eligible FTEs for the five-year period ending in   | 10844      |
| the prior year for all models except Doctoral I and Doctoral II.   | 10845      |
| (b) In calculating the core subsidy entitlements for Medical       | 10846      |
| II models only, the Board of Regents shall use the following count | 10847      |
| of FTE students:   | 10848      |
| (i) For those medical schools whose current year enrollment,       | 10849      |
| including students repeating terms, is below the base enrollment,  | 10850      |
| the Medical II FTE enrollment shall equal: 65 per cent of the base | 10851      |
| enrollment plus 35 per cent of the current year enrollment         | 10852      |
| including students repeating terms, where the base enrollment is:  | 10853      |
| The Ohio State University  | 1010 10854 |
| University of Cincinnati   | 833 10855  |
| Medical College of Ohio at Toledo                                  | 650 10856  |
| Wright State University  | 433 10857  |
| Ohio University  | 433 10858  |
| Northeastern Ohio Universities College of                          | 433 10859  |
| Medicine   |            |
| (ii) For those medical schools whose current year enrollment,      | 10860      |
| excluding students repeating terms, is equal to or greater than    | 10861      |
| the base enrollment, the Medical II FTE enrollment shall equal the | 10862      |



base enrollment plus the FTE for repeating students. 10863

(iii) Students repeating terms may be no more than five per 10864  
cent of current year enrollment. 10865

(c) The Board of Regents shall compute the sum of the two 10866  
calculations listed in division (C)(1)(a) of this section and use 10867  
the greater sum as the core subsidy entitlement. 10868

The POM subsidy for each campus shall equal the greater of 10869  
the square-foot-based subsidy or the activity-based POM subsidy 10870  
component of the core subsidy entitlement. 10871

(d) The state share of instruction provided for doctoral 10872  
students shall be based on a fixed percentage of the total 10873  
appropriation. In each fiscal year of the biennium not more than 10874  
10.34 per cent of the total state share of instruction shall be 10875  
reserved to implement the recommendations of the Graduate Funding 10876  
Commission. It is the intent of the General Assembly that the 10877  
doctoral reserve not exceed 10.34 per cent of the total state 10878  
share of instruction to implement the recommendations of the 10879  
Graduate Funding Commission. The Board of Regents may reallocate 10880  
up to two per cent in each fiscal year of the reserve among the 10881  
state-assisted universities on the basis of a quality review as 10882  
specified in the recommendations of the Graduate Funding 10883  
Commission. No such reallocation shall occur unless the Board of 10884  
Regents, in consultation with representatives of state-assisted 10885  
universities, determines that sufficient funds are available for 10886  
this purpose. 10887

The amount so reserved shall be allocated to universities in 10888  
proportion to their share of the total number of Doctoral I 10889  
equivalent FTEs as calculated on an institutional basis using the 10890  
greater of the two-year or five-year FTEs for the period fiscal 10891  
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 10892  
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 10893

adjusted to reflect the effects of doctoral review and subsequent 10894  
changes in Doctoral I equivalent enrollments. For the purposes of 10895  
this calculation, Doctoral I equivalent FTEs shall equal the sum 10896  
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 10897

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 10898

In addition to and after the other adjustment noted above, in 10899  
fiscal year 2004, no campus shall receive a state share of 10900  
instruction allocation that is less than 100 per cent of the prior 10901  
year's state share of instruction amount. In fiscal year 2005, no 10902  
campus shall receive a state share of instruction allocation that 10903  
is less than 99 per cent of what that campus' state share of 10904  
instruction would have been had the allocation in fiscal year 2004 10905  
been not less than 99 per cent, rather than 100 per cent, of the 10906  
prior year's state share of instruction amount. 10907

(3) CAPITAL COMPONENT DEDUCTION 10908

After all other adjustments have been made, state share of 10909  
instruction earnings shall be reduced for each campus by the 10910  
amount, if any, by which debt service charged in Am. H.B. No. 748 10911  
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 10912  
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 10913  
and H.B. No. 675 of the 124th General Assembly for that campus 10914  
exceeds that campus's capital component earnings. The sum of the 10915  
amounts deducted shall be transferred to appropriation item 10916  
235-552, Capital Component, in each fiscal year. 10917

(D) REDUCTIONS IN EARNINGS 10918

If the total state share of instruction earnings in any 10919  
fiscal year exceed the total appropriations available for such 10920  
purposes, the Board of Regents shall proportionately reduce the 10921  
state share of instruction earnings for all campuses by a uniform 10922  
percentage so that the system wide sum equals available 10923  
appropriations. 10924

|  |       |
|--|-------|
| (E) EXCEPTIONAL CIRCUMSTANCES                                      | 10925 |
| Adjustments may be made to the state share of instruction          | 10926 |
| payments and other subsidies distributed by the Board of Regents   | 10927 |
| to state-assisted colleges and universities for exceptional        | 10928 |
| circumstances. No adjustments for exceptional circumstances may be | 10929 |
| made without the recommendation of the Chancellor and the approval | 10930 |
| of the Controlling Board.  | 10931 |
| (F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF        | 10932 |
| INSTRUCTION  | 10933 |
| The standard provisions of the state share of instruction          | 10934 |
| calculation as described in the preceding sections of temporary    | 10935 |
| law shall apply to any reductions made to appropriation line item  | 10936 |
| 235-501, State Share of Instruction, before the Board of Regents   | 10937 |
| has formally approved the final allocation of the state share of   | 10938 |
| instruction funds for any fiscal year.                             | 10939 |
| Any reductions made to appropriation line item 235-501, State      | 10940 |
| Share of Instruction, after the Board of Regents has formally      | 10941 |
| approved the final allocation of the state share of instruction    | 10942 |
| funds for any fiscal year, shall be uniformly applied to each      | 10943 |
| campus in proportion to its share of the final allocation.         | 10944 |
| (G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION                     | 10945 |
| The state share of instruction payments to the institutions        | 10946 |
| shall be in substantially equal monthly amounts during the fiscal  | 10947 |
| year, unless otherwise determined by the Director of Budget and    | 10948 |
| Management pursuant to section 126.09 of the Revised Code.         | 10949 |
| Payments during the first six months of the fiscal year shall be   | 10950 |
| based upon the state share of instruction appropriation estimates  | 10951 |
| made for the various institutions of higher education according to | 10952 |
| Board of Regents enrollment estimates. Payments during the last    | 10953 |
| six months of the fiscal year shall be distributed after approval  | 10954 |
| of the Controlling Board upon the request of the Board of Regents. | 10955 |

(H) LAW SCHOOL SUBSIDY 10956

The state share of instruction to state-supported 10957  
universities for students enrolled in law schools in fiscal year 10958  
2004 and fiscal year 2005 shall be calculated by using the number 10959  
of subsidy-eligible FTE law school students funded by state 10960  
subsidy in fiscal year 1995 or the actual number of 10961  
subsidy-eligible FTE law school students at the institution in the 10962  
fiscal year, whichever is less. 10963

**Sec. 89.05.** HIGHER EDUCATION - BOARD OF TRUSTEES 10964

Funds appropriated for instructional subsidies at colleges 10965  
and universities may be used to provide such branch or other 10966  
off-campus undergraduate courses of study and such master's degree 10967  
courses of study as may be approved by the Board of Regents. 10968

In providing instructional and other services to students, 10969  
boards of trustees of state-assisted institutions of higher 10970  
education shall supplement state subsidies by income from charges 10971  
to students. Each board shall establish the fees to be charged to 10972  
all students, including an instructional fee for educational and 10973  
associated operational support of the institution and a general 10974  
fee for noninstructional services, including locally financed 10975  
student services facilities used for the benefit of enrolled 10976  
students. The instructional fee and the general fee shall 10977  
encompass all charges for services assessed uniformly to all 10978  
enrolled students. Each board may also establish special purpose 10979  
fees, service charges, and fines as required; such special purpose 10980  
fees and service charges shall be for services or benefits 10981  
furnished individual students or specific categories of students 10982  
and shall not be applied uniformly to all enrolled students. 10983  
Except for the board of trustees of Miami University, in 10984  
implementing the pilot tuition restructuring plan recognized by 10985  
this act, a tuition surcharge shall be paid by all students who 10986

are not residents of Ohio. 10987

The boards of trustees of individual state-assisted 10988  
universities, university branch campuses, community colleges, 10989  
state community colleges, and technical colleges shall limit 10990  
in-state undergraduate instructional and general fee increases for 10991  
an academic year over the amounts charged in the prior academic 10992  
year to no more than six per cent. In addition to the six per cent 10993  
main campus in-state undergraduate instructional and general fee 10994  
increase limit established in this section, the Board of Trustees 10995  
of The Ohio State University may authorize an additional 10996  
university main campus in-state undergraduate instructional and 10997  
general fee increase of three per cent for academic years 10998  
2003-2004 and 2004-2005. Except for the board of trustees of ~~the~~ 10999  
The Ohio State University, the boards of trustees of individual 11000  
state-assisted universities, university branch campuses, community 11001  
colleges, state community colleges, and technical colleges shall 11002  
not authorize combined instructional and general fee increases of 11003  
more than six per cent in a single vote. The board of trustees of 11004  
The Ohio State University shall not authorize combined 11005  
instructional and general fee increases of more than nine per cent 11006  
in a single vote. The boards of trustees of individual 11007  
state-assisted universities, university branch campuses, community 11008  
colleges, state community colleges, and technical colleges may 11009  
authorize an additional 3.9 per cent increase in in-state 11010  
undergraduate instructional and general fees in a separate vote. 11011  
The additional increase shall only be used for providing 11012  
scholarships to low-income students, to be known as Access 11013  
Scholarship Grants, or to provide additional or improved 11014  
technology services to students. These fee increase limitations 11015  
apply even if an institutional board of trustees has, prior to the 11016  
effective date of this section, voted to assess a higher fee for 11017  
the 2003-2004 academic year. These limitations shall not apply to 11018  
increases required to comply with institutional covenants related 11019

to their obligations or to meet unfunded legal mandates or legally 11020  
binding obligations incurred or commitments made prior to the 11021  
effective date of ~~this act~~ Am. Sub. H.B. 95 of the 125th General 11022  
Assembly with respect to which the institution had identified such 11023  
fee increases as the source of funds. Any increase required by 11024  
such covenants and any such mandates, obligations, or commitments 11025  
shall be reported by the Board of Regents to the Controlling 11026  
Board. These limitations may also be modified by the Board of 11027  
Regents, with the approval of the Controlling Board, to respond to 11028  
exceptional circumstances as identified by the Board of Regents. 11029

The board of trustees of a state-assisted institution of 11030  
higher education shall not authorize a waiver or nonpayment of 11031  
instructional fees or general fees for any particular student or 11032  
any class of students other than waivers specifically authorized 11033  
by law or approved by the Chancellor. This prohibition is not 11034  
intended to limit the authority of boards of trustees to provide 11035  
for payments to students for services rendered the institution, 11036  
nor to prohibit the budgeting of income for staff benefits or for 11037  
student assistance in the form of payment of such instructional 11038  
and general fees. This prohibition is not intended to limit the 11039  
authority of the board of trustees of Miami University in 11040  
providing financial assistance to students in implementing the 11041  
pilot tuition restructuring plan recognized by this act. 11042

Except for Miami University, in implementing the pilot 11043  
tuition restructuring plan recognized by this act, each 11044  
state-assisted institution of higher education in its statement of 11045  
charges to students shall separately identify the instructional 11046  
fee, the general fee, the tuition charge, and the tuition 11047  
surcharge. Fee charges to students for instruction shall not be 11048  
considered to be a price of service but shall be considered to be 11049  
an integral part of the state government financing program in 11050  
support of higher educational opportunity for students. 11051

In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the General Assembly that faculty members shall devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

The General Assembly recognizes the pilot tuition restructuring plan of the board of trustees of Miami University for undergraduate students enrolled at the Oxford campus. The purpose of this plan is to make higher education more affordable for moderate income Ohioans, encourage high-achieving Ohio students to stay in Ohio rather than attending colleges in other states, and provide incentives for Ohio students to major in areas crucial to Ohio's priorities and future economic development.

Notwithstanding any limit on in-state undergraduate 11084  
instructional and general fees imposed by this act, the General 11085  
Assembly recognizes that the plan will provide that all 11086  
undergraduate students enrolled at the Oxford campus will be 11087  
charged combined instructional and general fees in an amount equal 11088  
to the nonresident instructional and general fees and tuition 11089  
surcharge. For both resident student first enrolling on or after 11090  
the summer term of 2003 and resident students who enrolled prior 11091  
to this date, any increases in fees approved thereafter by the 11092  
board of trustees are subject to any instructional and general fee 11093  
caps imposed by the General Assembly. 11094

The General Assembly recognizes that the plan provides that 11095  
all students who are residents of Ohio will receive student 11096  
financial assistance in an amount to be determined by the 11097  
University. 11098

The General Assembly recognizes that the plan provides that, 11099  
for any resident student who enrolls at the Miami University 11100  
Oxford campus prior to August 2004, the plan will have no direct 11101  
financial impact except for paper changes on invoices so that such 11102  
a student would only pay instructional and general fees in an 11103  
amount equivalent to what the student was charged in the preceding 11104  
year in addition to any increases in fees approved by the board of 11105  
trustees. 11106

**Sec. 89.08.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 11107  
MEDICINE 11108

The foregoing appropriation item 235-515, Case Western 11109  
Reserve University School of Medicine, shall be disbursed to Case 11110  
Western Reserve University through the Board of Regents in 11111  
accordance with agreements entered into as provided for by section 11112  
3333.10 of the Revised Code, provided that the state support per 11113  
full-time medical student shall not exceed that provided to 11114



|   |       |
|---|-------|
| full-time medical students at state universities.                         | 11115 |
| <u>CAPITAL SCHOLARSHIP PROGRAM</u>  | 11116 |
| <u>The foregoing appropriation item 235-518, Capital Scholarship</u>      | 11117 |
| <u>Program, shall be used by the Board of Regents to provide</u>          | 11118 |
| <u>scholarships to undergraduates of Ohio's four-year public and</u>      | 11119 |
| <u>private institutions of higher education participating in the</u>      | 11120 |
| <u>Washington Center Internship Program. A scholarship of \$1,800</u>     | 11121 |
| <u>shall be awarded to students enrolled in an institution operating</u>  | 11122 |
| <u>on a quarter system, and a scholarship of \$2,300 shall be awarded</u> | 11123 |
| <u>to students enrolled in an institution operating on a semester</u>     | 11124 |
| <u>system. The number of scholarships awarded shall be limited by the</u> | 11125 |
| <u>amounts appropriated in fiscal years 2004 and 2005. The Washington</u> | 11126 |
| <u>Center shall match the scholarships awarded to students as</u>         | 11127 |
| <u>follows: \$1,200 for students enrolled in an institution operating</u> | 11128 |
| <u>on a quarter system, and \$1,700 for students enrolled in an</u>       | 11129 |
| <u>institution operating on a semester system.</u>                        | 11130 |
| FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE                     | 11131 |
| RESIDENCIES   | 11132 |
| The Board of Regents shall develop plans consistent with                  | 11133 |
| existing criteria and guidelines as may be required for the               | 11134 |
| distribution of appropriation items 235-519, Family Practice,             | 11135 |
| 235-525, Geriatric Medicine, and 235-526, Primary Care                    | 11136 |
| Residencies.  | 11137 |
| SHAWNEE STATE SUPPLEMENT  | 11138 |
| The foregoing appropriation item 235-520, Shawnee State                   | 11139 |
| Supplement, shall be used by Shawnee State University as detailed         | 11140 |
| by both of the following:   | 11141 |
| (A) To allow Shawnee State University to keep its                         | 11142 |
| undergraduate fees below the statewide average, consistent with           | 11143 |
| its mission of service to an economically depressed Appalachian           | 11144 |
| region;   | 11145 |

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

POLICE AND FIRE PROTECTION

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein. Each participating municipality and township shall receive at least \$5,000 each year. Funds shall be distributed according to the methodology employed by the Board of Regents in the previous biennium.

PRIMARY CARE RESIDENCIES

The foregoing appropriation item 235-526, Primary Care Residencies, shall be distributed in each fiscal year of the biennium, based on whether or not the institution has submitted and gained approval for a plan. If the institution does not have an approved plan, it shall receive five per cent less funding per student than it would have received from its annual allocation. The remaining funding shall be distributed among those institutions that meet or exceed their targets.

OHIO AEROSPACE INSTITUTE

The foregoing appropriation item 235-527, Ohio Aerospace Institute, shall be distributed by the Board of Regents under section 3333.042 of the Revised Code.

ACADEMIC SCHOLARSHIPS

The foregoing appropriation item 235-530, Academic

Scholarships, shall be used to provide academic scholarships to 11176  
students under section 3333.22 of the Revised Code. 11177

STUDENT CHOICE GRANTS 11178

The foregoing appropriation item 235-531, Student Choice 11179  
Grants, shall be used to support the Student Choice Grant Program 11180  
created by section 3333.27 of the Revised Code. The unencumbered 11181  
balance of appropriation item 235-531, Student Choice Grants, at 11182  
the end of fiscal year 2004 shall be transferred to fiscal year 11183  
2005 for use under the same appropriation item to maintain grant 11184  
award amounts in fiscal year 2005 equal to the awards provided in 11185  
fiscal year 2004. The amounts transferred are hereby appropriated. 11186

STUDENT WORKFORCE DEVELOPMENT GRANTS 11187

The foregoing appropriation item 235-534, Student Workforce 11188  
Development Grants, shall be used to support the Student Workforce 11189  
Development Grant Program. Of the appropriated funds available, 11190  
the Board of Regents shall distribute grants to each eligible 11191  
student in an academic year. The size of each grant award shall be 11192  
determined by the Board of Regents based on the amount of funds 11193  
available for the program. 11194

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 11195

The foregoing appropriation item 235-535, Ohio Agricultural 11196  
Research and Development Center, shall be disbursed through the 11197  
Board of Regents to The Ohio State University in monthly payments, 11198  
unless otherwise determined by the Director of Budget and 11199  
Management pursuant to section 126.09 of the Revised Code. The 11200  
Ohio Agricultural Research and Development Center shall not be 11201  
required to remit payment to The Ohio State University during the 11202  
2003-2005 biennium for cost reallocation assessments. The cost 11203  
reallocation assessments include, but are not limited to, any 11204  
assessment on state appropriations to the center. The Ohio 11205  
Agricultural Research and Development Center, in conjunction with 11206

the Third Frontier Commission, shall provide for an independently 11207  
evaluated self-study of research excellence and commercial 11208  
relevance in a manner to be prescribed by the Third Frontier 11209  
Commission. 11210

Of the foregoing appropriation item 235-535, Ohio 11211  
Agricultural Research and Development Center, \$470,164 in fiscal 11212  
year 2004 and \$458,410 in fiscal year 2005 shall be used to 11213  
purchase equipment. 11214

Of the foregoing appropriation item 235-535, Ohio 11215  
Agricultural Research and Development Center, \$827,141 in fiscal 11216  
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 11217  
the Piketon Agricultural Research and Extension Center. 11218

Of the foregoing appropriation item 235-535, Ohio 11219  
Agricultural Research and Development Center, \$217,669 in fiscal 11220  
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 11221  
the Raspberry/Strawberry-Ellagic Acid Research program at ~~the~~ The 11222  
Ohio State University Medical College in cooperation with ~~the~~ The 11223  
Ohio State University College of Agriculture. 11224

Of the foregoing appropriation item 235-535, Ohio 11225  
Agricultural Research and Development Center, \$43,534 in fiscal 11226  
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 11227  
the Ohio Berry Administrator. 11228

Of the foregoing appropriation item 235-535, Ohio 11229  
Agricultural Research and Development Center, \$87,067 in fiscal 11230  
year 2004 and \$84,890 in fiscal year 2005 shall be used for the 11231  
development of agricultural crops and products not currently in 11232  
widespread production in Ohio, in order to increase the income and 11233  
viability of family farmers. 11234

STATE UNIVERSITY CLINICAL TEACHING 11235

The foregoing appropriation items 235-536, The Ohio State 11236  
University Clinical Teaching; 235-537, University of Cincinnati 11237

Clinical Teaching; 235-538, Medical College of Ohio at Toledo 11238  
Clinical Teaching; 235-539, Wright State University Clinical 11239  
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 11240  
Northeastern Ohio Universities College of Medicine Clinical 11241  
Teaching, shall be distributed through the Board of Regents. 11242

Of the foregoing appropriation item 235-539, Wright State 11243  
University Clinical Teaching, \$124,644 in each fiscal year of the 11244  
biennium shall be for the use of Wright State University's Ellis 11245  
Institute for Clinical Teaching Studies to operate the clinical 11246  
facility to serve the Greater Dayton area. 11247

SCHOOL OF INTERNATIONAL BUSINESS 11248

Of the foregoing appropriation item 235-547, School of 11249  
International Business, \$901,975 in fiscal year 2004 and \$879,426 11250  
in fiscal year 2005 shall be used for the continued development 11251  
and support of the School of International Business of the state 11252  
universities of northeast Ohio. The money shall go to the 11253  
University of Akron. These funds shall be used by the university 11254  
to establish a School of International Business located at the 11255  
University of Akron. It may confer with Kent State University, 11256  
Youngstown State University, and Cleveland State University as to 11257  
the curriculum and other matters regarding the school. 11258

Of the foregoing appropriation item 235-547, School of 11259  
International Business, \$181,318 in fiscal year 2004 and \$176,785 11260  
in fiscal year 2005 shall be used by the University of Toledo 11261  
College of Business for expansion of its international business 11262  
programs. 11263

Of the foregoing appropriation item 235-547, School of 11264  
International Business, \$181,318 in fiscal year 2004 and \$176,785 11265  
in fiscal year 2005 shall be used to support ~~the~~ The Ohio State 11266  
University BioMEMS program. 11267

PART-TIME STUDENT INSTRUCTIONAL GRANTS 11268

The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who are enrolled in degree granting programs.

Eligibility for participation in the program shall include degree granting educational institutions that hold a certificate of registration from the State Board of Career Colleges and Schools, and nonprofit institutions that have a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, as well as state-assisted colleges and universities. Grants shall be given to students on the basis of need, as determined by the college, which, in making these determinations, shall give special consideration to single-parent heads-of-household and displaced homemakers who enroll in an educational degree program that prepares the individual for a career. In determining need, the college also shall consider the availability of educational assistance from a student's employer. It is the intent of the General Assembly that these grants not supplant such assistance.

**Sec. 89.11. OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING**

The foregoing appropriation item 235-588, Ohio Resource Center for Mathematics, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts. The Ohio Resource Center for Mathematics, Science, and Reading shall not make available resources that are inconsistent with the K-12 science standards and policies as adopted by the State Board of Education.

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. The center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

HAZARDOUS MATERIALS PROGRAM

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

Of the foregoing appropriation item 235-596, Hazardous Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in fiscal year 2005 shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University. These funds shall be distributed by the Board of Regents and shall be used by the center targeted toward increasing the role of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars, and professionals representing the public administration, social behavioral, and education disciplines.

NATIONAL GUARD SCHOLARSHIP PROGRAM

The foregoing appropriation item 235-599, National Guard Scholarship Program, shall be used to fund program costs, including summer session, under division (D)(1) of section 5919.34 of the Revised Code. The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship

Program, at the direction of the Adjutant General. The 11331  
unencumbered and unused balance of appropriation item 235-599, 11332  
National Guard Scholarship Program, at the end of fiscal year 2004 11333  
is transferred to fiscal year 2005 for use under the same 11334  
appropriation item. 11335

\* PLEDGE OF FEES 11336

Any new pledge of fees, or new agreement for adjustment of 11337  
fees, made in the 2003-2005 biennium to secure bonds or notes of a 11338  
state-assisted institution of higher education for a project for 11339  
which bonds or notes were not outstanding on ~~the effective date of~~ 11340  
~~this section~~ September 26, 2003, shall be effective only after 11341  
approval by the Board of Regents, unless approved in a previous 11342  
biennium. 11343

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE 11344

The foregoing appropriation item 235-909, Higher Education 11345  
General Obligation Debt Service, shall be used to pay all debt 11346  
service and related financing costs at the times they are required 11347  
to be made pursuant to sections 151.01 and 151.04 of the Revised 11348  
Code during the period from July 1, 2003, to June 30, 2005. The 11349  
Office of the Sinking Fund or the Director of Budget and 11350  
Management shall effectuate the required payments by an intrastate 11351  
transfer voucher. 11352

**Sec. 145. FEDERAL JOBS AND GROWTH TAX RELIEF RECONCILIATION** 11353  
ACT OF 2003 11354

(A) The enhanced federal medical assistance percentage (FMAP) 11355  
rate is authorized pursuant to the Federal Jobs and Growth Relief 11356  
Reconciliation Act of 2003 for the third and fourth calendar 11357  
quarters of federal fiscal year 2003 and the first, second, and 11358  
third calendar quarters of federal fiscal year 2004. During this 11359  
period, the reimbursement rate for all Medicaid service 11360



expenditures paid by state or local entities shall be the 11361  
non-enhanced rate. 11362

(B) During the quarters that the enhanced FMAP rate is 11363  
authorized pursuant to the Federal Jobs and Growth Relief 11364  
Reconciliation Act of 2003, when drawing FMAP to the state 11365  
treasury for Medicaid services paid by the Department of Job and 11366  
Family Services or other state or local entities, the Department 11367  
of Job and Family Services shall deposit the amount of federal 11368  
revenue attributable to the enhanced FMAP that is being made 11369  
available to the Federal Fiscal Relief Fund, which is hereby 11370  
created in the state treasury. The disposition of cash from this 11371  
fund shall occur as follows: 11372

(1) On a schedule to be determined by the Office of Budget 11373  
and Management, the Director of Budget and Management shall make 11374  
cash transfers to the Medicaid Reserve Fund, which is hereby 11375  
created in the state treasury. The total amount transferred shall 11376  
be up to \$18,611,156 in state fiscal year 2004 and up to 11377  
\$90,851,972 in state fiscal year 2005. The Director of Job and 11378  
Family Services shall make requests to the Director of Budget and 11379  
Management as necessary to increase the appropriation in 11380  
appropriation item 600-525, Health Care/Medicaid. The Director of 11381  
Budget and Management shall transfer the state share of such 11382  
amounts from the Medicaid Reserve Fund to the General Revenue 11383  
Fund. The transferred amount plus the federal share associated 11384  
with this amount is hereby appropriated. The Department of Job and 11385  
Family Services shall use this appropriation authority to pay 11386  
claims for Medicaid services. 11387

(2) ~~After the amounts in division (B)(1) of this section have~~ 11388  
~~been transferred, The Director of Budget and Management shall~~ 11389  
~~determine the amount of enhanced reimbursement that is~~ 11390  
~~attributable to Medicaid expenditures for which the state share~~ 11391  
~~was paid by one of the following entities: county boards of mental~~ 11392

retardation and developmental disabilities; boards of mental health; boards of alcohol, drug addiction, and mental health services; boards of alcohol and drug addiction services; and any other entity that qualifies under the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003. On a schedule to be determined by the Office of Budget and Management, the Director of Budget and Management shall make cash transfers of these amounts from the Federal Fiscal Relief Fund to the Interagency Reimbursement Fund. The appropriation in appropriation item 600-655, Interagency Reimbursement, is hereby increased by these amounts in order to transfer the enhanced reimbursement to other agencies. If necessary, the Office of Budget and Management shall seek Controlling Board approval to increase appropriations in federal appropriation items used by the Department of Mental Retardation and Developmental Disabilities, the Department of Mental Health, and the Department of Alcohol and Drug Addiction Services in order for these departments to pass the enhanced federal share to the aforementioned local entities. The Department of Mental Retardation and Developmental Disabilities, the Department of Mental Health, and the Department of Alcohol and Drug Addiction Services shall distribute such amounts to the boards or entities as listed in this section based on the direction of the Office of Budget and Management.

(3) On a schedule to be determined by the Office of Budget and Management, the Director of Budget and Management shall may transfer the remainder of cash not required by division (B)(1) or (B)(2) of this section in the Federal Fiscal Relief Fund to the General Revenue Fund on a schedule to be determined by the Office of Budget and Management.

**Section 65.** That existing Sections 8.04, 12, 38.12, 41.06, 41.13, 55, 59, 59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. Sub. H.B. 95 of the 125th General Assembly are hereby

repealed. 11425

**Section 66.** (A) Except as otherwise provided in division (B) 11426  
of this section, the amendment by this act of sections of Am. Sub. 11427  
H.B. 95 of the 125th General Assembly, and the items of which the 11428  
amendments are composed, are not subject to the referendum. 11429  
Therefore, under Ohio Constitution, Article II, Section 1d and 11430  
section 1.471 of the Revised Code, the amendments of those 11431  
sections, and the items of which the amendments are composed, go 11432  
into immediate effect when this act becomes law. 11433

(B) The amendment by this act of Section 12 of Am. Sub. H.B. 11434  
95 of the 125th General Assembly, and the items of which the 11435  
amendment is composed, are subject to the referendum. Therefore, 11436  
under Ohio Constitution, Article II, Section 1c and section 1.471 11437  
of the Revised Code, the amendment, and the items of which the 11438  
amendment is composed, take effect on the ninety-first day after 11439  
this act is filed with the Secretary of State. However, if a 11440  
referendum petition is filed against the amendment, or an item of 11441  
which it is composed, the amendment, or item, unless rejected at 11442  
the referendum, takes effect at the earliest time permitted by 11443  
law. 11444

**Section 67.** That Section 41.33 of Am. Sub. H.B. 95 of the 11445  
125th General Assembly be amended to read as follows: 11446

**Sec. 41.33.** (A) As used in this section: 11447

(1) "Entitled to attend school" means entitled to attend 11448  
school in a school district under section 3313.64 and 3313.65 of 11449  
the Revised Code. 11450

(2) "Formula ADM" and "category six special education ADM" 11451  
have the same meanings as in section 3317.02 of the Revised Code. 11452

(3) "Individualized education program" has the same meaning 11453

as in section 3323.01 of the Revised Code. 11454

(4) "Parent" has the same meaning as in section 3313.64 of 11455  
the Revised Code. 11456

(5) "Qualified special education child" is a child for whom 11457  
all of the following conditions apply: 11458

(a) The school district in which the child is entitled to 11459  
attend school has identified the child as autistic; 11460

(b) The school district in which the child is entitled to 11461  
attend school has developed an individualized education program 11462  
under Chapter 3323. of the Revised Code for the child; 11463

(c) The child either: 11464

(i) Was enrolled in the school district in which the child is 11465  
entitled to attend school in any grade from preschool through 11466  
twelve in the school year prior to the year in which a scholarship 11467  
under this section is first sought for the child; 11468

(ii) Is eligible to enter school in any grade preschool 11469  
through twelve in the school district in which the child is 11470  
entitled to attend school in the school year in which a 11471  
scholarship under this section is first sought for the child. 11472

(6) "Registered private provider" means a nonpublic school or 11473  
other nonpublic entity that has been approved by the Department of 11474  
Education to participate in the program established under this 11475  
section. 11476

(B) There is hereby established the Pilot Project Special 11477  
Education Scholarship Program. Under the program, in fiscal years 11478  
2004 and 2005, the Department of Education shall pay a scholarship 11479  
to the parent of each qualified special education child upon 11480  
application of that parent pursuant to procedures and deadlines 11481  
established by rule of the State Board of Education. Each 11482  
scholarship shall be used only to pay tuition for the child on 11483

whose behalf the scholarship is awarded to attend a special 11484  
education program that implements the child's individualized 11485  
education program and that is operated by a school district other 11486  
than the school district in which the child is entitled to attend 11487  
school ~~or~~, by another public entity, ~~to either of which under law~~ 11488  
~~the parent is required to pay tuition on behalf of the child,~~ or 11489  
by a registered private provider. Each scholarship shall be in an 11490  
amount not to exceed the lesser of the tuition charged for the 11491  
child by the special education program or fifteen thousand 11492  
dollars. The purpose of the scholarship is to permit the parent of 11493  
a qualified special education child the choice to send the child 11494  
to a special education program, instead of, ~~or in addition to,~~ the 11495  
one operated by or for the school district in which the child is 11496  
entitled to attend school, to receive the services prescribed in 11497  
the child's individualized education program once the 11498  
individualized education program is finalized. A scholarship under 11499  
this section shall not be awarded to the parent of a child while 11500  
the child's individualized education program is being developed by 11501  
the school district in which the child is entitled to attend 11502  
school, or while any administrative or judicial mediation or 11503  
proceedings with respect to the content of the child's 11504  
individualized education program are pending. A scholarship under 11505  
this section shall not be ~~awarded to the parent of a child who~~ 11506  
~~attends~~ used for a child to attend a public special education 11507  
program that operates under a contract, compact, or other 11508  
bilateral agreement between the school district in which the child 11509  
is entitled to attend school and another school district or other 11510  
public provider, or for a child to ~~the parent of a child who~~ 11511  
~~attends~~ attend a community school established under Chapter 3314. 11512  
of the Revised Code. However, nothing in this section or in any 11513  
rule adopted by the State Board of Education shall prohibit a 11514  
parent whose child attends a public special education program 11515  
under a contract, compact, or other bilateral agreement, or a 11516

parent whose child attends a community school, from applying for 11517  
and accepting a scholarship under this section so that the parent 11518  
may withdraw the child from that program or community school and 11519  
use the scholarship for the child to attend a special education 11520  
program for which the parent is required to pay for services for 11521  
the child. A child attending a special education program with a 11522  
scholarship under this section shall continue to be entitled to 11523  
transportation to and from that program in the manner prescribed 11524  
by law. 11525

(C)(1) Notwithstanding anything to the contrary in the 11526  
Revised Code, a child for whom a scholarship is awarded under this 11527  
section shall be counted in the formula ADM and the category six 11528  
special education ADM of the district in which the child is 11529  
entitled to attend school and not in the formula ADM and the 11530  
category six special education ADM of any other school district. 11531

(2) In each fiscal year, the Department shall deduct from the 11532  
amounts paid to each school district under Chapter 3317. of the 11533  
Revised Code, and, if necessary, sections 321.24 and 323.156 of 11534  
the Revised Code, the aggregate amount of scholarships awarded 11535  
under this section for qualified special education children 11536  
included in the formula ADM and category six special education ADM 11537  
of that school district as provided in division (C)(1) of this 11538  
section. The scholarships deducted shall be considered as an 11539  
approved special education and related services expense for the 11540  
purpose of the school district's compliance with division (C)(5) 11541  
of section 3317.022 of the Revised Code. 11542

(3) From time to time, the Department shall make a payment to 11543  
the parent of each qualified special education child for whom a 11544  
scholarship has been awarded under this section. The scholarship 11545  
amount shall be proportionately reduced in the case of any such 11546  
child who is not enrolled in the special education program for 11547  
which a scholarship was awarded under this section for the entire 11548

school year. The Department shall make no payments to the parent 11549  
of a child while any administrative or judicial mediation or 11550  
proceedings with respect to the content of the child's 11551  
individualized education program are pending. 11552

(D) A scholarship shall not be paid to a parent for payment 11553  
of tuition owed to a nonpublic entity unless that entity is a 11554  
registered private provider. The Department shall approve entities 11555  
that meet the standards established by rule of the State Board for 11556  
the program established under this section. 11557

(E) The State Board shall adopt rules in accordance with 11558  
Chapter 119. of the Revised Code prescribing procedures necessary 11559  
to implement this section, including, but not limited to, 11560  
procedures and deadlines for parents to apply for scholarships, 11561  
standards for registered private providers, and procedures for 11562  
approval of entities as registered private providers. The Board 11563  
shall adopt the rules so that the program established under this 11564  
section is operational by January 1, 2004. 11565

(F) The Legislative Office of Education Oversight shall 11566  
conduct a formative evaluation of the program established under 11567  
this section and shall report its findings to the General Assembly 11568  
not later than March 1, 2005. In conducting the evaluation, the 11569  
Office shall to the extent possible gather comments from parents 11570  
who have been awarded scholarships under the program, school 11571  
district officials, representatives of registered private 11572  
providers, educators, and representatives of educational 11573  
organizations for inclusion in the report required under this 11574  
section. 11575

**Section 68.** That existing Section 41.33 of Am. Sub. H.B. 95 11576  
of the 125th General Assembly is hereby repealed. 11577

**Section 69.** The amendment by this act of Section 41.33 of Am. 11578

Sub. H.B. 95 of the 125th General Assembly, and the items of which 11579  
the amendment is composed, are not subject to the referendum. 11580  
Therefore, under Ohio Constitution, Article II, Section 1d and 11581  
section 1.471 of the Revised Code, the amendment of that section, 11582  
and the items of which that amendment is composed, go into 11583  
immediate effect when this act becomes law. 11584

**Section 70.** Notwithstanding section 3302.03 of the Revised 11585  
Code, no school district shall receive a performance rating, as 11586  
designated pursuant to division (B) of that section, for the 11587  
2003-2004 school year that is lower than the performance rating 11588  
the district received for the 2002-2003 school year if both of the 11589  
following apply to the district: 11590

(A) The district's performance index score for the 2003-2004 11591  
school year is higher than its performance index score for the 11592  
2002-2003 school year; 11593

(B) The district achieves at least the same number of 11594  
performance indicators created by the State Board of Education 11595  
under section 3302.02 of the Revised Code for the 2003-2004 school 11596  
year that it achieved for the 2002-2003 school year from among 11597  
those indicators based on student performance on the fourth and 11598  
sixth grade proficiency tests and on the cumulative results 11599  
through tenth grade of student performance on the ninth grade 11600  
proficiency tests. 11601

**Section 71.** (A) This section shall apply only to a local 11602  
school district that ceded part of its territory to one or more 11603  
new local school districts created by resolution of an educational 11604  
service center pursuant to either former section 3311.26 of the 11605  
Revised Code, as it existed prior to September 26, 2003, or the 11606  
second to last paragraph of the version of that section in effect 11607  
on and after that date. 11608



(B) Notwithstanding division (B) of section 3311.059 of the Revised Code, as amended by this act, if the board of education of a local school district to which this section applies adopts a resolution pursuant to division (A) of that section within two years after the latest date that a new local school district is created from the district's territory, both of the following apply:

(1) The resolution is not subject to approval by the State Board of Education;

(2) The school district's annexation to the educational service center named in the resolution shall take effect the first day of July following the latest of:

(a) Sixty days after the board of education adopts the resolution;

(b) The date the board of elections certifies the insufficiency of signatures on a referendum petition as provided in division (C) of that section;

(c) The date the board of elections certifies that a majority of the electors voting on the referendum election as provided in division (C) of that section approves the resolution.

(C) This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

**Section 72. TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY ASSISTANCE FUND (FUND 5H3)**

Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers of cash to the School District Solvency Assistance Fund (Fund 5H3) from any

Department of Education administered fund or the General Revenue 11639  
Fund to maintain sufficient cash balances in the School District 11640  
Solvency Assistance Fund (Fund 5H3) in fiscal years 2004 and 2005 11641  
for providing assistance and grants to school districts to enable 11642  
them to remain solvent and to pay unforeseeable expenses of a 11643  
temporary or emergency nature that they are unable to pay from 11644  
existing resources. The Director of Budget and Management shall 11645  
notify the members of the Controlling Board of any such transfers. 11646

This section is not subject to the referendum. Therefore, 11647  
under Ohio Constitution, Article II, Section 1d and section 1.471 11648  
of the Revised Code, this section goes into immediate effect when 11649  
this act becomes law. 11650

**Section 73.** The Sports Facilities Building Fund (Fund 024) 11651  
previously created by section 3383.09 of the Revised Code shall be 11652  
closed and any unexpended balance or earnings shall be transferred 11653  
and credited to the Arts and Sports Facilities Building Fund (Fund 11654  
030) created by section 3383.09 of the Revised Code, as amended by 11655  
this act, and segregated within the Arts and Sports Facilities 11656  
Building Fund and used, with any investment earnings on such 11657  
amounts, to pay costs of Ohio sports facilities. 11658

Any unencumbered and unallotted appropriations set forth in 11659  
Section 9.01 of H.B. 675 and Section 14 of Am. Sub. H.B. 524 of 11660  
the 124th General Assembly that were appropriated out of any money 11661  
in the state treasury to the credit of the Sports Facilities 11662  
Building Fund are hereby transferred to the Arts and Sports 11663  
Facilities Building Fund, subject to the conditions specified in 11664  
those sections. Any encumbrances on the Sports Facilities Building 11665  
Fund are hereby cancelled and re-established in the Arts and 11666  
Sports Facilities Building Fund. 11667

Any heretofore unutilized amounts of separate authorizations 11668  
to issue and sell obligations granted to the Ohio Building 11669

Authority by prior acts of the General Assembly pursuant to 11670  
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. 11671  
and any other applicable provisions of the Revised Code, to pay 11672  
costs of capital facilities or improvements for Ohio arts 11673  
facilities and for Ohio sports facilities are hereby combined into 11674  
a common authorization. The Ohio Building Authority is hereby 11675  
authorized to issue and sell those obligations, in accordance with 11676  
and subject to the applicable limitations in Section 2i of Article 11677  
VIII, Ohio Constitution, and Chapter 152. and other applicable 11678  
provisions of the Revised Code, to pay the costs of capital 11679  
facilities consisting of Ohio arts facilities and Ohio sports 11680  
facilities, as defined in section 3383.01 of the Revised Code. 11681

**Section 74.** Not later than June 30, 2005, the Director of 11682  
Mental Health shall revise rule 5122-29-06 of the Administrative 11683  
Code regarding the certification standards for the 11684  
partial-hospitalization community mental health service. As part 11685  
of the revision, the Director shall address client eligibility 11686  
criteria. 11687

**Section 75. JOB AND FAMILY SERVICES - CHILDREN AND FAMILY 11688**  
SUBSIDY 11689

In fiscal year 2004, appropriation item 600-523, Children and 11690  
Family Subsidy, shall be increased by \$4,524,074 to pay for foster 11691  
care training that occurred in a prior fiscal year. This amount is 11692  
hereby appropriated. 11693

This section is not subject to the referendum. Therefore, 11694  
under Ohio Constitution, Article II, Section 1d and section 1.471 11695  
of the Revised Code, this section goes into immediate effect when 11696  
this act becomes law. 11697

**Section 76. ADJ ADJUTANT GENERAL - OUTER TACTICAL VESTS WITH 11698**  
CERAMIC INSERTS 11699

In fiscal years 2004 and 2005, if the Adjutant General 11700  
determines that state funding is needed to purchase outer tactical 11701  
vests with ceramic inserts for any member of the Ohio National 11702  
Guard who is sent into "Operation Iraqi Freedom," "Operation 11703  
Enduring Freedom," or any other combat zone, the Adjutant General, 11704  
in consultation with the Director of Budget and Management, may 11705  
seek approval of the Controlling Board for such funding from funds 11706  
appropriated to General Revenue Fund appropriation item 911-401, 11707  
Emergency Purposes/Contingencies, of the Controlling Board. 11708

As used in this section, "Operation Iraqi Freedom" means the 11709  
period of conflict that began March 20, 2003, and ends on a date 11710  
declared by the President of the United States or the Congress. 11711

As used in this section, "Operation Enduring Freedom" means 11712  
the period of conflict that began October 7, 2001, and ends on a 11713  
date declared by the President of the United States or the 11714  
Congress. 11715

As used in this section, "combat zone" means an area that the 11716  
President of the United States by executive order designates, for 11717  
purposes of 26 U.S.C. 112, as an area in which armed forces of the 11718  
United States are or have engaged in combat. 11719

**Section 77.** The amendment by this act of section 6301.03 of 11720  
the Revised Code applies on and after July 1, 2004. Local areas 11721  
and sub-recipients of a local area may continue to use the public 11722  
assistance fund to facilitate close out of workforce development 11723  
activities conducted pursuant to the "Workforce Investment Act of 11724  
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or Chapter 11725  
6301. of the Revised Code that occurred prior to July 1, 2004. 11726

**Section 78.** Except as otherwise specifically provided in this 11727  
act, the codified and uncodified sections of law amended or 11728  
enacted by this act, and the items of law of which the codified 11729

and uncodified sections of law amended or enacted by this act are 11730  
composed, are subject to the referendum. Therefore, under section 11731  
1c of Article II, Ohio Constitution and section 1.471 of the 11732  
Revised Code, the codified and uncodified sections of law amended 11733  
or enacted by this act, and the items of law of which the codified 11734  
and uncodified sections amended or enacted by this act are 11735  
composed, take effect on the ninety-first day after this act is 11736  
filed with the Secretary of State. If, however, a referendum 11737  
petition is filed against any such codified or uncodified section 11738  
of law as amended or enacted by this act, or against any item of 11739  
law of which any such codified or uncodified section of law as 11740  
amended or enacted by this act is composed, the codified or 11741  
uncodified section of law as amended or enacted, or item of law, 11742  
unless rejected at the referendum, takes effect at the earliest 11743  
time permitted by law. 11744

**Section 79.** The repeal by this act of sections 152.101 and 11745  
901.85 of the Revised Code is subject to the referendum. 11746  
Therefore, under Ohio Constitution, Article II, Section 1c and 11747  
section 1.471 of the Revised Code, the repeals take effect on the 11748  
ninety-first day after this act is filed with the Secretary of 11749  
State. However, if a referendum petition is filed against either 11750  
of the repeals, the repeal, unless rejected at the referendum, 11751  
takes effect at the earliest time permitted by law. 11752

**Section 80.** The amendment by this act of sections 124.15, 11753  
124.152, 124.181, 124.183, 124.382, 126.32, 175.21, 3311.059, 11754  
4701.03, and 5111.022 of the Revised Code, and the items of which 11755  
the amendments are composed, are not subject to the referendum. 11756  
Therefore, under Ohio Constitution, Article II, Section 1d and 11757  
section 1.471 of the Revised Code, the amendment by this act of 11758  
those sections, and the items of which the amendments are 11759  
composed, go into immediate effect when this act becomes law. 11760

**Section 81.** If any item of law that constitutes the whole or 11761  
part of a codified or uncodified section of law contained in this 11762  
act, or if any application of any item of law that constitutes the 11763  
whole or part of a codified or uncodified section of law contained 11764  
in this act, is held invalid, the invalidity does not affect other 11765  
items of law or applications of items of law that can be given 11766  
effect without the invalid item of law or application. To this 11767  
end, the items of law of which the codified and uncodified 11768  
sections of law contained in this act are composed, and their 11769  
applications, are independent and severable. 11770