

As Passed by the House

125th General Assembly

Regular Session

2003-2004

Am. 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 BILL

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, 3383.09, 3701.881, 3712.09, 4
3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 5
3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 6
4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 7
4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 8
5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 9
5123.352, 5731.47, 5731.48, and 6301.03 and to 10
repeal sections 152.101 and 901.85 of the Revised 11
Code and to amend Section 11.04 of Am. Sub. H.B. 12
87 of the 125th General Assembly, as subsequently 13
amended; to amend Sections 8.04, 12, 38.12, 41.06, 14
41.13, 55, 59, 59.29, 66, 89, 89.04, 89.05, 89.08, 15
89.11, and 145 of Am. Sub. H.B. 95 of the 125th 16
General Assembly; and to amend Section 41.33 of 17
Am. Sub. H.B. 95 of the 125th General Assembly to 18
make capital reappropriations for the biennium 19
ending June 30, 2006, to make certain supplemental 20
and capital appropriations, and to provide 21
authorization and conditions for the operation of 22
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, 3383.09, 3701.881, 26
3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3770.07, 27
3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 4758.41, 28
4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 29
5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 5123.352, 5731.47, 30
5731.48, and 6301.03 of the Revised Code be amended to read as 31
follows: 32

Sec. 9.24. (A) ~~No~~ Except as may be allowed under division (F) 33
of this section, no state agency and no political subdivision 34
shall award a contract as described in division (G)(1) of this 35
section for goods, services, or construction, paid for in whole or 36
in part with state funds, to a person against whom a finding for 37
recovery has been issued by the auditor of state on and after 38
January 1, 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 requirement of division (E) of this section do not apply with respect to the companies or agreements described in divisions (F)(1) and (2) of this section, or in the circumstance described in division (F)(3) of this section. 113
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(1) A bonding company or a company authorized to transact the business of insurance in this state, a self-insurance pool, joint self-insurance pool, risk management program, or joint risk management program, unless a court has entered a final judgment against the company and the company has not yet satisfied the final judgment. 118
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(2) To medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under disability assistance medical assistance established under Chapter 5115. of the Revised Code. 124
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(3) When federal law dictates that a specified entity provide the goods, services, or construction for which a contract is being awarded, regardless of whether that entity would otherwise be prohibited from entering into the contract pursuant to this section. 128
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(G)(1) This section applies only to contracts for goods, services, or construction that satisfy the criteria in either division (G)(1)(a) or (b) of this division. This section may apply to contracts for goods, services, or construction that satisfy the criteria in division (G)(1)(c), provided that the contracts also satisfy the criteria in either division (G)(1)(a) or (b) of this division. 133
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(a) The cost for the goods, services, or construction provided under the contract is estimated to exceed twenty-five thousand dollars. 140
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(b) The aggregate cost for the goods, services, or 143

construction provided under multiple contracts entered into by the 144
particular state agency and a single person or the particular 145
political subdivision and a single person within the fiscal year 146
preceding the fiscal year within which a contract is being entered 147
into by that same state agency and the same single person or the 148
same political subdivision and the same single person, exceeded 149
fifty thousand dollars. 150

(c) The contract is a renewal of a contract previously 151
entered into and renewed pursuant to that preceding contract. 152

(2) This section does not apply to employment contracts. 153

(H) As used in this section: 154

(1) "State agency" has the same meaning as in section 9.66 of 155
the Revised Code. 156

(2) "Political subdivision" means a political subdivision as 157
defined in section 9.82 of the Revised Code that has received more 158
than fifty thousand dollars of state money in the current fiscal 159
year or the preceding fiscal year. 160

(3) "Finding for recovery" means a determination issued by 161
the auditor of state, contained in a report the auditor of state 162
gives to the attorney general pursuant to section 117.28 of the 163
Revised Code, that public money has been illegally expended, 164
public money has been collected but not been accounted for, public 165
money is due but has not been collected, or public property has 166
been converted or misappropriated. 167

~~(3)~~(4) "Debtor" means a person against whom a finding for 168
recovery has been issued. 169

(5) "Person" means the person named in the finding for 170
recovery. 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 Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section shall file with the appropriate ethics commission on a form prescribed by the commission, a statement disclosing all of the following:

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to

require a person filing the statement who derives income from a 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 member of United States		502
congress or 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		Pay Ranges and Step Values				
Range		Step 1	Step 2	Step 3	Step 4	
						900
						901
23	Hourly	5.72	5.91	6.10	6.31	902
	Annually	11897.60	12292.80	12688.00	13124.80	903
		Step 5	Step 6			904
	Hourly	6.52	6.75			905
	Annually	13561.60	14040.00			906
		Step 1	Step 2	Step 3	Step 4	907
24	Hourly	6.00	6.20	6.41	6.63	908
	Annually	12480.00	12896.00	13332.80	13790.40	909
		Step 5	Step 6			910
	Hourly	6.87	7.10			911
	Annually	14289.60	14768.00			912
		Step 1	Step 2	Step 3	Step 4	913
25	Hourly	6.31	6.52	6.75	6.99	914
	Annually	13124.80	13561.60	14040.00	14539.20	915
		Step 5	Step 6			916
	Hourly	7.23	7.41			917
	Annually	15038.40	15412.80			918
		Step 1	Step 2	Step 3	Step 4	919
26	Hourly	6.63	6.87	7.10	7.32	920
	Annually	13790.40	14289.60	14768.00	15225.60	921
		Step 5	Step 6			922
	Hourly	7.53	7.77			923
	Annually	15662.40	16161.60			924
		Step 1	Step 2	Step 3	Step 4	925
27	Hourly	6.99	7.23	7.41	7.64	926
	Annually	14534.20	15038.40	15412.80	15891.20	927
		Step 5	Step 6	Step 7		928
	Hourly	7.88	8.15	8.46		929
	Annually	16390.40	16952.00	17596.80		930
		Step 1	Step 2	Step 3	Step 4	931
						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
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(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
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(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
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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
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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 1224
eligibility for step advancements as provided by division (G) of 1225
this section and for the purpose of determining eligibility for 1226
longevity pay supplements as provided by division (E) of section 1227
124.181 of the Revised Code shall be computed on the basis of one 1228
full year of service for the completion of each academic year. 1229

(L) The superintendent of the state school for the deaf and 1230
the superintendent of the state school for the blind shall, 1231
subject to the approval of the superintendent of public 1232
instruction, carry out both of the following: 1233

(1) Annually, between the first day of April and the last day 1234
of June, establish for the ensuing fiscal year a schedule of 1235
hourly rates for the compensation of each certificated employee on 1236
the instructional staff of that superintendent's respective school 1237
constructed as follows: 1238

(a) Determine for each level of training, experience, and 1239
other professional qualification for which an hourly rate is set 1240
forth in the current schedule, the per cent that rate is of the 1241
rate set forth in such schedule for a teacher with a bachelor's 1242
degree and no experience. If there is more than one such rate for 1243
such a teacher, the lowest rate shall be used to make the 1244
computation. 1245

(b) Determine which six city, local, and exempted village 1246
school districts with territory in Franklin county have in effect 1247
on, or have adopted by, the first day of April for the school year 1248
that begins on the ensuing first day of July, teacher salary 1249
schedules with the highest minimum salaries for a teacher with a 1250
bachelor's degree and no experience; 1251

(c) Divide the sum of such six highest minimum salaries by 1252
ten thousand five hundred sixty; 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	27.71	1369
	Annually	41766	44117	46488	49067	51792	54621	57637	1370
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	30.49	1371
	Annually	46030	48568	51230	53976	56992	60112	63419	1372
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	33.62	1373
	Annually	50648	53498	56368	59467	62816	66310	69930	1374
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	36.98	1375
	Annually	55619	58739	62067	65478	69098	72925	76918	1376
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	40.80	1377
	Annually	61318	64730	68307	72114	76107	80434	84864	1378
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	44.93	1379

	Annually	67579	71302	75296	79456	83886	88566	93454	1380
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	49.50	1381
	Annually	74464	78582	82992	87589	92414	97594	102960	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 who must be paid in 1404
accordance with schedule E-1 or schedule E-2 of this section shall 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	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	28.82	1434
	Annually	43430	45885	48339	51022	53872	56805	59946	1435
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	31.71	1436
	Annually	47882	50502	53290	56139	59280	62525	65957	1437
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	34.96	1438
	Annually	52666	55640	58614	61838	65333	68973	72717	1439
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	38.46	1440
	Annually	57845	61090	64542	68099	71864	75837	79997	1441
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	42.43	1442
	Annually	63773	67309	71032	75005	79144	83658	88254	1443
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	46.73	1444

<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

Annually 107078

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~~(C)~~(F) As used in this section, "exempt employee" means a
permanent full-time or permanent part-time employee paid directly
by warrant of the auditor of state whose position is included in
the job classification plan established under division (A) of
section 124.14 of the Revised Code but who is not considered a
public employee for the purposes of Chapter 4117. of the Revised
Code. As used in this section, "exempt employee" also includes a
permanent full-time or permanent part-time employee of the
secretary of state, auditor of state, treasurer of state, or
attorney general who has not been placed in an appropriate
bargaining unit by the state employment relations board.

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

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

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(2) Except as provided in section 124.183 of the Revised
Code, in computing any of the pay supplements provided in this
section for an employee paid in accordance with schedule E-1 of

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

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

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

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

(1) "Applicant" means both of the following:	2764
(a) A person who is under final consideration for appointment or employment with a home health agency in a position as a person responsible for the care, custody, or control of a child;	2765 2766 2767
(b) A person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an older adult. With regard to persons providing direct care to older adults, "applicant" does not include a person who provides direct care as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.	2768 2769 2770 2771 2772 2773 2774
(2) "Criminal records check" and "older adult" have the same meanings as in section 109.572 of the Revised Code.	2775 2776
(3) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, or hospice care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	2777 2778 2779 2780 2781
(a) Skilled nursing care;	2782
(b) Physical therapy;	2783
(c) Speech-language pathology;	2784
(d) Occupational therapy;	2785
(e) Medical social services;	2786
(f) Home health aide services.	2787
(4) "Home health aide services" means any of the following services provided by an individual employed with or contracted for by a home health agency:	2788 2789 2790
(a) Hands-on bathing or assistance with a tub bath or shower;	2791
(b) Assistance with dressing, ambulation, and toileting;	2792

(c) Catheter care but not insertion;	2793
(d) Meal preparation and feeding.	2794
(5) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	2795 2796
(6) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	2797 2798 2799
(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	2800 2801
(8) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	2802 2803 2804
(9) "Occupational therapy" has the same meaning as in section 4755.01 of the Revised Code.	2805 2806
(10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	2807 2808
(11) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	2809 2810 2811
(12) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	2812 2813
(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	2814 2815 2816 2817 2818 2819 2820 2821 2822

records check request is required under this division does not 2823
present proof of having been a resident of this state for the 2824
five-year period immediately prior to the date upon which the 2825
criminal records check is requested or does not provide evidence 2826
that within that five-year period the superintendent has requested 2827
information about the applicant from the federal bureau of 2828
investigation in a criminal records check, the chief administrator 2829
shall request that the superintendent obtain information from the 2830
federal bureau of investigation as a part of the criminal records 2831
check for the applicant. Even if an applicant for whom a criminal 2832
records check request is required under this division presents 2833
proof that the applicant has been a resident of this state for 2834
that five-year period, the chief administrator may request that 2835
the superintendent include information from the federal bureau of 2836
investigation in the criminal records check. 2837

(2) Any person required by division (B)(1) of this section to 2838
request a criminal records check shall provide to each applicant 2839
for whom a criminal records check request is required under that 2840
division a copy of the form prescribed pursuant to division (C)(1) 2841
of section 109.572 of the Revised Code and a standard impression 2842
sheet prescribed pursuant to division (C)(2) of section 109.572 of 2843
the Revised Code, obtain the completed form and impression sheet 2844
from each applicant, and forward the completed form and impression 2845
sheet to the superintendent of the bureau of criminal 2846
identification and investigation at the time the chief 2847
administrator requests a criminal records check pursuant to 2848
division (B)(1) of this section. 2849

(3) An applicant who receives pursuant to division (B)(2) of 2850
this section a copy of the form prescribed pursuant to division 2851
(C)(1) of section 109.572 of the Revised Code and a copy of an 2852
impression sheet prescribed pursuant to division (C)(2) of that 2853
section and who is requested to complete the form and provide a 2854

set of fingerprint impressions shall complete the form or provide 2855
all the information necessary to complete the form and shall 2856
provide the impression sheets with the impressions of the 2857
applicant's fingerprints. If an applicant, upon request, fails to 2858
provide the information necessary to complete the form or fails to 2859
provide fingerprint impressions, the home health agency shall not 2860
employ that applicant for any position for which a criminal 2861
records check is required by division (B)(1) of this section. 2862

(C)(1) Except as provided in rules adopted by the department 2863
of health in accordance with division (F) of this section and 2864
subject to division (C)(3) of this section, no home health agency 2865
shall employ a person as a person responsible for the care, 2866
custody, or control of a child if the person previously has been 2867
convicted of or pleaded guilty to any of the following: 2868

(a) A violation of section 2903.01, 2903.02, 2903.03, 2869
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2870
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2871
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2872
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2873
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2874
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2875
2925.06, or 3716.11 of the Revised Code, a violation of section 2876
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2877
violation of section 2919.23 of the Revised Code that would have 2878
been a violation of section 2905.04 of the Revised Code as it 2879
existed prior to July 1, 1996, had the violation been committed 2880
prior to that date, a violation of section 2925.11 of the Revised 2881
Code that is not a minor drug possession offense, or felonious 2882
sexual penetration in violation of former section 2907.12 of the 2883
Revised Code; 2884

(b) A violation of an existing or former law of this state, 2885
any other state, or the United States that is substantially 2886

equivalent to any of the offenses listed in division (C)(1)(a) of 2887
this section. 2888

(2) Except as provided in rules adopted by the department of 2889
health in accordance with division (F) of this section and subject 2890
to division (C)(3) of this section, no home health agency shall 2891
employ a person in a position that involves providing direct care 2892
to an older adult if the person previously has been convicted of 2893
or pleaded guilty to any of the following: 2894

(a) A violation of section 2903.01, 2903.02, 2903.03, 2895
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2896
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2897
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2898
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2899
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2900
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2901
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2902
2925.22, 2925.23, or 3716.11 of the Revised Code. 2903

(b) A violation of an existing or former law of this state, 2904
any other state, or the United States that is substantially 2905
equivalent to any of the offenses listed in division (C)(2)(a) of 2906
this section. 2907

(3)(a) A home health agency may employ conditionally an 2908
applicant for whom a criminal records check request is required 2909
under division (B) of this section as a person responsible for the 2910
care, custody, or control of a child until the criminal records 2911
check regarding the applicant required by this section is 2912
completed and the agency receives the results of the criminal 2913
records check. If the results of the criminal records check 2914
indicate that, pursuant to division (C)(1) of this section, the 2915
applicant does not qualify for employment, the agency shall 2916
release the applicant from employment unless the agency chooses to 2917
employ the applicant pursuant to division (F) of this section. 2918

(b)(i) A home health agency may employ conditionally an 2919
applicant for whom a criminal records check request is required 2920
under division (B) of this section in a position that involves 2921
providing direct care to an older adult or in a position that 2922
involves both responsibility for the care, custody, and control of 2923
a child and the provision of direct care to older adults prior to 2924
obtaining the results of a criminal records check regarding the 2925
individual, provided that the agency shall request a criminal 2926
records check regarding the individual in accordance with division 2927
(B)(1) of this section not later than five business days after the 2928
individual begins conditional employment. In the circumstances 2929
described in division (I)(2) of this section, a home health agency 2930
may employ conditionally in a position that involves providing 2931
direct care to an older adult an applicant who has been referred 2932
to the home health agency by an employment service that supplies 2933
full-time, part-time, or temporary staff for positions involving 2934
the direct care of older adults and for whom, pursuant to that 2935
division, a criminal records check is not required under division 2936
(B) of this section. In the circumstances described in division 2937
(I)(4) of this section, a home health agency may employ 2938
conditionally in a position that involves both responsibility for 2939
the care, custody, and control of a child and the provision of 2940
direct care to older adults an applicant who has been referred to 2941
the home health agency by an employment service that supplies 2942
full-time, part-time, or temporary staff for positions involving 2943
both responsibility for the care, custody, and control of a child 2944
and the provision of direct care to older adults and for whom, 2945
pursuant to that division, a criminal records check is not 2946
required under division (B) of this section. 2947

(ii) A home health agency that employs an individual 2948
conditionally under authority of division (C)(3)(b)(i) of this 2949
section shall terminate the individual's employment if the results 2950

of the criminal records check requested under division (B)(1) of 2951
this section or described in division (I)(2) or (4) of this 2952
section, other than the results of any request for information 2953
from the federal bureau of investigation, are not obtained within 2954
the period ending ~~sixty~~ thirty days after the date the request is 2955
made. Regardless of when the results of the criminal records check 2956
are obtained, if the individual was employed conditionally in a 2957
position that involves the provision of direct care to older 2958
adults and the results indicate that the individual has been 2959
convicted of or pleaded guilty to any of the offenses listed or 2960
described in division (C)(2) of this section, or if the individual 2961
was employed conditionally in a position that involves both 2962
responsibility for the care, custody, and control of a child and 2963
the provision of direct care to older adults and the results 2964
indicate that the individual has been convicted of or pleaded 2965
guilty to any of the offenses listed or described in division 2966
(C)(1) or (2) of this section, the agency shall terminate the 2967
individual's employment unless the agency chooses to employ the 2968
individual pursuant to division (F) of this section. Termination 2969
of employment under this division shall be considered just cause 2970
for discharge for purposes of division (D)(2) of section 4141.29 2971
of the Revised Code if the individual makes any attempt to deceive 2972
the agency about the individual's criminal record. 2973

(D)(1) Each home health agency shall pay to the bureau of 2974
criminal identification and investigation the fee prescribed 2975
pursuant to division (C)(3) of section 109.572 of the Revised Code 2976
for each criminal records check conducted in accordance with that 2977
section upon the request pursuant to division (B)(1) of this 2978
section of the chief administrator of the home health agency. 2979

(2) A home health agency may charge an applicant a fee for 2980
the costs it incurs in obtaining a criminal records check under 2981
this section, unless the medical assistance program established 2982

under Chapter 5111. of the Revised Code reimburses the agency for 2983
the costs. A fee charged under division (D)(2) of this section 2984
shall not exceed the amount of fees the agency pays under division 2985
(D)(1) of this section. If a fee is charged under division (D)(2) 2986
of this section, the agency shall notify the applicant at the time 2987
of the applicant's initial application for employment of the 2988
amount of the fee and that, unless the fee is paid, the agency 2989
will not consider the applicant for employment. 2990

(E) The report of any criminal records check conducted by the 2991
bureau of criminal identification and investigation in accordance 2992
with section 109.572 of the Revised Code and pursuant to a request 2993
made under division (B)(1) of this section is not a public record 2994
for the purposes of section 149.43 of the Revised Code and shall 2995
not be made available to any person other than the following: 2996

(1) The individual who is the subject of the criminal records 2997
check or the individual's representative; 2998

(2) The home health agency requesting the criminal records 2999
check or its representative; 3000

(3) The administrator of any other facility, agency, or 3001
program that provides direct care to older adults that is owned or 3002
operated by the same entity that owns or operates the home health 3003
agency; 3004

(4) Any court, hearing officer, or other necessary individual 3005
involved in a case dealing with a denial of employment of the 3006
applicant or dealing with employment or unemployment benefits of 3007
the applicant; 3008

(5) Any person to whom the report is provided pursuant to, 3009
and in accordance with, division (I)(1), (2), (3), or (4) of this 3010
section. 3011

(F) The department of health shall adopt rules in accordance 3012
with Chapter 119. of the Revised Code to implement this section. 3013

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.

(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 position.

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

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

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

check requested under this section; 3046

(3) If the agency in good faith employed the individual 3047
according to the personal character standards established in rules 3048
adopted under division (F) of this section, the agency shall not 3049
be found negligent solely because the individual prior to being 3050
employed had been convicted of or pleaded guilty to an offense 3051
listed or described in division (C)(1) or (2) of this section. 3052

(I)(1) The chief administrator of a home health agency is not 3053
required to request that the superintendent of the bureau of 3054
criminal identification and investigation conduct a criminal 3055
records check of an applicant for a position that involves the 3056
provision of direct care to older adults if the applicant has been 3057
referred to the agency by an employment service that supplies 3058
full-time, part-time, or temporary staff for positions involving 3059
the direct care of older adults and both of the following apply: 3060

(a) The chief administrator receives from the employment 3061
service or the applicant a report of the results of a criminal 3062
records check regarding the applicant that has been conducted by 3063
the superintendent within the one-year period immediately 3064
preceding the applicant's referral; 3065

(b) The report of the criminal records check demonstrates 3066
that the person has not been convicted of or pleaded guilty to an 3067
offense listed or described in division (C)(2) of this section, or 3068
the report demonstrates that the person has been convicted of or 3069
pleaded guilty to one or more of those offenses, but the home 3070
health agency chooses to employ the individual pursuant to 3071
division (F) of this section. 3072

(2) The chief administrator of a home health agency is not 3073
required to request that the superintendent of the bureau of 3074
criminal identification and investigation conduct a criminal 3075
records check of an applicant for a position that involves 3076

providing direct care to older adults and may employ the applicant 3077
conditionally in a position of that nature as described in this 3078
division, if the applicant has been referred to the agency by an 3079
employment service that supplies full-time, part-time, or 3080
temporary staff for positions involving the direct care of older 3081
adults and if the chief administrator receives from the employment 3082
service or the applicant a letter from the employment service that 3083
is on the letterhead of the employment service, dated, and signed 3084
by a supervisor or another designated official of the employment 3085
service and that states that the employment service has requested 3086
the superintendent to conduct a criminal records check regarding 3087
the applicant, that the requested criminal records check will 3088
include a determination of whether the applicant has been 3089
convicted of or pleaded guilty to any offense listed or described 3090
in division (C)(2) of this section, that, as of the date set forth 3091
on the letter, the employment service had not received the results 3092
of the criminal records check, and that, when the employment 3093
service receives the results of the criminal records check, it 3094
promptly will send a copy of the results to the home health 3095
agency. If a home health agency employs an applicant conditionally 3096
in accordance with this division, the employment service, upon its 3097
receipt of the results of the criminal records check, promptly 3098
shall send a copy of the results to the home health agency, and 3099
division (C)(3)(b) of this section applies regarding the 3100
conditional employment. 3101

(3) The chief administrator of a home health agency is not 3102
required to request that the superintendent of the bureau of 3103
criminal identification and investigation conduct a criminal 3104
records check of an applicant for a position that involves both 3105
responsibility for the care, custody, and control of a child and 3106
the provision of direct care to older adults if the applicant has 3107
been referred to the agency by an employment service that supplies 3108
full-time, part-time, or temporary staff for positions involving 3109

both responsibility for the care, custody, and control of a child 3110
and the provision of direct care to older adults and both of the 3111
following apply: 3112

(a) The chief administrator receives from the employment 3113
service or applicant a report of a criminal records check of the 3114
type described in division (I)(1)(a) of this section; 3115

(b) The report of the criminal records check demonstrates 3116
that the person has not been convicted of or pleaded guilty to an 3117
offense listed or described in division (C)(1) or (2) of this 3118
section, or the report demonstrates that the person has been 3119
convicted of or pleaded guilty to one or more of those offenses, 3120
but the home health agency chooses to employ the individual 3121
pursuant to division (F) of this section. 3122

(4) The chief administrator of a home health agency is not 3123
required to request that the superintendent of the bureau of 3124
criminal identification and investigation conduct a criminal 3125
records check of an applicant for a position that involves both 3126
responsibility for the care, custody, and control of a child and 3127
the provision of direct care to older adults and may employ the 3128
applicant conditionally in a position of that nature as described 3129
in this division, if the applicant has been referred to the agency 3130
by an employment service that supplies full-time, part-time, or 3131
temporary staff for positions involving both responsibility for 3132
the care, custody, and control of a child and the direct care of 3133
older adults and if the chief administrator receives from the 3134
employment service or the applicant a letter from the employment 3135
service that is on the letterhead of the employment service, 3136
dated, and signed by a supervisor or another designated official 3137
of the employment service and that states that the employment 3138
service has requested the superintendent to conduct a criminal 3139
records check regarding the applicant, that the requested criminal 3140
records check will include a determination of whether the 3141

applicant has been convicted of or pleaded guilty to any offense 3142
listed or described in division (C)(1) or (2) of this section, 3143
that, as of the date set forth on the letter, the employment 3144
service had not received the results of the criminal records 3145
check, and that, when the employment service receives the results 3146
of the criminal records check, it promptly will send a copy of the 3147
results to the home health agency. If a home health agency employs 3148
an applicant conditionally in accordance with this division, the 3149
employment service, upon its receipt of the results of the 3150
criminal records check, promptly shall send a copy of the results 3151
to the home health agency, and division (C)(3)(b) of this section 3152
applies regarding the conditional employment. 3153

Sec. 3712.09. (A) As used in this section: 3154

(1) "Applicant" means a person who is under final 3155
consideration for employment with a hospice care program in a 3156
full-time, part-time, or temporary position that involves 3157
providing direct care to an older adult. "Applicant" does not 3158
include a person who provides direct care as a volunteer without 3159
receiving or expecting to receive any form of remuneration other 3160
than reimbursement for actual expenses. 3161

(2) "Criminal records check" and "older adult" have the same 3162
meanings as in section 109.572 of the Revised Code. 3163

(B)(1) Except as provided in division (I) of this section, 3164
the chief administrator of a hospice care program shall request 3165
that the superintendent of the bureau of criminal identification 3166
and investigation conduct a criminal records check with respect to 3167
each applicant. If an applicant for whom a criminal records check 3168
request is required under this division does not present proof of 3169
having been a resident of this state for the five-year period 3170
immediately prior to the date the criminal records check is 3171
requested or provide evidence that within that five-year period 3172

the superintendent has requested information about the applicant 3173
from the federal bureau of investigation in a criminal records 3174
check, the chief administrator shall request that the 3175
superintendent obtain information from the federal bureau of 3176
investigation as part of the criminal records check of the 3177
applicant. Even if an applicant for whom a criminal records check 3178
request is required under this division presents proof of having 3179
been a resident of this state for the five-year period, the chief 3180
administrator may request that the superintendent include 3181
information from the federal bureau of investigation in the 3182
criminal records check. 3183

(2) A person required by division (B)(1) of this section to 3184
request a criminal records check shall do both of the following: 3185

(a) Provide to each applicant for whom a criminal records 3186
check request is required under that division a copy of the form 3187
prescribed pursuant to division (C)(1) of section 109.572 of the 3188
Revised Code and a standard fingerprint impression sheet 3189
prescribed pursuant to division (C)(2) of that section, and obtain 3190
the completed form and impression sheet from the applicant; 3191

(b) Forward the completed form and impression sheet to the 3192
superintendent of the bureau of criminal identification and 3193
investigation. 3194

(3) An applicant provided the form and fingerprint impression 3195
sheet under division (B)(2)(a) of this section who fails to 3196
complete the form or provide fingerprint impressions shall not be 3197
employed in any position for which a criminal records check is 3198
required by this section. 3199

(C)(1) Except as provided in rules adopted by the public 3200
health council in accordance with division (F) of this section and 3201
subject to division (C)(2) of this section, no hospice care 3202
program shall employ a person in a position that involves 3203

providing direct care to an older adult if the person has been 3204
convicted of or pleaded guilty to any of the following: 3205

(a) A violation of section 2903.01, 2903.02, 2903.03, 3206
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3207
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3208
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3209
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3210
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3211
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3212
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3213
2925.22, 2925.23, or 3716.11 of the Revised Code. 3214

(b) A violation of an existing or former law of this state, 3215
any other state, or the United States that is substantially 3216
equivalent to any of the offenses listed in division (C)(1)(a) of 3217
this section. 3218

(2)(a) A hospice care program may employ conditionally an 3219
applicant for whom a criminal records check request is required 3220
under division (B) of this section prior to obtaining the results 3221
of a criminal records check regarding the individual, provided 3222
that the program shall request a criminal records check regarding 3223
the individual in accordance with division (B)(1) of this section 3224
not later than five business days after the individual begins 3225
conditional employment. In the circumstances described in division 3226
(I)(2) of this section, a hospice care program may employ 3227
conditionally an applicant who has been referred to the hospice 3228
care program by an employment service that supplies full-time, 3229
part-time, or temporary staff for positions involving the direct 3230
care of older adults and for whom, pursuant to that division, a 3231
criminal records check is not required under division (B) of this 3232
section. 3233

(b) A hospice care program that employs an individual 3234
conditionally under authority of division (C)(2)(a) of this 3235

section shall terminate the individual's employment if the results 3236
of the criminal records check requested under division (B) of this 3237
section or described in division (I)(2) of this section, other 3238
than the results of any request for information from the federal 3239
bureau of investigation, are not obtained within the period ending 3240
~~sixty~~ thirty days after the date the request is made. Regardless 3241
of when the results of the criminal records check are obtained, if 3242
the results indicate that the individual has been convicted of or 3243
pleaded guilty to any of the offenses listed or described in 3244
division (C)(1) of this section, the program shall terminate the 3245
individual's employment unless the program chooses to employ the 3246
individual pursuant to division (F) of this section. Termination 3247
of employment under this division shall be considered just cause 3248
for discharge for purposes of division (D)(2) of section 4141.29 3249
of the Revised Code if the individual makes any attempt to deceive 3250
the program about the individual's criminal record. 3251

(D)(1) Each hospice care program shall pay to the bureau of 3252
criminal identification and investigation the fee prescribed 3253
pursuant to division (C)(3) of section 109.572 of the Revised Code 3254
for each criminal records check conducted pursuant to a request 3255
made under division (B) of this section. 3256

(2) A hospice care program may charge an applicant a fee not 3257
exceeding the amount the program pays under division (D)(1) of 3258
this section. A program may collect a fee only if both of the 3259
following apply: 3260

(a) The program notifies the person at the time of initial 3261
application for employment of the amount of the fee and that, 3262
unless the fee is paid, the person will not be considered for 3263
employment; 3264

(b) The medical assistance program established under Chapter 3265
5111. of the Revised Code does not reimburse the program the fee 3266
it pays under division (D)(1) of this section. 3267

(E) The report of a criminal records check conducted pursuant 3268
to a request made under this section is not a public record for 3269
the purposes of section 149.43 of the Revised Code and shall not 3270
be made available to any person other than the following: 3271

(1) The individual who is the subject of the criminal records 3272
check or the individual's representative; 3273

(2) The chief administrator of the program requesting the 3274
criminal records check or the administrator's representative; 3275

(3) The administrator of any other facility, agency, or 3276
program that provides direct care to older adults that is owned or 3277
operated by the same entity that owns or operates the hospice care 3278
program; 3279

(4) A court, hearing officer, or other necessary individual 3280
involved in a case dealing with a denial of employment of the 3281
applicant or dealing with employment or unemployment benefits of 3282
the applicant; 3283

(5) Any person to whom the report is provided pursuant to, 3284
and in accordance with, division (I)(1) or (2) of this section. 3285

(F) The public health council shall adopt rules in accordance 3286
with Chapter 119. of the Revised Code to implement this section. 3287
The rules shall specify circumstances under which a hospice care 3288
program may employ a person who has been convicted of or pleaded 3289
guilty to an offense listed or described in division (C)(1) of 3290
this section but meets personal character standards set by the 3291
council. 3292

(G) The chief administrator of a hospice care program shall 3293
inform each individual, at the time of initial application for a 3294
position that involves providing direct care to an older adult, 3295
that the individual is required to provide a set of fingerprint 3296
impressions and that a criminal records check is required to be 3297

conducted if the individual comes under final consideration for 3298
employment. 3299

(H) In a tort or other civil action for damages that is 3300
brought as the result of an injury, death, or loss to person or 3301
property caused by an individual who a hospice care program 3302
employs in a position that involves providing direct care to older 3303
adults, all of the following shall apply: 3304

(1) If the program employed the individual in good faith and 3305
reasonable reliance on the report of a criminal records check 3306
requested under this section, the program shall not be found 3307
negligent solely because of its reliance on the report, even if 3308
the information in the report is determined later to have been 3309
incomplete or inaccurate; 3310

(2) If the program employed the individual in good faith on a 3311
conditional basis pursuant to division (C)(2) of this section, the 3312
program shall not be found negligent solely because it employed 3313
the individual prior to receiving the report of a criminal records 3314
check requested under this section; 3315

(3) If the program in good faith employed the individual 3316
according to the personal character standards established in rules 3317
adopted under division (F) of this section, the program shall not 3318
be found negligent solely because the individual prior to being 3319
employed had been convicted of or pleaded guilty to an offense 3320
listed or described in division (C)(1) of this section. 3321

(I)(1) The chief administrator of a hospice care program is 3322
not required to request that the superintendent of the bureau of 3323
criminal identification and investigation conduct a criminal 3324
records check of an applicant if the applicant has been referred 3325
to the program by an employment service that supplies full-time, 3326
part-time, or temporary staff for positions involving the direct 3327
care of older adults and both of the following apply: 3328

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

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

(2) The chief administrator of a hospice care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment

service receives the results of the criminal records check, it 3361
promptly will send a copy of the results to the hospice care 3362
program. If a hospice care program employs an applicant 3363
conditionally in accordance with this division, the employment 3364
service, upon its receipt of the results of the criminal records 3365
check, promptly shall send a copy of the results to the hospice 3366
care program, and division (C)(2)(b) of this section applies 3367
regarding the conditional employment. 3368

Sec. 3734.02. (A) The director of environmental protection, 3369
in accordance with Chapter 119. of the Revised Code, shall adopt 3370
and may amend, suspend, or rescind rules having uniform 3371
application throughout the state governing solid waste facilities 3372
and the inspections of and issuance of permits and licenses for 3373
all solid waste facilities in order to ensure that the facilities 3374
will be located, maintained, and operated, and will undergo 3375
closure and post-closure care, in a sanitary manner so as not to 3376
create a nuisance, cause or contribute to water pollution, create 3377
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 3378
257.3-8, as amended. The rules may include, without limitation, 3379
financial assurance requirements for closure and post-closure care 3380
and corrective action and requirements for taking corrective 3381
action in the event of the surface or subsurface discharge or 3382
migration of explosive gases or leachate from a solid waste 3383
facility, or of ground water contamination resulting from the 3384
transfer or disposal of solid wastes at a facility, beyond the 3385
boundaries of any area within a facility that is operating or is 3386
undergoing closure or post-closure care where solid wastes were 3387
disposed of or are being disposed of. The rules shall not concern 3388
or relate to personnel policies, salaries, wages, fringe benefits, 3389
or other conditions of employment of employees of persons owning 3390
or operating solid waste facilities. The director, in accordance 3391
with Chapter 119. of the Revised Code, shall adopt and may amend, 3392

suspend, or rescind rules governing the issuance, modification, 3393
revocation, suspension, or denial of variances from the director's 3394
solid waste rules, including, without limitation, rules adopted 3395
under this chapter governing the management of scrap tires. 3396

Variances shall be issued, modified, revoked, suspended, or 3397
rescinded in accordance with this division, rules adopted under 3398
it, and Chapter 3745. of the Revised Code. The director may order 3399
the person to whom a variance is issued to take such action within 3400
such time as the director may determine to be appropriate and 3401
reasonable to prevent the creation of a nuisance or a hazard to 3402
the public health or safety or the environment. Applications for 3403
variances shall contain such detail plans, specifications, and 3404
information regarding objectives, procedures, controls, and other 3405
pertinent data as the director may require. The director shall 3406
grant a variance only if the applicant demonstrates to the 3407
director's satisfaction that construction and operation of the 3408
solid waste facility in the manner allowed by the variance and any 3409
terms or conditions imposed as part of the variance will not 3410
create a nuisance or a hazard to the public health or safety or 3411
the environment. In granting any variance, the director shall 3412
state the specific provision or provisions whose terms are to be 3413
varied and also shall state specific terms or conditions imposed 3414
upon the applicant in place of the provision or provisions. The 3415
director may hold a public hearing on an application for a 3416
variance or renewal of a variance at a location in the county 3417
where the operations that are the subject of the application for 3418
the variance are conducted. The director shall give not less than 3419
twenty days' notice of the hearing to the applicant by certified 3420
mail and shall publish at least one notice of the hearing in a 3421
newspaper with general circulation in the county where the hearing 3422
is to be held. The director shall make available for public 3423
inspection at the principal office of the environmental protection 3424
agency a current list of pending applications for variances and a 3425

current schedule of pending variance hearings. The director shall 3426
make a complete stenographic record of testimony and other 3427
evidence submitted at the hearing. Within ten days after the 3428
hearing, the director shall make a written determination to issue, 3429
renew, or deny the variance and shall enter the determination and 3430
the basis for it into the record of the hearing. The director 3431
shall issue, renew, or deny an application for a variance or 3432
renewal of a variance within six months of the date upon which the 3433
director receives a complete application with all pertinent 3434
information and data required. No variance shall be issued, 3435
revoked, modified, or denied until the director has considered the 3436
relative interests of the applicant, other persons and property 3437
affected by the variance, and the general public. Any variance 3438
granted under this division shall be for a period specified by the 3439
director and may be renewed from time to time on such terms and 3440
for such periods as the director determines to be appropriate. No 3441
application shall be denied and no variance shall be revoked or 3442
modified without a written order stating the findings upon which 3443
the denial, revocation, or modification is based. A copy of the 3444
order shall be sent to the applicant or variance holder by 3445
certified mail. 3446

(B) The director shall prescribe and furnish the forms 3447
necessary to administer and enforce this chapter. The director may 3448
cooperate with and enter into agreements with other state, local, 3449
or federal agencies to carry out the purposes of this chapter. The 3450
director may exercise all incidental powers necessary to carry out 3451
the purposes of this chapter. 3452

The director may use moneys in the infectious waste 3453
management fund created in section 3734.021 of the Revised Code 3454
exclusively for administering and enforcing the provisions of this 3455
chapter governing the management of infectious wastes. Of each 3456
registration and renewal fee collected under rules adopted under 3457

division (A)(2)(a) of section 3734.021 or under section 3734.022 3458
of the Revised Code, the director, within forty-five days of its 3459
receipt, shall remit from the fund one-half of the fee received to 3460
the board of health of the health district in which the registered 3461
premises is located, or, in the instance of an infectious wastes 3462
transporter, to the board of health of the health district in 3463
which the transporter's principal place of business is located. 3464
However, if the board of health having jurisdiction over a 3465
registrant's premises or principal place of business is not on the 3466
approved list under section 3734.08 of the Revised Code, the 3467
director shall not make that payment to the board of health. 3468

(C) Except as provided in this division and divisions (N)(2) 3469
and (3) of this section, no person shall establish a new solid 3470
waste facility or infectious waste treatment facility, or modify 3471
an existing solid waste facility or infectious waste treatment 3472
facility, without submitting an application for a permit with 3473
accompanying detail plans, specifications, and information 3474
regarding the facility and method of operation and receiving a 3475
permit issued by the director, except that no permit shall be 3476
required under this division to install or operate a solid waste 3477
facility for sewage sludge treatment or disposal when the 3478
treatment or disposal is authorized by a current permit issued 3479
under Chapter 3704. or 6111. of the Revised Code. 3480

No person shall continue to operate a solid waste facility 3481
for which the director has denied a permit for which an 3482
application was required under division (A)(3) of section 3734.05 3483
of the Revised Code, or for which the director has disapproved 3484
plans and specifications required to be filed by an order issued 3485
under division (A)(5) of that section, after the date prescribed 3486
for commencement of closure of the facility in the order issued 3487
under division (A)(6) of section 3734.05 of the Revised Code 3488
denying the permit application or approval. 3489

On and after the effective date of the rules adopted under 3490
division (A) of this section and division (D) of section 3734.12 3491
of the Revised Code governing solid waste transfer facilities, no 3492
person shall establish a new, or modify an existing, solid waste 3493
transfer facility without first submitting an application for a 3494
permit with accompanying engineering detail plans, specifications, 3495
and information regarding the facility and its method of operation 3496
to the director and receiving a permit issued by the director. 3497

No person shall establish a new compost facility or continue 3498
to operate an existing compost facility that accepts exclusively 3499
source separated yard wastes without submitting a completed 3500
registration for the facility to the director in accordance with 3501
rules adopted under divisions (A) and (N)(3) of this section. 3502

This division does not apply to an infectious waste treatment 3503
facility that meets any of the following conditions: 3504

(1) Is owned or operated by the generator of the wastes and 3505
exclusively treats, by methods, techniques, and practices 3506
established by rules adopted under division (C)(1) or (3) of 3507
section 3734.021 of the Revised Code, wastes that are generated at 3508
any premises owned or operated by that generator regardless of 3509
whether the wastes are generated on the premises where the 3510
generator's treatment facility is located or, if the generator is 3511
a hospital as defined in section 3727.01 of the Revised Code, 3512
infectious wastes that are described in division (A)(1)(g), (h), 3513
or (i) of section 3734.021 of the Revised Code; 3514

(2) Holds a license or renewal of a license to operate a 3515
crematory facility issued under Chapter 4717. and a permit issued 3516
under Chapter 3704. of the Revised Code; 3517

(3) Treats or disposes of dead animals or parts thereof, or 3518
the blood of animals, and is subject to any of the following: 3519

(a) Inspection under the "Federal Meat Inspection Act," 81 3520

Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	3521
(b) Chapter 918. of the Revised Code;	3522
(c) Chapter 953. of the Revised Code.	3523
(D) Neither this chapter nor any rules adopted under it apply	3524
to single-family residential premises; to infectious wastes	3525
generated by individuals for purposes of their own care or	3526
treatment that are disposed of with solid wastes from the	3527
individual's residence; to the temporary storage of solid wastes,	3528
other than scrap tires, prior to their collection for disposal; to	3529
the storage of one hundred or fewer scrap tires unless they are	3530
stored in such a manner that, in the judgment of the director or	3531
the board of health of the health district in which the scrap	3532
tires are stored, the storage causes a nuisance, a hazard to	3533
public health or safety, or a fire hazard; or to the collection of	3534
solid wastes, other than scrap tires, by a political subdivision	3535
or a person holding a franchise or license from a political	3536
subdivision of the state; to composting, as defined in section	3537
1511.01 of the Revised Code, conducted in accordance with section	3538
1511.022 of the Revised Code; or to any person who is licensed to	3539
transport raw rendering material to a compost facility pursuant to	3540
section 953.23 of the Revised Code.	3541
(E)(1) As used in this division and section 3734.18 of the	3542
Revised Code:	3543
(a) "On-site facility" means a facility that stores, treats,	3544
or disposes of hazardous waste that is generated on the premises	3545
of the facility.	3546
(b) "Off-site facility" means a facility that stores, treats,	3547
or disposes of hazardous waste that is generated off the premises	3548
of the facility and includes such a facility that is also an	3549
on-site facility.	3550
(c) "Satellite facility" means any of the following:	3551

(i) An on-site facility that also receives hazardous waste 3552
from other premises owned by the same person who generates the 3553
waste on the facility premises; 3554

(ii) An off-site facility operated so that all of the 3555
hazardous waste it receives is generated on one or more premises 3556
owned by the person who owns the facility; 3557

(iii) An on-site facility that also receives hazardous waste 3558
that is transported uninterruptedly and directly to the facility 3559
through a pipeline from a generator who is not the owner of the 3560
facility. 3561

(2) Except as provided in division (E)(3) of this section, no 3562
person shall establish or operate a hazardous waste facility, or 3563
use a solid waste facility for the storage, treatment, or disposal 3564
of any hazardous waste, without a hazardous waste facility 3565
installation and operation permit issued in accordance with 3566
section 3734.05 of the Revised Code and subject to the payment of 3567
an application fee not to exceed one thousand five hundred 3568
dollars, payable upon application for a hazardous waste facility 3569
installation and operation permit and upon application for a 3570
renewal permit issued under division (H) of section 3734.05 of the 3571
Revised Code, to be credited to the hazardous waste facility 3572
management fund created in section 3734.18 of the Revised Code. 3573
The term of a hazardous waste facility installation and operation 3574
permit shall not exceed five years. 3575

In addition to the application fee, there is hereby levied an 3576
annual permit fee to be paid by the permit holder upon the 3577
anniversaries of the date of issuance of the hazardous waste 3578
facility installation and operation permit and of any subsequent 3579
renewal permits and to be credited to the hazardous waste facility 3580
management fund. Annual permit fees totaling forty thousand 3581
dollars or more for any one facility may be paid on a quarterly 3582

basis with the first quarterly payment each year being due on the			3583
anniversary of the date of issuance of the hazardous waste			3584
facility installation and operation permit and of any subsequent			3585
renewal permits. The annual permit fee shall be determined for			3586
each permit holder by the director in accordance with the			3587
following schedule:			3588
TYPE OF BASIC			3589
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	3590
Storage facility using:			3591
Containers	On-site, off-site, and		3592
	satellite	\$ 500	3593
Tanks	On-site, off-site, and		3594
	satellite	500	3595
Waste pile	On-site, off-site, and		3596
	satellite	3,000	3597
Surface impoundment	On-site and satellite	8,000	3598
	Off-site	10,000	3599
Disposal facility using:			3600
Deep well injection	On-site and satellite	15,000	3601
	Off-site	25,000	3602
Landfill	On-site and satellite	25,000	3603
	Off-site	40,000	3604
Land application	On-site and satellite	2,500	3605
	Off-site	5,000	3606
Surface impoundment	On-site and satellite	10,000	3607
	Off-site	20,000	3608
Treatment facility using:			3609
Tanks	On-site, off-site, and		3610
	satellite	700	3611
Surface impoundment	On-site and satellite	8,000	3612
	Off-site	10,000	3613
Incinerator	On-site and satellite	5,000	3614
	Off-site	10,000	3615

Other forms 3616
of treatment On-site, off-site, and 3617
satellite 1,000 3618

A hazardous waste disposal facility that disposes of 3619
hazardous waste by deep well injection and that pays the annual 3620
permit fee established in section 6111.046 of the Revised Code is 3621
not subject to the permit fee established in this division for 3622
disposal facilities using deep well injection unless the director 3623
determines that the facility is not in compliance with applicable 3624
requirements established under this chapter and rules adopted 3625
under it. 3626

In determining the annual permit fee required by this 3627
section, the director shall not require additional payments for 3628
multiple units of the same method of storage, treatment, or 3629
disposal or for individual units that are used for both storage 3630
and treatment. A facility using more than one method of storage, 3631
treatment, or disposal shall pay the permit fee indicated by the 3632
schedule for each such method. 3633

The director shall not require the payment of that portion of 3634
an annual permit fee of any permit holder that would apply to a 3635
hazardous waste management unit for which a permit has been 3636
issued, but for which construction has not yet commenced. Once 3637
construction has commenced, the director shall require the payment 3638
of a part of the appropriate fee indicated by the schedule that 3639
bears the same relationship to the total fee that the number of 3640
days remaining until the next anniversary date at which payment of 3641
the annual permit fee is due bears to three hundred sixty-five. 3642

The director, by rules adopted in accordance with Chapters 3643
119. and 3745. of the Revised Code, shall prescribe procedures for 3644
collecting the annual permit fee established by this division and 3645
may prescribe other requirements necessary to carry out this 3646
division. 3647

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

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

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

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

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

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;	3679 3680
(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;	3681 3682 3683 3684
(3) A facility in another nation operating in accordance with the laws of that nation;	3685 3686
(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 Stat. 1052, 33 U.S.C.A. 1401, as amended;	3687 3688 3689
(5) A hazardous waste facility as described in division (E)(3)(a) or (b) of this section.	3690 3691
(G) The director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter. Such an exemption shall be consistent with and equivalent to any regulations adopted by the administrator of the United States environmental protection agency under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.	3692 3693 3694 3695 3696 3697 3698 3699 3700 3701 3702 3703 3704 3705
(H) No person shall engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the director, who shall establish the procedure	3706 3707 3708 3709

for granting such authorization by rules adopted in accordance 3710
with Chapter 119. of the Revised Code. 3711

A public utility that has main or distribution lines above or 3712
below the land surface located on an easement or right-of-way 3713
across land where a solid waste facility was operated may engage 3714
in any such activity within the easement or right-of-way without 3715
prior authorization from the director for purposes of performing 3716
emergency repair or emergency replacement of its lines; of the 3717
poles, towers, foundations, or other structures supporting or 3718
sustaining any such lines; or of the appurtenances to those 3719
structures, necessary to restore or maintain existing public 3720
utility service. A public utility may enter upon any such easement 3721
or right-of-way without prior authorization from the director for 3722
purposes of performing necessary or routine maintenance of those 3723
portions of its existing lines; of the existing poles, towers, 3724
foundations, or other structures sustaining or supporting its 3725
lines; or of the appurtenances to any such supporting or 3726
sustaining structure, located on or above the land surface on any 3727
such easement or right-of-way. Within twenty-four hours after 3728
commencing any such emergency repair, replacement, or maintenance 3729
work, the public utility shall notify the director or the 3730
director's authorized representative of those activities and shall 3731
provide such information regarding those activities as the 3732
director or the director's representative may request. Upon 3733
completion of the emergency repair, replacement, or maintenance 3734
activities, the public utility shall restore any land of the solid 3735
waste facility disturbed by those activities to the condition 3736
existing prior to the commencement of those activities. 3737

(I) No owner or operator of a hazardous waste facility, in 3738
the operation of the facility, shall cause, permit, or allow the 3739
emission therefrom of any particulate matter, dust, fumes, gas, 3740
mist, smoke, vapor, or odorous substance that, in the opinion of 3741

the director, unreasonably interferes with the comfortable 3742
enjoyment of life or property by persons living or working in the 3743
vicinity of the facility, or that is injurious to public health. 3744
Any such action is hereby declared to be a public nuisance. 3745

(J) Notwithstanding any other provision of this chapter, in 3746
the event the director finds an imminent and substantial danger to 3747
public health or safety or the environment that creates an 3748
emergency situation requiring the immediate treatment, storage, or 3749
disposal of hazardous waste, the director may issue a temporary 3750
emergency permit to allow the treatment, storage, or disposal of 3751
the hazardous waste at a facility that is not otherwise authorized 3752
by a hazardous waste facility installation and operation permit to 3753
treat, store, or dispose of the waste. The emergency permit shall 3754
not exceed ninety days in duration and shall not be renewed. The 3755
director shall adopt, and may amend, suspend, or rescind, rules in 3756
accordance with Chapter 119. of the Revised Code governing the 3757
issuance, modification, revocation, and denial of emergency 3758
permits. 3759

(K) No owner or operator of a sanitary landfill shall 3760
knowingly accept for disposal, or dispose of, any infectious 3761
wastes, other than those subject to division (A)(1)(c) of section 3762
3734.021 of the Revised Code, that have not been treated to render 3763
them noninfectious. For the purposes of this division, 3764
certification by the owner or operator of the treatment facility 3765
where the wastes were treated on the shipping paper required by 3766
rules adopted under division (D)(2) of that section creates a 3767
rebuttable presumption that the wastes have been so treated. 3768

(L) The director, in accordance with Chapter 119. of the 3769
Revised Code, shall adopt, and may amend, suspend, or rescind, 3770
rules having uniform application throughout the state establishing 3771
a training and certification program that shall be required for 3772
employees of boards of health who are responsible for enforcing 3773

the solid waste and infectious waste provisions of this chapter 3774
and rules adopted under them and for persons who are responsible 3775
for the operation of solid waste facilities or infectious waste 3776
treatment facilities. The rules shall provide all of the 3777
following, without limitation: 3778

(1) The program shall be administered by the director and 3779
shall consist of a course on new solid waste and infectious waste 3780
technologies, enforcement procedures, and rules; 3781

(2) The course shall be offered on an annual basis; 3782

(3) Those persons who are required to take the course under 3783
division (L) of this section shall do so triennially; 3784

(4) Persons who successfully complete the course shall be 3785
certified by the director; 3786

(5) Certification shall be required for all employees of 3787
boards of health who are responsible for enforcing the solid waste 3788
or infectious waste provisions of this chapter and rules adopted 3789
under them and for all persons who are responsible for the 3790
operation of solid waste facilities or infectious waste treatment 3791
facilities; 3792

(6)(a) All employees of a board of health who, on the 3793
effective date of the rules adopted under this division, are 3794
responsible for enforcing the solid waste or infectious waste 3795
provisions of this chapter and the rules adopted under them shall 3796
complete the course and be certified by the director not later 3797
than January 1, 1995; 3798

(b) All employees of a board of health who, after the 3799
effective date of the rules adopted under division (L) of this 3800
section, become responsible for enforcing the solid waste or 3801
infectious waste provisions of this chapter and rules adopted 3802
under them and who do not hold a current and valid certification 3803
from the director at that time shall complete the course and be 3804

certified by the director within two years after becoming 3805
responsible for performing those activities. 3806

No person shall fail to obtain the certification required 3807
under this division. 3808

(M) The director shall not issue a permit under section 3809
3734.05 of the Revised Code to establish a solid waste facility, 3810
or to modify a solid waste facility operating on December 21, 3811
1988, in a manner that expands the disposal capacity or geographic 3812
area covered by the facility, that is or is to be located within 3813
the boundaries of a state park established or dedicated under 3814
Chapter 1541. of the Revised Code, a state park purchase area 3815
established under section 1541.02 of the Revised Code, any unit of 3816
the national park system, or any property that lies within the 3817
boundaries of a national park or recreation area, but that has not 3818
been acquired or is not administered by the secretary of the 3819
United States department of the interior, located in this state, 3820
or any candidate area located in this state and identified for 3821
potential inclusion in the national park system in the edition of 3822
the "national park system plan" submitted under paragraph (b) of 3823
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 3824
U.S.C.A. 1a-5, as amended, current at the time of filing of the 3825
application for the permit, unless the facility or proposed 3826
facility is or is to be used exclusively for the disposal of solid 3827
wastes generated within the park or recreation area and the 3828
director determines that the facility or proposed facility will 3829
not degrade any of the natural or cultural resources of the park 3830
or recreation area. The director shall not issue a variance under 3831
division (A) of this section and rules adopted under it, or issue 3832
an exemption order under division (G) of this section, that would 3833
authorize any such establishment or expansion of a solid waste 3834
facility within the boundaries of any such park or recreation 3835
area, state park purchase area, or candidate area, other than a 3836

solid waste facility exclusively for the disposal of solid wastes 3837
generated within the park or recreation area when the director 3838
determines that the facility will not degrade any of the natural 3839
or cultural resources of the park or recreation area. 3840

(N)(1) The rules adopted under division (A) of this section, 3841
other than those governing variances, do not apply to scrap tire 3842
collection, storage, monocell, monofill, and recovery facilities. 3843
Those facilities are subject to and governed by rules adopted 3844
under sections 3734.70 to 3734.73 of the Revised Code, as 3845
applicable. 3846

(2) Division (C) of this section does not apply to scrap tire 3847
collection, storage, monocell, monofill, and recovery facilities. 3848
The establishment and modification of those facilities are subject 3849
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 3850
Code, as applicable. 3851

(3) The director may adopt, amend, suspend, or rescind rules 3852
under division (A) of this section creating an alternative system 3853
for authorizing the establishment, operation, or modification of a 3854
solid waste compost facility in lieu of the requirement that a 3855
person seeking to establish, operate, or modify a solid waste 3856
compost facility apply for and receive a permit under division (C) 3857
of this section and section 3734.05 of the Revised Code and a 3858
license under division (A)(1) of that section. The rules may 3859
include requirements governing, without limitation, the 3860
classification of solid waste compost facilities, the submittal of 3861
operating records for solid waste compost facilities, and the 3862
creation of a registration or notification system in lieu of the 3863
issuance of permits and licenses for solid waste compost 3864
facilities. The rules shall specify the applicability of divisions 3865
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 3866
Code to a solid waste compost facility. 3867

Sec. 3734.18. (A) As used in this section: 3868

(1) "On-site facility" means a facility that treats or 3869
disposes of hazardous waste that is generated on the premises of 3870
the facility. 3871

(2) "Off-site facility" means a facility that treats or 3872
disposes of hazardous waste that is generated off the premises of 3873
the facility. 3874

(3) "Satellite facility" means any of the following: 3875

(a) An on-site facility that also receives hazardous waste 3876
from other premises owned by the same person who generates the 3877
waste on the facility premises; 3878

(b) An off-site facility operated so that all of the 3879
hazardous waste it receives is generated on one or more premises 3880
owned by the person who owns the facility; 3881

(c) An on-site facility that also receives hazardous waste 3882
that is transported uninterruptedly and directly to the facility 3883
through a pipeline from a generator who is not the owner of the 3884
facility. 3885

(B) A treatment or disposal facility that is subject to the 3886
fees that are levied under this section may be both an on-site 3887
facility and an off-site facility. The determination of whether an 3888
on-site facility fee or an off-site facility fee is to be paid for 3889
a hazardous waste that is treated or disposed of at the facility 3890
shall be based on whether that hazardous waste was generated on or 3891
off the premises of the facility. 3892

(C) There are hereby levied fees on the disposal of hazardous 3893
waste to be collected according to the following schedule at each 3894
disposal facility to which a hazardous waste facility installation 3895
and operation permit or renewal of a permit has been issued under 3896
this chapter or that is operating in accordance with a permit by 3897

rule under rules adopted by the director of environmental 3898
protection: 3899

(1) For disposal facilities that are off-site facilities ~~as~~ 3900
~~defined in division (E) of section 3734.02 of the Revised Code,~~ 3901
fees shall be levied at the rate of four dollars and fifty cents 3902
per ton for hazardous waste disposed of by deep well injection and 3903
nine dollars per ton for hazardous waste disposed of by land 3904
application or landfilling. The owner or operator of the facility, 3905
as a trustee for the state, shall collect the fees and forward 3906
them to the director in accordance with rules adopted under this 3907
section. 3908

(2) For disposal facilities that are on-site or satellite 3909
facilities, ~~as defined in division (E) of section 3734.02 of the~~ 3910
~~Revised Code,~~ fees shall be levied at the rate of two dollars per 3911
ton for hazardous waste disposed of by deep well injection and 3912
four dollars per ton for hazardous waste disposed of by land 3913
application or landfilling. The maximum annual disposal fee for an 3914
on-site disposal facility that disposes of one hundred thousand 3915
tons or less of hazardous waste in a year is twenty-five thousand 3916
dollars. The maximum annual disposal fee for an on-site facility 3917
that disposes of more than one hundred thousand tons of hazardous 3918
waste in a year by land application or landfilling is fifty 3919
thousand dollars, and the maximum annual fee for an on-site 3920
facility that disposes of more than one hundred thousand tons of 3921
hazardous waste in a year by deep well injection is one hundred 3922
thousand dollars. The maximum annual disposal fee for a satellite 3923
facility that disposes of one hundred thousand tons or less of 3924
hazardous waste in a year is thirty-seven thousand five hundred 3925
dollars, and the maximum annual disposal fee for a satellite 3926
facility that disposes of more than one hundred thousand tons of 3927
hazardous waste in a year is seventy-five thousand dollars, except 3928
that a satellite facility defined under division ~~(E)~~(A)(3)(b) of 3929

~~this~~ section 3734.02 of the Revised Code that receives hazardous 3930
waste from a single generation site is subject to the same maximum 3931
annual disposal fees as an on-site disposal facility. The owner or 3932
operator shall pay the fee to the director each year upon the 3933
anniversary of the date of issuance of the owner's or operator's 3934
installation and operation permit during the term of that permit 3935
and any renewal permit issued under division (H) of section 3936
3734.05 of the Revised Code or on the anniversary of the date of a 3937
permit by rule. If payment is late, the owner or operator shall 3938
pay an additional ten per cent of the amount of the fee for each 3939
month that it is late. 3940

~~(B)(D)~~ There are hereby levied fees at the rate of two 3941
dollars per ton on hazardous waste that is treated at treatment 3942
facilities that are not on-site or satellite facilities, ~~as~~ 3943
~~defined in division (E) of section 3734.02 of the Revised Code,~~ to 3944
which a hazardous waste facility installation and operation permit 3945
or renewal of a permit has been issued under this chapter, whose 3946
owner or operator is operating in accordance with a permit by rule 3947
under rules adopted by the director, or that are not subject to 3948
the hazardous waste facility installation and operation permit 3949
requirements under rules adopted by the director. 3950

~~(C)(E)~~ There are hereby levied additional fees on the 3951
treatment and disposal of hazardous waste at the rate of ten per 3952
cent of the applicable fees prescribed in division ~~(A)(C)~~ or 3953
~~(B)(D)~~ of this section for the purposes of paying the costs of 3954
municipal corporations and counties for conducting reviews of 3955
applications for hazardous waste facility installation and 3956
operation permits for proposed new or modified hazardous waste 3957
landfills within their boundaries, emergency response actions with 3958
respect to releases of hazardous waste from hazardous waste 3959
facilities within their boundaries, monitoring the operation of 3960
such hazardous waste facilities, and local waste management 3961

planning programs. The owner or operator of a facility located 3962
within a municipal corporation, as a trustee for the municipal 3963
corporation, shall collect the fees levied by this division and 3964
forward them to the treasurer of the municipal corporation or such 3965
officer as, by virtue of the charter, has the duties of the 3966
treasurer in accordance with rules adopted under this section. The 3967
owner or operator of a facility located in an unincorporated area, 3968
as a trustee of the county in which the facility is located, shall 3969
collect the fees levied by this division and forward them to the 3970
county treasurer of that county in accordance with rules adopted 3971
under this section. The owner or operator shall pay the fees 3972
levied by this division to the treasurer or such other officer of 3973
the municipal corporation or to the county treasurer each year 3974
upon the anniversary of the date of issuance of the owner's or 3975
operator's installation and operation permit during the term of 3976
that permit and any renewal permit issued under division (H) of 3977
section 3734.05 of the Revised Code or on the anniversary of the 3978
date of a permit by rule or the date on which the facility became 3979
exempt from hazardous waste facility installation and operation 3980
permit requirements under rules adopted by the director. If 3981
payment is late, the owner or operator shall pay an additional ten 3982
per cent of the amount of the fee for each month that the payment 3983
is late. 3984

Moneys received by a municipal corporation under this 3985
division shall be paid into a special fund of the municipal 3986
corporation and used exclusively for the purposes of conducting 3987
reviews of applications for hazardous waste facility installation 3988
and operation permits for new or modified hazardous waste 3989
landfills located or proposed within the municipal corporation, 3990
conducting emergency response actions with respect to releases of 3991
hazardous waste from facilities located within the municipal 3992
corporation, monitoring operation of such hazardous waste 3993
facilities, and conducting waste management planning programs 3994

within the municipal corporation through employees of the 3995
municipal corporation or pursuant to contracts entered into with 3996
persons or political subdivisions. Moneys received by a board of 3997
county commissioners under this division shall be paid into a 3998
special fund of the county and used exclusively for those purposes 3999
within the unincorporated area of the county through employees of 4000
the county or pursuant to contracts entered into with persons or 4001
political subdivisions. 4002

~~(D)~~(F) As used in this section, "treatment" or "treated" does 4003
not include any method, technique, or process designed to recover 4004
energy or material resources from the waste or to render the waste 4005
amenable for recovery. The fees levied by division ~~(B)~~(D) of this 4006
section do not apply to hazardous waste that is treated and 4007
disposed of on the same premises or by the same person. 4008

~~(E)~~(G) The director, by rules adopted in accordance with 4009
Chapters 119. and 3745. of the Revised Code, shall prescribe any 4010
dates not specified in this section and procedures for collecting 4011
and forwarding the fees prescribed by this section and may 4012
prescribe other requirements that are necessary to carry out this 4013
section. 4014

The director shall deposit the moneys collected under 4015
divisions ~~(A)~~(C) and ~~(B)~~(D) of this section into one or more 4016
minority banks, as "minority bank" is defined in division (F)(1) 4017
of section 135.04 of the Revised Code, to the credit of the 4018
hazardous waste facility management fund, which is hereby created 4019
in the state treasury, except that the director shall deposit to 4020
the credit of the underground injection control fund created in 4021
section 6111.046 of the Revised Code moneys in excess of fifty 4022
thousand dollars that are collected during a fiscal year under 4023
division ~~(A)~~(C)(2) of this section from the fee levied on the 4024
disposal of hazardous waste by deep well injection at an on-site 4025
disposal facility that disposes of more than one hundred thousand 4026

tons of hazardous waste in a year. 4027

The environmental protection agency may use moneys in the 4028
hazardous waste facility management fund for administration of the 4029
hazardous waste program established under this chapter and, in 4030
accordance with this section, may request approval by the 4031
controlling board for that use on an annual basis. In addition, 4032
the agency may use and pledge moneys in that fund for repayment of 4033
and for interest on any loans made by the Ohio water development 4034
authority to the agency for the hazardous waste program 4035
established under this chapter without the necessity of requesting 4036
approval by the controlling board, which use and pledge shall have 4037
priority over any other use of the moneys in the fund. 4038

Until September 28, 1996, the director also may use moneys in 4039
the fund to pay the start-up costs of administering Chapter 3746. 4040
of the Revised Code. 4041

If moneys in the fund that the agency uses in accordance with 4042
this chapter are reimbursed by grants or other moneys from the 4043
United States government, the grants or other moneys shall be 4044
placed in the fund. 4045

Before the agency makes any expenditure from the fund other 4046
than for repayment of and interest on any loan made by the Ohio 4047
water development authority to the agency in accordance with this 4048
section, the controlling board shall approve the expenditure. 4049

Sec. 3734.57. (A) For the purposes of paying the state's 4050
long-term operation costs or matching share for actions taken 4051
under the "Comprehensive Environmental Response, Compensation, and 4052
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 4053
amended; paying the costs of measures for proper clean-up of sites 4054
where polychlorinated biphenyls and substances, equipment, and 4055
devices containing or contaminated with polychlorinated biphenyls 4056
have been stored or disposed of; paying the costs of conducting 4057

surveys or investigations of solid waste facilities or other 4058
locations where it is believed that significant quantities of 4059
hazardous waste were disposed of and for conducting enforcement 4060
actions arising from the findings of such surveys or 4061
investigations; paying the costs of acquiring and cleaning up, or 4062
providing financial assistance for cleaning up, any hazardous 4063
waste facility or solid waste facility containing significant 4064
quantities of hazardous waste, that constitutes an imminent and 4065
substantial threat to public health or safety or the environment; 4066
and, from July 1, 2003, through June 30, 2006, for the purposes of 4067
paying the costs of administering and enforcing the laws 4068
pertaining to solid wastes, infectious wastes, and construction 4069
and demolition debris, including, without limitation, ground water 4070
evaluations related to solid wastes, infectious wastes, and 4071
construction and demolition debris, under this chapter and Chapter 4072
3714. of the Revised Code and any rules adopted under them, and 4073
paying a share of the administrative costs of the environmental 4074
protection agency pursuant to section 3745.014 of the Revised 4075
Code, the following fees are hereby levied on the disposal of 4076
solid wastes in this state: 4077

(1) One dollar per ton on and after July 1, 1993; 4078

(2) An additional one dollar per ton on and after July 1, 4079
2003, through June 30, 2006. 4080

The owner or operator of a solid waste disposal facility 4081
shall collect the fees levied under this division as a trustee for 4082
the state and shall prepare and file with the director of 4083
environmental protection monthly returns indicating the total 4084
tonnage of solid wastes received for disposal at the gate of the 4085
facility and the total amount of the fees collected under this 4086
division. Not later than thirty days after the last day of the 4087
month to which such a return applies, the owner or operator shall 4088
mail to the director the return for that month together with the 4089

fees collected during that month as indicated on the return. The 4090
owner or operator may request an extension of not more than thirty 4091
days for filing the return and remitting the fees, provided that 4092
the owner or operator has submitted such a request in writing to 4093
the director together with a detailed description of why the 4094
extension is requested, the director has received the request not 4095
later than the day on which the return is required to be filed, 4096
and the director has approved the request. If the fees are not 4097
remitted within ~~sixty~~ thirty days after the last day of the month 4098
during which they were collected or are not remitted by the last 4099
day of an extension approved by the director, the owner or 4100
operator shall pay an additional fifty per cent of the amount of 4101
the fees for each month that they are late. 4102

One-half of the moneys remitted to the director under 4103
division (A)(1) of this section shall be credited to the hazardous 4104
waste facility management fund created in section 3734.18 of the 4105
Revised Code, and one-half shall be credited to the hazardous 4106
waste clean-up fund created in section 3734.28 of the Revised 4107
Code. The moneys remitted to the director under division (A)(2) of 4108
this section shall be credited to the solid waste fund, which is 4109
hereby created in the state treasury. The environmental protection 4110
agency shall use moneys in the solid waste fund only to pay the 4111
costs of administering and enforcing the laws pertaining to solid 4112
wastes, infectious wastes, and construction and demolition debris, 4113
including, without limitation, ground water evaluations related to 4114
solid wastes, infectious wastes, and construction and demolition 4115
debris, under this chapter and Chapter 3714. of the Revised Code 4116
and rules adopted under them and to pay a share of the 4117
administrative costs of the environmental protection agency 4118
pursuant to section 3745.014 of the Revised Code. 4119

The fees levied under this division and divisions (B) and (C) 4120
of this section are in addition to all other applicable fees and 4121

taxes and shall be added to any other fee or amount specified in a 4122
contract that is charged by the owner or operator of a solid waste 4123
disposal facility or to any other fee or amount that is specified 4124
in a contract entered into on or after March 4, 1992, and that is 4125
charged by a transporter of solid wastes. 4126

(B) For the purpose of preparing, revising, and implementing 4127
the solid waste management plan of the county or joint solid waste 4128
management district, including, without limitation, the 4129
development and implementation of solid waste recycling or 4130
reduction programs; providing financial assistance to boards of 4131
health within the district, if solid waste facilities are located 4132
within the district, for the enforcement of this chapter and rules 4133
adopted and orders and terms and conditions of permits, licenses, 4134
and variances issued under it, other than the hazardous waste 4135
provisions of this chapter and rules adopted and orders and terms 4136
and conditions of permits issued under those provisions; providing 4137
financial assistance to the county to defray the added costs of 4138
maintaining roads and other public facilities and of providing 4139
emergency and other public services resulting from the location 4140
and operation of a solid waste facility within the county under 4141
the district's approved solid waste management plan; paying the 4142
costs incurred by boards of health for collecting and analyzing 4143
water samples from public or private wells on lands adjacent to 4144
solid waste facilities that are contained in the approved or 4145
amended plan of the district; paying the costs of developing and 4146
implementing a program for the inspection of solid wastes 4147
generated outside the boundaries of this state that are disposed 4148
of at solid waste facilities included in the district's approved 4149
solid waste management plan or amended plan; providing financial 4150
assistance to boards of health within the district for enforcing 4151
laws prohibiting open dumping; providing financial assistance to 4152
local law enforcement agencies within the district for enforcing 4153
laws and ordinances prohibiting littering; providing financial 4154

assistance to boards of health of health districts within the 4155
district that are on the approved list under section 3734.08 of 4156
the Revised Code for the training and certification required for 4157
their employees responsible for solid waste enforcement by rules 4158
adopted under division (L) of section 3734.02 of the Revised Code; 4159
providing financial assistance to individual municipal 4160
corporations and townships within the district to defray their 4161
added costs of maintaining roads and other public facilities and 4162
of providing emergency and other public services resulting from 4163
the location and operation within their boundaries of a 4164
composting, energy or resource recovery, incineration, or 4165
recycling facility that either is owned by the district or is 4166
furnishing solid waste management facility or recycling services 4167
to the district pursuant to a contract or agreement with the board 4168
of county commissioners or directors of the district; and payment 4169
of any expenses that are agreed to, awarded, or ordered to be paid 4170
under section 3734.35 of the Revised Code and of any 4171
administrative costs incurred pursuant to that section, the solid 4172
waste management policy committee of a county or joint solid waste 4173
management district may levy fees upon the following activities: 4174

(1) The disposal at a solid waste disposal facility located 4175
in the district of solid wastes generated within the district; 4176

(2) The disposal at a solid waste disposal facility within 4177
the district of solid wastes generated outside the boundaries of 4178
the district, but inside this state; 4179

(3) The disposal at a solid waste disposal facility within 4180
the district of solid wastes generated outside the boundaries of 4181
this state. 4182

If any such fees are levied prior to January 1, 1994, fees 4183
levied under division (B)(1) of this section always shall be equal 4184
to one-half of the fees levied under division (B)(2) of this 4185
section, and fees levied under division (B)(3) of this section, 4186

which shall be in addition to fees levied under division (B)(2) of 4187
this section, always shall be equal to fees levied under division 4188
(B)(1) of this section, except as otherwise provided in this 4189
division. The solid waste management plan of the county or joint 4190
district approved under section 3734.521 or 3734.55 of the Revised 4191
Code and any amendments to it, or the resolution adopted under 4192
this division, as appropriate, shall establish the rates of the 4193
fees levied under divisions (B)(1), (2), and (3) of this section, 4194
if any, and shall specify whether the fees are levied on the basis 4195
of tons or cubic yards as the unit of measurement. Although the 4196
fees under divisions (A)(1) and (2) of this section are levied on 4197
the basis of tons as the unit of measurement, the solid waste 4198
management plan of the district and any amendments to it or the 4199
solid waste management policy committee in its resolution levying 4200
fees under this division may direct that the fees levied under 4201
those divisions be levied on the basis of cubic yards as the unit 4202
of measurement based upon a conversion factor of three cubic yards 4203
per ton generally or one cubic yard per ton for baled wastes if 4204
the fees under divisions (B)(1) to (3) of this section are being 4205
levied on the basis of cubic yards as the unit of measurement 4206
under the plan, amended plan, or resolution. 4207

On and after January 1, 1994, the fee levied under division 4208
(B)(1) of this section shall be not less than one dollar per ton 4209
nor more than two dollars per ton, the fee levied under division 4210
(B)(2) of this section shall be not less than two dollars per ton 4211
nor more than four dollars per ton, and the fee levied under 4212
division (B)(3) of this section shall be not more than the fee 4213
levied under division (B)(1) of this section, except as otherwise 4214
provided in this division and notwithstanding any schedule of 4215
those fees established in the solid waste management plan of a 4216
county or joint district approved under section 3734.55 of the 4217
Revised Code or a resolution adopted and ratified under this 4218
division that is in effect on that date. If the fee that a 4219

district is levying under division (B)(1) of this section on that 4220
date under its approved plan or such a resolution is less than one 4221
dollar per ton, the fee shall be one dollar per ton on and after 4222
January 1, 1994, and if the fee that a district is so levying 4223
under that division exceeds two dollars per ton, the fee shall be 4224
two dollars per ton on and after that date. If the fee that a 4225
district is so levying under division (B)(2) of this section is 4226
less than two dollars per ton, the fee shall be two dollars per 4227
ton on and after that date, and if the fee that the district is so 4228
levying under that division exceeds four dollars per ton, the fee 4229
shall be four dollars per ton on and after that date. On that 4230
date, the fee levied by a district under division (B)(3) of this 4231
section shall be equal to the fee levied under division (B)(1) of 4232
this section. Except as otherwise provided in this division, the 4233
fees established by the operation of this amendment shall remain 4234
in effect until the district's resolution levying fees under this 4235
division is amended or repealed in accordance with this division 4236
to amend or abolish the schedule of fees, the schedule of fees is 4237
amended or abolished in an amended plan of the district approved 4238
under section 3734.521 or division (A) or (D) of section 3734.56 4239
of the Revised Code, or the schedule of fees is amended or 4240
abolished through an amendment to the district's plan under 4241
division (E) of section 3734.56 of the Revised Code; the 4242
notification of the amendment or abolishment of the fees has been 4243
given in accordance with this division; and collection of the 4244
amended fees so established commences, or collection of the fees 4245
ceases, in accordance with this division. 4246

The solid waste management policy committee of a district 4247
levying fees under divisions (B)(1) to (3) of this section on 4248
October 29, 1993, under its solid waste management plan approved 4249
under section 3734.55 of the Revised Code or a resolution adopted 4250
and ratified under this division that are within the ranges of 4251
rates prescribed by this amendment, by adoption of a resolution 4252

not later than December 1, 1993, and without the necessity for 4253
ratification of the resolution under this division, may amend 4254
those fees within the prescribed ranges, provided that the 4255
estimated revenues from the amended fees will not substantially 4256
exceed the estimated revenues set forth in the district's budget 4257
for calendar year 1994. Not later than seven days after the 4258
adoption of such a resolution, the committee shall notify by 4259
certified mail the owner or operator of each solid waste disposal 4260
facility that is required to collect the fees of the adoption of 4261
the resolution and of the amount of the amended fees. Collection 4262
of the amended fees shall take effect on the first day of the 4263
first month following the month in which the notification is sent 4264
to the owner or operator. The fees established in such a 4265
resolution shall remain in effect until the district's resolution 4266
levying fees that was adopted and ratified under this division is 4267
amended or repealed, and the amendment or repeal of the resolution 4268
is ratified, in accordance with this division, to amend or abolish 4269
the fees, the schedule of fees is amended or abolished in an 4270
amended plan of the district approved under section 3734.521 or 4271
division (A) or (D) of section 3734.56 of the Revised Code, or the 4272
schedule of fees is amended or abolished through an amendment to 4273
the district's plan under division (E) of section 3734.56 of the 4274
Revised Code; the notification of the amendment or abolishment of 4275
the fees has been given in accordance with this division; and 4276
collection of the amended fees so established commences, or 4277
collection of the fees ceases, in accordance with this division. 4278

Prior to the approval of the solid waste management plan of 4279
the district under section 3734.55 of the Revised Code, the solid 4280
waste management policy committee of a district may levy fees 4281
under this division by adopting a resolution establishing the 4282
proposed amount of the fees. Upon adopting the resolution, the 4283
committee shall deliver a copy of the resolution to the board of 4284
county commissioners of each county forming the district and to 4285

the legislative authority of each municipal corporation and 4286
township under the jurisdiction of the district and shall prepare 4287
and publish the resolution and a notice of the time and location 4288
where a public hearing on the fees will be held. Upon adopting the 4289
resolution, the committee shall deliver written notice of the 4290
adoption of the resolution; of the amount of the proposed fees; 4291
and of the date, time, and location of the public hearing to the 4292
director and to the fifty industrial, commercial, or institutional 4293
generators of solid wastes within the district that generate the 4294
largest quantities of solid wastes, as determined by the 4295
committee, and to their local trade associations. The committee 4296
shall make good faith efforts to identify those generators within 4297
the district and their local trade associations, but the 4298
nonprovision of notice under this division to a particular 4299
generator or local trade association does not invalidate the 4300
proceedings under this division. The publication shall occur at 4301
least thirty days before the hearing. After the hearing, the 4302
committee may make such revisions to the proposed fees as it 4303
considers appropriate and thereafter, by resolution, shall adopt 4304
the revised fee schedule. Upon adopting the revised fee schedule, 4305
the committee shall deliver a copy of the resolution doing so to 4306
the board of county commissioners of each county forming the 4307
district and to the legislative authority of each municipal 4308
corporation and township under the jurisdiction of the district. 4309
Within sixty days after the delivery of a copy of the resolution 4310
adopting the proposed revised fees by the policy committee, each 4311
such board and legislative authority, by ordinance or resolution, 4312
shall approve or disapprove the revised fees and deliver a copy of 4313
the ordinance or resolution to the committee. If any such board or 4314
legislative authority fails to adopt and deliver to the policy 4315
committee an ordinance or resolution approving or disapproving the 4316
revised fees within sixty days after the policy committee 4317
delivered its resolution adopting the proposed revised fees, it 4318

shall be conclusively presumed that the board or legislative 4319
authority has approved the proposed revised fees. 4320

In the case of a county district or a joint district formed 4321
by two or three counties, the committee shall declare the proposed 4322
revised fees to be ratified as the fee schedule of the district 4323
upon determining that the board of county commissioners of each 4324
county forming the district has approved the proposed revised fees 4325
and that the legislative authorities of a combination of municipal 4326
corporations and townships with a combined population within the 4327
district comprising at least sixty per cent of the total 4328
population of the district have approved the proposed revised 4329
fees, provided that in the case of a county district, that 4330
combination shall include the municipal corporation having the 4331
largest population within the boundaries of the district, and 4332
provided further that in the case of a joint district formed by 4333
two or three counties, that combination shall include for each 4334
county forming the joint district the municipal corporation having 4335
the largest population within the boundaries of both the county in 4336
which the municipal corporation is located and the joint district. 4337
In the case of a joint district formed by four or more counties, 4338
the committee shall declare the proposed revised fees to be 4339
ratified as the fee schedule of the joint district upon 4340
determining that the boards of county commissioners of a majority 4341
of the counties forming the district have approved the proposed 4342
revised fees; that, in each of a majority of the counties forming 4343
the joint district, the proposed revised fees have been approved 4344
by the municipal corporation having the largest population within 4345
the county and the joint district; and that the legislative 4346
authorities of a combination of municipal corporations and 4347
townships with a combined population within the joint district 4348
comprising at least sixty per cent of the total population of the 4349
joint district have approved the proposed revised fees. 4350

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

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

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

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

the owner or operator. 4383

Not later than fourteen days after the director issues an 4384
order approving a district's solid waste management plan under 4385
section 3734.55 of the Revised Code or amended plan under division 4386
(A) or (D) of section 3734.56 of the Revised Code that establishes 4387
or amends a schedule of fees levied by the district, or the 4388
ratification of an amendment to the district's approved plan or 4389
amended plan under division (E) of section 3734.56 of the Revised 4390
Code that establishes or amends a schedule of fees, as 4391
appropriate, the committee shall notify by certified mail the 4392
owner or operator of each solid waste disposal facility that is 4393
required to collect the fees of the approval of the plan or 4394
amended plan, or the amendment to the plan, as appropriate, and 4395
the amount of the fees or amended fees. In the case of an initial 4396
or amended plan approved under section 3734.521 of the Revised 4397
Code in connection with a change in district composition, other 4398
than one involving the withdrawal of a county from a joint 4399
district, that establishes or amends a schedule of fees levied 4400
under divisions (B)(1) to (3) of this section by a district 4401
resulting from the change, the committee, within fourteen days 4402
after the change takes effect pursuant to division (G) of that 4403
section, shall notify by certified mail the owner or operator of 4404
each solid waste disposal facility that is required to collect the 4405
fees that the change has taken effect and of the amount of the 4406
fees or amended fees. Collection of any fees set forth in a plan 4407
or amended plan approved by the director on or after April 16, 4408
1993, or an amendment of a plan or amended plan under division (E) 4409
of section 3734.56 of the Revised Code that is ratified on or 4410
after April 16, 1993, shall commence on the first day of the 4411
second month following the month in which notification is sent to 4412
the owner or operator. 4413

Not later than fourteen days after the director issues an 4414

order approving a district's plan under section 3734.55 of the 4415
Revised Code or amended plan under division (A) or (D) of section 4416
3734.56 of the Revised Code that abolishes the schedule of fees 4417
levied under divisions (B)(1) to (3) of this section, or an 4418
amendment to the district's approved plan or amended plan 4419
abolishing the schedule of fees is ratified pursuant to division 4420
(E) of section 3734.56 of the Revised Code, as appropriate, the 4421
committee shall notify by certified mail the owner or operator of 4422
each facility that is collecting the fees of the approval of the 4423
plan or amended plan, or the amendment of the plan or amended 4424
plan, as appropriate, and the abolishment of the fees. In the case 4425
of an initial or amended plan approved under section 3734.521 of 4426
the Revised Code in connection with a change in district 4427
composition, other than one involving the withdrawal of a county 4428
from a joint district, that abolishes the schedule of fees levied 4429
under divisions (B)(1) to (3) of this section by a district 4430
resulting from the change, the committee, within fourteen days 4431
after the change takes effect pursuant to division (G) of that 4432
section, shall notify by certified mail the owner or operator of 4433
each solid waste disposal facility that is required to collect the 4434
fees that the change has taken effect and of the abolishment of 4435
the fees. Collection of the fees shall cease on the first day of 4436
the second month following the month in which notification is sent 4437
to the owner or operator. 4438

Except as otherwise provided in this division, if the 4439
schedule of fees that a district is levying under divisions (B)(1) 4440
to (3) of this section pursuant to a resolution or amended 4441
resolution adopted and ratified under this division, the solid 4442
waste management plan of the district approved under section 4443
3734.55 of the Revised Code, an amended plan approved under 4444
division (A) or (D) of section 3734.56 of the Revised Code, or an 4445
amendment to the district's approved plan or amended plan under 4446
division (E) of section 3734.56 of the Revised Code, is amended by 4447

the adoption and ratification of an amendment to the resolution or 4448
amended resolution or an amendment of the district's approved plan 4449
or amended plan, the fees in effect immediately prior to the 4450
approval of the plan or the amendment of the resolution, amended 4451
resolution, plan, or amended plan, as appropriate, shall continue 4452
to be collected until collection of the amended fees commences 4453
pursuant to this division. 4454

If, in the case of a change in district composition involving 4455
the withdrawal of a county from a joint district, the director 4456
completes the actions required under division (G)(1) or (3) of 4457
section 3734.521 of the Revised Code, as appropriate, forty-five 4458
days or more before the beginning of a calendar year, the policy 4459
committee of each of the districts resulting from the change that 4460
obtained the director's approval of an initial or amended plan in 4461
connection with the change, within fourteen days after the 4462
director's completion of the required actions, shall notify by 4463
certified mail the owner or operator of each solid waste disposal 4464
facility that is required to collect the district's fees that the 4465
change is to take effect on the first day of January immediately 4466
following the issuance of the notice and of the amount of the fees 4467
or amended fees levied under divisions (B)(1) to (3) of this 4468
section pursuant to the district's initial or amended plan as so 4469
approved or, if appropriate, the abolishment of the district's 4470
fees by that initial or amended plan. Collection of any fees set 4471
forth in such a plan or amended plan shall commence on the first 4472
day of January immediately following the issuance of the notice. 4473
If such an initial or amended plan abolishes a schedule of fees, 4474
collection of the fees shall cease on that first day of January. 4475

If, in the case of a change in district composition involving 4476
the withdrawal of a county from a joint district, the director 4477
completes the actions required under division (G)(1) or (3) of 4478
section 3734.521 of the Revised Code, as appropriate, less than 4479

forty-five days before the beginning of a calendar year, the 4480
director, on behalf of each of the districts resulting from the 4481
change that obtained the director's approval of an initial or 4482
amended plan in connection with the change proceedings, shall 4483
notify by certified mail the owner or operator of each solid waste 4484
disposal facility that is required to collect the district's fees 4485
that the change is to take effect on the first day of January 4486
immediately following the mailing of the notice and of the amount 4487
of the fees or amended fees levied under divisions (B)(1) to (3) 4488
of this section pursuant to the district's initial or amended plan 4489
as so approved or, if appropriate, the abolishment of the 4490
district's fees by that initial or amended plan. Collection of any 4491
fees set forth in such a plan or amended plan shall commence on 4492
the first day of the second month following the month in which 4493
notification is sent to the owner or operator. If such an initial 4494
or amended plan abolishes a schedule of fees, collection of the 4495
fees shall cease on the first day of the second month following 4496
the month in which notification is sent to the owner or operator. 4497

In the case of a change in district composition, the schedule 4498
of fees that the former districts that existed prior to the change 4499
were levying under divisions (B)(1) to (3) of this section 4500
pursuant to a resolution or amended resolution adopted and 4501
ratified under this division, the solid waste management plan of a 4502
former district approved under section 3734.521 or 3734.55 of the 4503
Revised Code, an amended plan approved under section 3734.521 or 4504
division (A) or (D) of section 3734.56 of the Revised Code, or an 4505
amendment to a former district's approved plan or amended plan 4506
under division (E) of section 3734.56 of the Revised Code, and 4507
that were in effect on the date that the director completed the 4508
actions required under division (G)(1) or (3) of section 3734.521 4509
of the Revised Code shall continue to be collected until the 4510
collection of the fees or amended fees of the districts resulting 4511
from the change is required to commence, or if an initial or 4512

amended plan of a resulting district abolishes a schedule of fees, 4513
collection of the fees is required to cease, under this division. 4514
Moneys so received from the collection of the fees of the former 4515
districts shall be divided among the resulting districts in 4516
accordance with division (B) of section 343.012 of the Revised 4517
Code and the agreements entered into under division (B) of section 4518
343.01 of the Revised Code to establish the former and resulting 4519
districts and any amendments to those agreements. 4520

For the purposes of the provisions of division (B) of this 4521
section establishing the times when newly established or amended 4522
fees levied by a district are required to commence and the 4523
collection of fees that have been amended or abolished is required 4524
to cease, "fees" or "schedule of fees" includes, in addition to 4525
fees levied under divisions (B)(1) to (3) of this section, those 4526
levied under section 3734.573 or 3734.574 of the Revised Code. 4527

(C) For the purposes of defraying the added costs to a 4528
municipal corporation or township of maintaining roads and other 4529
public facilities and of providing emergency and other public 4530
services, and compensating a municipal corporation or township for 4531
reductions in real property tax revenues due to reductions in real 4532
property valuations resulting from the location and operation of a 4533
solid waste disposal facility within the municipal corporation or 4534
township, a municipal corporation or township in which such a 4535
solid waste disposal facility is located may levy a fee of not 4536
more than twenty-five cents per ton on the disposal of solid 4537
wastes at a solid waste disposal facility located within the 4538
boundaries of the municipal corporation or township regardless of 4539
where the wastes were generated. 4540

The legislative authority of a municipal corporation or 4541
township may levy fees under this division by enacting an 4542
ordinance or adopting a resolution establishing the amount of the 4543
fees. Upon so doing the legislative authority shall mail a 4544

certified copy of the ordinance or resolution to the board of 4545
county commissioners or directors of the county or joint solid 4546
waste management district in which the municipal corporation or 4547
township is located or, if a regional solid waste management 4548
authority has been formed under section 343.011 of the Revised 4549
Code, to the board of trustees of that regional authority, the 4550
owner or operator of each solid waste disposal facility in the 4551
municipal corporation or township that is required to collect the 4552
fee by the ordinance or resolution, and the director of 4553
environmental protection. Although the fees levied under this 4554
division are levied on the basis of tons as the unit of 4555
measurement, the legislative authority, in its ordinance or 4556
resolution levying the fees under this division, may direct that 4557
the fees be levied on the basis of cubic yards as the unit of 4558
measurement based upon a conversion factor of three cubic yards 4559
per ton generally or one cubic yard per ton for baled wastes. 4560

Not later than five days after enacting an ordinance or 4561
adopting a resolution under this division, the legislative 4562
authority shall so notify by certified mail the owner or operator 4563
of each solid waste disposal facility that is required to collect 4564
the fee. Collection of any fee levied on or after March 24, 1992, 4565
shall commence on the first day of the second month following the 4566
month in which notification is sent to the owner or operator. 4567

(D)(1) The fees levied under divisions (A), (B), and (C) of 4568
this section do not apply to the disposal of solid wastes that: 4569

(a) Are disposed of at a facility owned by the generator of 4570
the wastes when the solid waste facility exclusively disposes of 4571
solid wastes generated at one or more premises owned by the 4572
generator regardless of whether the facility is located on a 4573
premises where the wastes are generated; 4574

(b) Are disposed of at facilities that exclusively dispose of 4575
wastes that are generated from the combustion of coal, or from the 4576

combustion of primarily coal in combination with scrap tires, that 4577
is not combined in any way with garbage at one or more premises 4578
owned by the generator. 4579

(2) Except as provided in section 3734.571 of the Revised 4580
Code, any fees levied under division (B)(1) of this section apply 4581
to solid wastes originating outside the boundaries of a county or 4582
joint district that are covered by an agreement for the joint use 4583
of solid waste facilities entered into under section 343.02 of the 4584
Revised Code by the board of county commissioners or board of 4585
directors of the county or joint district where the wastes are 4586
generated and disposed of. 4587

(3) When solid wastes, other than solid wastes that consist 4588
of scrap tires, are burned in a disposal facility that is an 4589
incinerator or energy recovery facility, the fees levied under 4590
divisions (A), (B), and (C) of this section shall be levied upon 4591
the disposal of the fly ash and bottom ash remaining after burning 4592
of the solid wastes and shall be collected by the owner or 4593
operator of the sanitary landfill where the ash is disposed of. 4594

(4) When solid wastes are delivered to a solid waste transfer 4595
facility, the fees levied under divisions (A), (B), and (C) of 4596
this section shall be levied upon the disposal of solid wastes 4597
transported off the premises of the transfer facility for disposal 4598
and shall be collected by the owner or operator of the solid waste 4599
disposal facility where the wastes are disposed of. 4600

(5) The fees levied under divisions (A), (B), and (C) of this 4601
section do not apply to sewage sludge that is generated by a waste 4602
water treatment facility holding a national pollutant discharge 4603
elimination system permit and that is disposed of through 4604
incineration, land application, or composting or at another 4605
resource recovery or disposal facility that is not a landfill. 4606

(6) The fees levied under divisions (A), (B), and (C) of this 4607

section do not apply to solid wastes delivered to a solid waste 4608
composting facility for processing. When any unprocessed solid 4609
waste or compost product is transported off the premises of a 4610
composting facility and disposed of at a landfill, the fees levied 4611
under divisions (A), (B), and (C) of this section shall be 4612
collected by the owner or operator of the landfill where the 4613
unprocessed waste or compost product is disposed of. 4614

(7) When solid wastes that consist of scrap tires are 4615
processed at a scrap tire recovery facility, the fees levied under 4616
divisions (A), (B), and (C) of this section shall be levied upon 4617
the disposal of the fly ash and bottom ash or other solid wastes 4618
remaining after the processing of the scrap tires and shall be 4619
collected by the owner or operator of the solid waste disposal 4620
facility where the ash or other solid wastes are disposed of. 4621

(E) The fees levied under divisions (B) and (C) of this 4622
section shall be collected by the owner or operator of the solid 4623
waste disposal facility where the wastes are disposed of as a 4624
trustee for the county or joint district and municipal corporation 4625
or township where the wastes are disposed of. Moneys from the fees 4626
levied under division (B) of this section shall be forwarded to 4627
the board of county commissioners or board of directors of the 4628
district in accordance with rules adopted under division (H) of 4629
this section. Moneys from the fees levied under division (C) of 4630
this section shall be forwarded to the treasurer or such other 4631
officer of the municipal corporation as, by virtue of the charter, 4632
has the duties of the treasurer or to the clerk of the township, 4633
as appropriate, in accordance with those rules. 4634

(F) Moneys received by the treasurer or such other officer of 4635
the municipal corporation under division (E) of this section shall 4636
be paid into the general fund of the municipal corporation. Moneys 4637
received by the clerk of the township under that division shall be 4638
paid into the general fund of the township. The treasurer or such 4639

other officer of the municipal corporation or the clerk, as 4640
appropriate, shall maintain separate records of the moneys 4641
received from the fees levied under division (C) of this section. 4642

(G) Moneys received by the board of county commissioners or 4643
board of directors under division (E) of this section or section 4644
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 4645
shall be paid to the county treasurer, or other official acting in 4646
a similar capacity under a county charter, in a county district or 4647
to the county treasurer or other official designated by the board 4648
of directors in a joint district and kept in a separate and 4649
distinct fund to the credit of the district. If a regional solid 4650
waste management authority has been formed under section 343.011 4651
of the Revised Code, moneys received by the board of trustees of 4652
that regional authority under division (E) of this section shall 4653
be kept by the board in a separate and distinct fund to the credit 4654
of the district. Moneys in the special fund of the county or joint 4655
district arising from the fees levied under division (B) of this 4656
section and the fee levied under division (A) of section 3734.573 4657
of the Revised Code shall be expended by the board of county 4658
commissioners or directors of the district in accordance with the 4659
district's solid waste management plan or amended plan approved 4660
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 4661
exclusively for the following purposes: 4662

(1) Preparation of the solid waste management plan of the 4663
district under section 3734.54 of the Revised Code, monitoring 4664
implementation of the plan, and conducting the periodic review and 4665
amendment of the plan required by section 3734.56 of the Revised 4666
Code by the solid waste management policy committee; 4667

(2) Implementation of the approved solid waste management 4668
plan or amended plan of the district, including, without 4669
limitation, the development and implementation of solid waste 4670
recycling or reduction programs; 4671

(3) Providing financial assistance to boards of health within 4672
the district, if solid waste facilities are located within the 4673
district, for enforcement of this chapter and rules, orders, and 4674
terms and conditions of permits, licenses, and variances adopted 4675
or issued under it, other than the hazardous waste provisions of 4676
this chapter and rules adopted and orders and terms and conditions 4677
of permits issued under those provisions; 4678

(4) Providing financial assistance to each county within the 4679
district to defray the added costs of maintaining roads and other 4680
public facilities and of providing emergency and other public 4681
services resulting from the location and operation of a solid 4682
waste facility within the county under the district's approved 4683
solid waste management plan or amended plan; 4684

(5) Pursuant to contracts entered into with boards of health 4685
within the district, if solid waste facilities contained in the 4686
district's approved plan or amended plan are located within the 4687
district, for paying the costs incurred by those boards of health 4688
for collecting and analyzing samples from public or private water 4689
wells on lands adjacent to those facilities; 4690

(6) Developing and implementing a program for the inspection 4691
of solid wastes generated outside the boundaries of this state 4692
that are disposed of at solid waste facilities included in the 4693
district's approved solid waste management plan or amended plan; 4694

(7) Providing financial assistance to boards of health within 4695
the district for the enforcement of section 3734.03 of the Revised 4696
Code or to local law enforcement agencies having jurisdiction 4697
within the district for enforcing anti-littering laws and 4698
ordinances; 4699

(8) Providing financial assistance to boards of health of 4700
health districts within the district that are on the approved list 4701
under section 3734.08 of the Revised Code to defray the costs to 4702

the health districts for the participation of their employees 4703
responsible for enforcement of the solid waste provisions of this 4704
chapter and rules adopted and orders and terms and conditions of 4705
permits, licenses, and variances issued under those provisions in 4706
the training and certification program as required by rules 4707
adopted under division (L) of section 3734.02 of the Revised Code; 4708

(9) Providing financial assistance to individual municipal 4709
corporations and townships within the district to defray their 4710
added costs of maintaining roads and other public facilities and 4711
of providing emergency and other public services resulting from 4712
the location and operation within their boundaries of a 4713
composting, energy or resource recovery, incineration, or 4714
recycling facility that either is owned by the district or is 4715
furnishing solid waste management facility or recycling services 4716
to the district pursuant to a contract or agreement with the board 4717
of county commissioners or directors of the district; 4718

(10) Payment of any expenses that are agreed to, awarded, or 4719
ordered to be paid under section 3734.35 of the Revised Code and 4720
of any administrative costs incurred pursuant to that section. In 4721
the case of a joint solid waste management district, if the board 4722
of county commissioners of one of the counties in the district is 4723
negotiating on behalf of affected communities, as defined in that 4724
section, in that county, the board shall obtain the approval of 4725
the board of directors of the district in order to expend moneys 4726
for administrative costs incurred. 4727

Prior to the approval of the district's solid waste 4728
management plan under section 3734.55 of the Revised Code, moneys 4729
in the special fund of the district arising from the fees shall be 4730
expended for those purposes in the manner prescribed by the solid 4731
waste management policy committee by resolution. 4732

Notwithstanding division (G)(6) of this section as it existed 4733
prior to October 29, 1993, or any provision in a district's solid 4734

waste management plan prepared in accordance with division 4735
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 4736
prior to that date, any moneys arising from the fees levied under 4737
division (B)(3) of this section prior to January 1, 1994, may be 4738
expended for any of the purposes authorized in divisions (G)(1) to 4739
(10) of this section. 4740

(H) The director shall adopt rules in accordance with Chapter 4741
119. of the Revised Code prescribing procedures for collecting and 4742
forwarding the fees levied under divisions (B) and (C) of this 4743
section to the boards of county commissioners or directors of 4744
county or joint solid waste management districts and to the 4745
treasurers or other officers of municipal corporations or to the 4746
clerks of townships. The rules also shall prescribe the dates for 4747
forwarding the fees to the boards and officials and may prescribe 4748
any other requirements the director considers necessary or 4749
appropriate to implement and administer divisions (A), (B), and 4750
(C) of this section. Collection of the fees levied under division 4751
(A)(1) of this section shall commence on July 1, 1993. Collection 4752
of the fees levied under division (A)(2) of this section shall 4753
commence on January 1, 1994. 4754

Sec. 3769.021. The state racing commission shall appoint a 4755
secretary, who shall serve during the pleasure of the commission. 4756
The secretary shall devote ~~his~~ full time to the duties of the 4757
office and shall not hold any other office or employment. To be 4758
eligible for appointment as secretary, a person ~~must~~ shall meet 4759
the qualifications required of a commissioner under section 4760
3769.02 of the Revised Code, ~~and the~~ except that the secretary 4761
shall be a qualified elector and resident of the state and does 4762
not need to additionally satisfy the qualification of a 4763
commissioner to be a resident of this state for not less than five 4764
years immediately preceding appointment. The secretary is subject 4765
to the restrictions applying to a commissioner under that section. 4766

The secretary shall be paid a salary fixed pursuant to 4767
section 124.14 of the Revised Code and shall be allowed actual and 4768
necessary traveling expenses when on commission business. The 4769
salary and expenses shall be paid out of the state racing 4770
commission operating fund created by section 3769.03 of the 4771
Revised Code. 4772

The secretary shall attend all meetings of the commission. ~~He~~ 4773
The secretary shall keep a complete record of its proceedings and 4774
preserve, at its general office, all books, maps, documents, and 4775
papers entrusted to its care. 4776

~~He~~ The secretary shall be the executive officer of the 4777
commission and be responsible for keeping all commission records 4778
and the carrying out of the rules and orders of the commission. ~~He~~ 4779
The secretary shall perform ~~such any~~ other duties ~~as~~ the 4780
commission prescribes. 4781

Sec. 3769.087. (A) In addition to the commission of eighteen 4782
per cent retained by each permit holder as provided in section 4783
3769.08 of the Revised Code, each permit holder shall retain an 4784
additional amount equal to four per cent of the total of all 4785
moneys wagered on each racing day on all wagering pools other than 4786
win, place, and show, of which amount retained an amount equal to 4787
three per cent of the total of all moneys wagered on each racing 4788
day on those pools shall be paid by check, draft, or money order 4789
to the tax commissioner, as a tax. Subject to the restrictions 4790
contained in divisions (B), (C), and (M) of section 3769.08 of the 4791
Revised Code, from such additional moneys paid to the tax 4792
commissioner: 4793

(1) Four-sixths shall be allocated to fund distribution as 4794
provided in division (M) of section 3769.08 of the Revised Code. 4795

(2) One-twelfth shall be paid into the Ohio fairs fund 4796

created by section 3769.082 of the Revised Code. 4797

(3) One-twelfth of the additional moneys paid to the tax 4798
commissioner by thoroughbred racing permit holders shall be paid 4799
into the Ohio thoroughbred race fund created by section 3769.083 4800
of the Revised Code. 4801

(4) One-twelfth of the additional moneys paid to the tax 4802
commissioner by harness horse racing permit holders shall be paid 4803
to the Ohio standardbred development fund created by section 4804
3769.085 of the Revised Code. 4805

(5) One-twelfth of the additional moneys paid to the tax 4806
commissioner by quarter horse racing permit holders shall be paid 4807
to the Ohio quarter horse development fund created by section 4808
3769.086 of the Revised Code. 4809

(6) One-sixth shall be paid into the state racing commission 4810
operating fund created by section 3769.03 of the Revised Code. 4811

The remaining one per cent that is retained of the total of 4812
all moneys wagered on each racing day on all pools other than win, 4813
place, and show, shall be retained by racing permit holders, and, 4814
except as otherwise provided in section 3769.089 of the Revised 4815
Code, racing permit holders shall use one-half for purse money and 4816
retain one-half. 4817

(B) In addition to the commission of eighteen per cent 4818
retained by each permit holder as provided in section 3769.08 of 4819
the Revised Code and the additional amount retained by each permit 4820
holder as provided in division (A) of this section, each permit 4821
holder shall retain an additional amount equal to one-half of one 4822
per cent of the total of all moneys wagered on each racing day on 4823
all wagering pools other than win, place, and show. Except as 4824
provided in division (C) of this section, from the additional 4825
amount retained under this division, each permit holder shall 4826
retain an amount equal to one-quarter of one per cent of the total 4827

of all moneys wagered on each racing day on all pools other than 4828
win, place, and show and shall pay that amount by check, draft, or 4829
money order to the tax commissioner, as a tax. The tax 4830
commissioner shall pay the amount of the tax received under this 4831
division to the state racing commission operating fund created by 4832
section 3769.03 of the Revised Code. 4833

Except as provided in division (C) of this section, the 4834
remaining one-quarter of one per cent that is retained from the 4835
total of all moneys wagered on each racing day on all pools other 4836
than win, place, and show shall be retained by the permit holder, 4837
and the permit holder shall use one-half for purse money and 4838
retain one-half. 4839

(C) During the period commencing on July 1, 2003, and ending 4840
on and including June 30, ~~2004~~ 2005, the additional amount 4841
retained by each permit holder under division (B) of this section 4842
shall be paid by check, draft, or money order to the tax 4843
commissioner, as a tax. The tax commissioner shall pay the amount 4844
of the tax received under this division to the state racing 4845
commission operating fund created by section 3769.03 of the 4846
Revised Code. 4847

Sec. 3770.07. (A) ~~Lottery~~ (1) Except as provided in division 4848
(A)(2) of this section, lottery prize awards shall be claimed by 4849
the holder of the winning lottery ticket, or by the executor or 4850
administrator, or the trustee of a trust, of the estate of a 4851
deceased holder of a winning lottery ticket, in a manner to be 4852
determined by the state lottery commission, within one hundred 4853
eighty days after the date on which ~~such~~ the prize award was 4854
announced if the lottery game is an on-line game, and within one 4855
hundred eighty days after the close of the game if the lottery 4856
game is an instant game. ~~if~~ 4857

(2) An eligible person serving on active military duty in any 4858

branch of the United States armed forces during a war or national 4859
emergency declared in accordance with federal law may submit a 4860
delayed claim for a lottery prize award. The eligible person shall 4861
do so by notifying the commission about the claim not later than 4862
the five hundred fortieth day after the date on which the prize 4863
award was announced if the lottery game is an on-line game or the 4864
date on which the lottery game closed if the lottery game is an 4865
instant game. 4866

(3) If no valid claim to the a lottery prize award is made 4867
within the prescribed period, the prize money ~~or~~, the cost of 4868
goods and services awarded as prizes, or, if such goods or 4869
services awarded as prizes are resold by the commission, the 4870
proceeds from such their sale, shall be returned to the state 4871
lottery fund and distributed in accordance with section 3770.06 of 4872
the Revised Code. 4873

(4) As used in this division: 4874

(a) "Eligible person" means a person who is entitled to a 4875
lottery prize award and who falls into either of the following 4876
categories: 4877

(i) While on active military duty in this state, the person, 4878
as the result of a war or national emergency declared in 4879
accordance with federal law, is transferred out of this state 4880
before the one hundred eightieth day after the date on which the 4881
winner of the lottery prize award is selected. 4882

(ii) While serving in the reserve forces in this state, the 4883
person, as the result of a war or national emergency declared in 4884
accordance with federal law, is placed on active military duty and 4885
is transferred out of this state before the expiration of the one 4886
hundred eightieth day after the date on which the prize drawing 4887
occurs for an on-line game or before the expiration of the one 4888
hundred eightieth day following the close of an instant game as 4889

determined by the commission. 4890

(b) "Active military duty" means that a person is covered by 4891
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 4892
U.S.C. 501 et. seq, as amended, or the "Uniformed Services 4893
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 4894
38 U.S.C. 4301 et. seq., as amended. 4895

(B) If a prize winner, as defined in section 3770.10 of the 4896
Revised Code, is under eighteen years of age, or is under some 4897
other legal disability, and the prize money or the cost of goods 4898
or services awarded as a prize exceeds one thousand dollars, the 4899
director of the state lottery commission shall order that payment 4900
be made to the order of the legal guardian of that prize winner. 4901
If the amount of the prize money or the cost of goods or services 4902
awarded as a prize is one thousand dollars or less, the director 4903
may order that payment be made to the order of the adult member, 4904
if any, of that prize winner's family legally responsible for the 4905
care of that prize winner. 4906

(C) No right of any prize winner, as defined in section 4907
3770.10 of the Revised Code, to a prize award shall be the subject 4908
of a security interest or used as collateral. 4909

(D)(1) No right of any prize winner, as defined in section 4910
3770.10 of the Revised Code, to a prize award shall be assignable, 4911
or subject to garnishment, attachment, execution, withholding, or 4912
deduction, except as follows: as provided in sections 3119.80, 4913
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when 4914
the payment is to be made to the executor or administrator, or the 4915
trustee of a trust, of the estate of a winning ticket holder; when 4916
the award of a prize is disputed, any person may be awarded a 4917
prize award to which another has claimed title, pursuant to the 4918
order of a court of competent jurisdiction; when the director is 4919
to make a payment pursuant to ~~sections~~ section 3770.071 or 4920
3770.073 of the Revised Code; or as provided in sections 3770.10 4921

to 3770.14 of the Revised Code. 4922

(2) The commission shall adopt rules pursuant to section 4923
3770.03 of the Revised Code concerning the payment of prize awards 4924
upon the death of a prize winner. ~~Upon the death of a prize~~ 4925
~~winner~~, as defined in section 3770.10 of the Revised Code. Upon 4926
the death of a prize winner, the remainder of the prize winner's 4927
prize award, to the extent it is not subject to a transfer 4928
agreement under sections 3770.10 to 3770.14 of the Revised Code, 4929
may be paid to the executor, administrator, or trustee in the form 4930
of a discounted lump sum cash settlement. 4931

(E) No lottery prize award shall be awarded to or for any 4932
officer or employee of the state lottery commission, any officer 4933
or employee of the auditor of state actively coordinating and 4934
certifying commission drawings, or any blood relative or spouse of 4935
such an officer or employee of the commission or auditor of state 4936
living as a member of ~~such~~ the officer's or employee's household, 4937
nor shall any such officer, employee, blood relative, or spouse 4938
attempt to claim a lottery prize award. 4939

(F) The director may prohibit vendors to the commission and 4940
their employees from being awarded a lottery prize award. 4941

(G) Upon the payment of prize awards pursuant to this 4942
section, the director and the commission are discharged from all 4943
further liability ~~therefor~~ for their payment. 4944

Sec. 3781.19. There is hereby established in the department 4945
of commerce a board of building appeals consisting of five members 4946
who shall be appointed by the governor with the advice and consent 4947
of the senate. Terms of office shall be for four years, commencing 4948
on the fourteenth day of October and ending on the thirteenth day 4949
of October. Each member shall hold office from the date of ~~his~~ 4950
appointment until the end of the term for which ~~he~~ the member was 4951
appointed. Any member appointed to fill a vacancy occurring prior 4952

to the expiration of the term for which ~~his~~ the member's 4953
predecessor was appointed shall hold office for the remainder of 4954
such term. Any member shall continue in office subsequent to the 4955
expiration date of ~~his~~ the member's term until ~~his~~ a successor 4956
takes office, or until a period of sixty days has elapsed, 4957
whichever occurs first. One member shall be an attorney-at-law, 4958
admitted to the bar of this state and of the remaining members, 4959
one shall be a registered architect and one shall be a 4960
professional engineer, each of whom shall be duly licensed to 4961
practice their respective professions in this state, one shall be 4962
a fire prevention officer qualified under section 3737.66 of the 4963
Revised Code, and one shall be a person with recognized ability in 4964
the plumbing or pipefitting profession. No member of the board of 4965
building standards shall be a member of the board of building 4966
appeals. Each member shall be paid an amount fixed pursuant to 4967
Chapter 124. of the Revised Code per diem. The department shall 4968
provide and assign to the board such employees as are required by 4969
the board to perform its functions. The board may adopt its own 4970
rules of procedure not inconsistent with sections 3781.06 to 4971
3781.18 and 3791.04 of the Revised Code, and may change them in 4972
its discretion. The board may establish reasonable fees, based on 4973
actual costs for administration of filing and processing, not to 4974
exceed ~~one~~ two hundred dollars, for the costs of filing and 4975
processing appeals. A full and complete record of all proceedings 4976
of the board shall be kept and be open to public inspection. 4977

In the enforcement by any department of the state or any 4978
political subdivision of this chapter and Chapter 3791., and 4979
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.44, 4104.45, 4980
4105.011, and 4105.11 of the Revised Code and any rule made 4981
thereunder, such department is the agency referred to in sections 4982
119.07, 119.08, and 119.10 of the Revised Code. 4983

The appropriate municipal or county board of appeals, where 4984

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

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

The state board of building appeals or a certified municipal or county board of appeals shall render its decision within thirty days after the date of the adjudication hearing. Following the adjudication hearing, any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of appeals may apply

to the state board of appeals for a de novo hearing before the 5017
state board, or may appeal directly to the court of common pleas 5018
pursuant to section 3781.031 of the Revised Code. 5019

In addition, any local corporation, association, or other 5020
organization composed of or representing handicapped persons as 5021
defined in section 3781.111 of the Revised Code, or, if no local 5022
corporation, association, or organization exists, then any 5023
statewide corporation, association, or other organization composed 5024
of or representing handicapped persons may apply for the de novo 5025
hearing or appeal to the court of common pleas from any decision 5026
of a certified municipal or county board of appeals interpreting, 5027
applying, or granting a variance from section 3781.111 of the 5028
Revised Code and any rule made thereunder. Application for a de 5029
novo hearing before the state board shall be made no later than 5030
thirty days after the municipal or county board renders its 5031
decision. 5032

The state board of building appeals or the appropriate 5033
certified local board of building appeals shall grant variances 5034
and exemptions from the requirements of section 3781.108 of the 5035
Revised Code in accordance with rules adopted by the board of 5036
building standards pursuant to division (J) of section 3781.10 of 5037
the Revised Code. 5038

The state board of building appeals or the appropriate 5039
certified local board of building appeals shall, in granting a 5040
variance or exemption from section 3781.108 of the Revised Code, 5041
in addition to any other considerations the state or the 5042
appropriate local board determines appropriate, consider the 5043
architectural and historical significance of the building. 5044

Sec. 4701.03. (A) The accountancy board annually shall elect 5045
a president, secretary, and treasurer from its members. The board 5046
may adopt and amend rules for the orderly conduct of its affairs 5047

and for the administration of this chapter. The board may adopt 5048
and amend rules defining the practice of public accounting, rules 5049
of professional conduct appropriate to establish and maintain a 5050
high standard of integrity and dignity in registrants and 5051
certificate holders under this chapter, and rules regulating the 5052
sole proprietorship, partnership, limited liability company, 5053
professional association, corporation-for-profit, or other legal 5054
entity practice of public accounting. A majority of the board 5055
shall constitute a quorum for the transaction of business. 5056

(B) The board shall keep and hold open for public inspection 5057
all records of its proceedings. 5058

(C) The board may employ any clerks that are necessary to 5059
assist it in the performance of its duties and the keeping of its 5060
records. If the board employs an executive director, the executive 5061
director shall be paid in accordance with pay range 18 of ~~salary~~ 5062
schedule E-1 listed in of section 124.152 of the Revised Code, or, 5063
if the director was employed and being paid on June 28, 2003, in 5064
accordance with step 7 in pay range 18 of schedule E-1 of former 5065
section 124.152 of the Revised Code and continued to be so paid on 5066
June 29, 2003, the executive director shall be paid in accordance 5067
with pay range 18 of salary schedule E-1 for step seven only of 5068
section 124.152 of the Revised Code. 5069

Sec. 4707.05. Except as otherwise provided in section 4707.25 5070
of the Revised Code, all fees and charges collected by the 5071
department of agriculture pursuant to this chapter shall be paid 5072
into the state treasury to the credit of the auctioneers fund, 5073
which is hereby created. All expenses incurred by the department 5074
in administering this chapter shall be paid out of the fund. The 5075
total expenses incurred by the department in the administration of 5076
this chapter shall not exceed the total fees, charges, fines, and 5077
penalties imposed under sections 4707.08, 4707.10, and 4707.99 of 5078

the Revised Code and paid to the treasurer of state. The 5079
department may conduct education programs for the enlightenment 5080
and benefit of all auctioneers who have paid fees pursuant to 5081
sections 4707.08 and 4707.10 of the Revised Code. 5082

Out of the moneys credited pursuant to this section, the fund 5083
shall be assessed a proportionate share of the administrative 5084
costs of the department in accordance with procedures prescribed 5085
by the director of agriculture and approved by the director of 5086
budget and management. The assessment shall be paid from the 5087
auctioneers fund to the division of administration fund. 5088

At the end of each fiscal year, if the balance of the fund is 5089
greater than three hundred thousand dollars, the director of 5090
agriculture shall request the director of budget and management 5091
to, and the director of budget and management shall, transfer 5092
twenty-five per cent of the balance that is in excess of three 5093
hundred thousand dollars to the auction recovery fund created in 5094
section 4707.25 of the Revised Code. 5095

Sec. 4723.431. (A) Except as provided in division ~~(C)~~(D)(1) 5096
of this section, a clinical nurse specialist, certified 5097
nurse-midwife, or certified nurse practitioner may practice only 5098
in accordance with a standard care arrangement entered into with 5099
each physician or podiatrist with whom the nurse collaborates. A 5100
copy of the standard care arrangement shall be retained on file at 5101
each site where the nurse practices. Prior approval of the 5102
standard care arrangement by the board of nursing is not required, 5103
but the board may periodically review it for compliance with this 5104
section. 5105

A clinical nurse specialist, certified nurse-midwife, or 5106
certified nurse practitioner may enter into a standard care 5107
arrangement with one or more collaborating physicians or 5108
podiatrists. Each physician or podiatrist must be actively engaged 5109

in direct clinical practice in this state and practicing in a 5110
specialty that is the same as or similar to the nurse's nursing 5111
specialty. If a collaborating physician or podiatrist enters into 5112
standard care arrangements with more than three nurses who hold 5113
certificates to prescribe issued under section 4723.48 of the 5114
Revised Code, the physician or podiatrist shall not collaborate at 5115
the same time with more than three of the nurses in the 5116
prescribing component of their practices. 5117

(B) A standard care arrangement shall be in writing and, 5118
except as provided in division ~~(C)~~(D)(2) of this section, shall 5119
contain all of the following: 5120

(1) Criteria for referral of a patient by the clinical nurse 5121
specialist, certified nurse-midwife, or certified nurse 5122
practitioner to a collaborating physician or podiatrist; 5123

(2) A process for the clinical nurse specialist, certified 5124
nurse-midwife, or certified nurse practitioner to obtain a 5125
consultation with a collaborating physician or podiatrist; 5126

(3) A plan for coverage in instances of emergency or planned 5127
absences of either the clinical nurse specialist, certified 5128
nurse-midwife, or certified nurse practitioner or a collaborating 5129
physician or podiatrist that provides the means whereby a 5130
physician or podiatrist is available for emergency care; 5131

(4) The process for resolution of disagreements regarding 5132
matters of patient management between the clinical nurse 5133
specialist, certified nurse-midwife, or certified nurse 5134
practitioner and a collaborating physician or podiatrist; 5135

(5) A procedure for a regular review of the referrals by the 5136
clinical nurse specialist, certified nurse-midwife, or certified 5137
nurse practitioner to other health care professionals and the care 5138
outcomes for a random sample of all patients seen by the nurse; 5139

(6) If the clinical nurse specialist or certified nurse 5140

practitioner regularly provides services to infants, a policy for 5141
care of infants up to age one and recommendations for 5142
collaborating physician visits for children from birth to age 5143
three; 5144

(7) Any other criteria required by rule of the board adopted 5145
pursuant to section 4723.07 or 4723.50 of the Revised Code. 5146

(C) A standard care arrangement entered into pursuant to this 5147
section may permit a clinical nurse specialist, certified 5148
nurse-midwife, or certified nurse practitioner to supervise 5149
services provided by a home health agency as defined in section 5150
3701.881 of the Revised Code. 5151

(D)(1) A clinical nurse specialist who does not hold a 5152
certificate to prescribe and whose nursing specialty is mental 5153
health or psychiatric mental health, as determined by the board, 5154
is not required to enter into a standard care arrangement, but 5155
shall practice in collaboration with one or more physicians. 5156

(2) If a clinical nurse specialist practicing in either of 5157
the specialties specified in division ~~(C)~~(D)(1) of this section 5158
holds a certificate to prescribe, the nurse shall enter into a 5159
standard care arrangement with one or more physicians. The 5160
standard care arrangement must meet the requirements of division 5161
(B) of this section, but only to the extent necessary to address 5162
the prescribing component of the nurse's practice. 5163

(E) Nothing in this section prohibits a hospital from hiring 5164
a clinical nurse specialist, certified nurse-midwife, or certified 5165
nurse practitioner as an employee and negotiating standard care 5166
arrangements on behalf of the employee as necessary to meet the 5167
requirements of this section. A standard care arrangement between 5168
the hospital's employee and the employee's collaborating physician 5169
is subject to approval by the medical staff and governing body of 5170
the hospital prior to implementation of the arrangement at the 5171

hospital.	5172
Sec. 4758.20. (A) The chemical dependency professionals board	5173
shall adopt rules to establish, specify, or provide for all of the	5174
following:	5175
(1) Fees for the purposes authorized by section 4758.21 of	5176
the Revised Code;	5177
(2) For the purpose of section 4758.23 of the Revised Code,	5178
codes of ethical practice and professional conduct for individuals	5179
who hold a license or certificate issued under this chapter;	5180
(3) For the purpose of section 4758.24 of the Revised Code,	5181
all of the following:	5182
(a) Good moral character requirements for an individual who	5183
seeks or holds a license or certificate issued under this chapter;	5184
(b) The documents that an individual seeking such a license	5185
or certificate must submit to the board;	5186
(c) Requirements to obtain the license or certificate that	5187
are in addition to the requirements established under sections	5188
4758.40, 4758.41, 4758.42, 4758.43, 4758.44, and 4758.45 of the	5189
Revised Code. The additional requirements may include	5190
preceptorships.	5191
(4) Procedures for renewal of a chemical dependency counselor	5192
I license under section 4758.27 of the Revised Code;	5193
(5) For the purpose of section 4758.28 of the Revised Code,	5194
requirements for approval of continuing education courses of study	5195
for individuals who hold a license or certificate issued under	5196
this chapter;	5197
(6) For the purpose of section 4758.30 of the Revised Code,	5198
the intervention for and treatment of an individual holding a	5199
license or certificate issued under this chapter whose abilities	5200

to practice are impaired due to abuse of or dependency on alcohol	5201
or other drugs or other physical or mental condition;	5202
(7) Requirements governing reinstatement of a suspended or	5203
revoked license or certificate under division (B) of section	5204
4758.30 of the Revised Code, including requirements for	5205
determining the amount of time an individual must wait to apply	5206
for reinstatement;	5207
(8) For the purpose of section 4758.31 of the Revised Code,	5208
methods of ensuring that all records the board holds pertaining to	5209
an investigation remain confidential during the investigation;	5210
(9) Criteria for employees of the board to follow when	5211
performing their duties under division (B) of section 4758.35 of	5212
the Revised Code;	5213
(10) For the purpose of division (A)(1) of section 4758.40 of	5214
the Revised Code, course requirements for a master's degree in	5215
behavioral sciences that shall, at a minimum, include at least	5216
sixty quarter hours, or the equivalent number of semester hours,	5217
in all of the following courses:	5218
(a) Theories of counseling and psychotherapy;	5219
(b) Counseling procedures;	5220
(c) Group process and techniques;	5221
(d) Relationship therapy;	5222
(e) Research methods and statistics;	5223
(f) Fundamentals of assessment and diagnosis, including	5224
measurement and appraisal;	5225
(g) Psychopathology;	5226
(h) Human development;	5227
(i) Cultural competence in counseling;	5228
(j) Ethics.	5229

(11) For the purpose of division (A)(3) of section 4758.40, 5230
division (A)(3) of section 4758.41, and division (A)(3) of section 5231
4758.42, training requirements for chemical dependency that shall, 5232
at a minimum, include qualifications for the individuals who 5233
provide the training and instruction in all of the following 5234
courses: 5235

(a) Theories of addiction; 5236

(b) Counseling procedures and strategies with addicted 5237
populations; 5238

(c) Group process and techniques working with addicted 5239
populations; 5240

(d) Assessment and diagnosis of addiction; 5241

(e) Relationship counseling with addicted populations; 5242

(f) Pharmacology; 5243

(g) Prevention strategies; 5244

(h) Treatment planning; 5245

(i) Legal and ethical issues. 5246

(12) For the purpose of division (B)(2)(b) of section 4758.40 5247
and division (B)(2) of section 4758.41 of the Revised Code, 5248
requirements for the forty clock hours of training on the version 5249
of the diagnostic and statistical manual of mental disorders that 5250
is current at the time of the training, including the number of 5251
the clock hours that must be on substance-related disorders, the 5252
number of the clock hours that must be on chemical dependency 5253
conditions, and the number of the clock hours that must be on 5254
awareness of other mental and emotional disorders; 5255

(13) For the purpose of division (A)(1) of section 4758.41 of 5256
the Revised Code, course requirements for a bachelor's degree in 5257
behavioral sciences; 5258

(14) For the purpose of division (A) of section 4758.43 of the Revised Code, training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and instruction in one or more of the courses listed in division (A)(11) of this section as selected by the individual seeking the chemical dependency counselor assistant certificate;

(15) For the purpose of division (A)(3) of section 4758.44, division (A)(3) of section 4758.45, and division (A)(2) of section 4758.53 of the Revised Code, requirements for prevention-related education;

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

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

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

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

(20) The duties of an independent chemical dependency

counselor licensed under this chapter who supervises a chemical 5290
dependency counselor III under section 4758.56~~7~~i; independent 5291
chemical dependency counselor or chemical dependency counselor III 5292
licensed under this chapter who supervises a chemical dependency 5293
counselor assistant under section 4758.59~~7~~i or prevention 5294
specialist II or prevention specialist I certified under this 5295
chapter or independent chemical dependency counselor, chemical 5296
dependency counselor III, or chemical dependency counselor II 5297
licensed under this chapter who supervises a registered applicant 5298
under section 4758.61 of the Revised Code. The duties may differ. 5299

(21) Anything else necessary to administer this chapter. 5300

(B) All rules adopted under this section shall be adopted in 5301
accordance with Chapter 119. of the Revised Code and any 5302
applicable federal laws and regulations. Initial rules shall be 5303
adopted not later than nine months after ~~the effective date of~~ 5304
~~this section~~ December 23, 2002. 5305

(C) When it adopts rules under this section, the board may 5306
consider standards established by any national association or 5307
other organization representing the interests of those involved in 5308
chemical dependency counseling or alcohol and other drug 5309
prevention services. 5310

Sec. 4758.40. An individual seeking an independent chemical 5311
dependency counselor license shall meet either of the following 5312
requirements: 5313

(A) Meet all of the following requirements: 5314

(1) Hold from an accredited educational institution at least 5315
a master's degree in behavioral sciences that meets the course 5316
requirements specified in rules adopted under section 4758.20 of 5317
the Revised Code; 5318

(2) Have not less than four thousand hours of compensated 5319

work experience in either of the following, not less than eight 5320
hundred hours of which are in chemical dependency counseling: 5321

(a) Chemical dependency services, substance abuse services, 5322
or both types of services; 5323

(b) The practice of psychology, as defined in section 4732.01 5324
of the Revised Code, or the practice of professional counseling or 5325
the practice of social work, both as defined in section 4757.01 of 5326
the Revised Code. 5327

(3) Have a minimum of two hundred seventy hours of training 5328
in chemical dependency that meets the requirements specified in 5329
rules adopted under section 4758.20 of the Revised Code; 5330

(4) Pass one or more examinations administered pursuant to 5331
section 4758.22 of the Revised Code for the purpose of determining 5332
competence to practice as an independent chemical dependency 5333
counselor. 5334

(B) Meet both of the following requirements: 5335

(1) Hold, on ~~the effective date of this section~~ December 23, 5336
2002, a certificate or credentials that were accepted under 5337
section 3793.07 of the Revised Code as authority to practice as a 5338
certified chemical dependency counselor III or certified chemical 5339
dependency counselor III-E; 5340

(2) Meet one of the following requirements: 5341

(a) Hold the degree described in division (A)(1) of this 5342
section; 5343

(b) Have held a chemical dependency counselor III, II, or I 5344
certificate for at least eight consecutive years and have not less 5345
than forty clock hours of training on the version of the 5346
diagnostic and statistical manual of mental disorders that is 5347
current at the time of the training. The training must meet the 5348
requirements specified in rules adopted under section 4758.20 of 5349

the Revised Code ~~and have been provided by an~~. An individual 5350
authorized under Chapter 4731. of the Revised Code to practice 5351
medicine and surgery or osteopathic medicine and surgery, a 5352
psychologist licensed under Chapter 4732. of the Revised Code, or 5353
a professional clinical counselor or independent social worker 5354
licensed under Chapter 4757. of the Revised Code may provide any 5355
portion of the training. An independent chemical dependency 5356
counselor licensed under this chapter who holds the degree 5357
described in division (A)(1) of this section may provide the 5358
portion of the training on chemical dependency conditions. 5359

Sec. 4758.41. An individual seeking a chemical dependency 5360
counselor III license shall meet any of the following 5361
requirements: 5362

(A) Meet all of the following requirements: 5363

(1) Hold from an accredited educational institution a 5364
bachelor's degree in a behavioral science that meets the course 5365
requirements specified in rules adopted under section 4758.20 of 5366
the Revised Code; 5367

(2) Have not less than four thousand hours of compensated 5368
work experience in either of the following, not less than eight 5369
hundred work hours of which are in chemical dependency counseling: 5370

(a) Chemical dependency services, substance abuse services, 5371
or both types of services; 5372

(b) The practice of psychology, as defined in section 4732.01 5373
of the Revised Code, or the practice of professional counseling or 5374
the practice of social work, both as defined in section 4757.01 of 5375
the Revised Code. 5376

(3) Have a minimum of two hundred seventy hours of training 5377
in chemical dependency that meets the requirements specified in 5378
rules adopted under section 4758.20 of the Revised Code; 5379

(4) Pass one or more examinations administered pursuant to 5380
section 4758.22 of the Revised Code for the purpose of determining 5381
competence to practice as a chemical dependency counselor III. 5382

(B) Meet both of the following requirements: 5383

(1) Hold, on ~~the effective date of this section~~ December 23, 5384
2002, a certificate or credentials that were accepted under 5385
section 3793.07 of the Revised Code as authority to practice as a 5386
certified chemical dependency counselor III or certified chemical 5387
dependency counselor III-E; 5388

(2) Have not less than forty clock hours of training on the 5389
version of the diagnostic and statistical manual of mental 5390
disorders that is current at the time of the training. The 5391
training must meet the requirements specified in rules adopted 5392
under section 4758.20 of the Revised Code ~~and have been provided~~ 5393
~~by an.~~ An individual authorized under Chapter 4731. of the Revised 5394
Code to practice medicine and surgery or osteopathic medicine and 5395
surgery, a psychologist licensed under Chapter 4732. of the 5396
Revised Code, or a professional clinical counselor or independent 5397
social worker licensed under Chapter 4757. of the Revised Code may 5398
provide any portion of the training. An independent chemical 5399
dependency counselor licensed under this chapter who holds the 5400
degree described in division (A)(1) of section 4758.40 of the 5401
Revised Code may provide the portion of the training on chemical 5402
dependency conditions. 5403

(C) Meet all of the following requirements: 5404

(1) Hold, on ~~the effective date of this section~~ December 23, 5405
2002, a certificate or credentials that were accepted under 5406
section 3793.07 of the Revised Code as authority to practice as a 5407
certified chemical dependency counselor II; 5408

(2) Meet the requirement of division (B)(2) of this section; 5409

(3) Hold a bachelor's degree in a behavioral science. 5410

Sec. 4758.42. An individual seeking a chemical dependency 5411
counselor II license shall meet either of the following 5412
requirements: 5413

(A) Meet all of the following requirements: 5414

(1) Hold from an accredited educational institution an 5415
associate's degree in a behavioral science or a bachelor's degree 5416
in any field; 5417

(2)(a) If the individual holds an associate's degree, have 5418
not less than five thousand hours of compensated or volunteer 5419
work, field placement, intern, or practicum experience in either 5420
of the following, not less than one thousand hours of which are in 5421
chemical dependency counseling: 5422

(i) Chemical dependency services, substance abuse services, 5423
or both types of services; 5424

(ii) The practice of psychology, as defined in section 5425
4732.01 of the Revised Code, or the practice of professional 5426
counseling or the practice of social work, both as defined in 5427
section 4757.01 of the Revised Code. 5428

(b) If the individual holds a bachelor's degree, have not 5429
less than six thousand hours of compensated or volunteer work, 5430
field placement, intern, or practicum experience in either of the 5431
following, not less than one thousand two hundred hours of which 5432
are in chemical dependency counseling: 5433

(i) Chemical dependency services, substance abuse services, 5434
or both types of services; 5435

(ii) The practice of psychology, as defined in section 5436
4732.01 of the Revised Code, or the practice of professional 5437
counseling or the practice of social work, both as defined in 5438

section 4757.01 of the Revised Code. 5439

(3) Have a minimum of two hundred seventy hours of training 5440
in chemical dependency that meets the requirements specified in 5441
rules adopted under section 4758.20 of the Revised Code; 5442

(4) Pass one or more examinations administered pursuant to 5443
section 4758.22 of the Revised Code for the purpose of determining 5444
competence to practice as a chemical dependency counselor II. 5445

(B) ~~Meet both of the following requirements:~~ 5446

~~(1) Hold a degree described in division (A)(1) of this 5447
section;~~ 5448

~~(2) Hold, on the effective date of this section December 23, 5449
2002, a certificate or credentials that were accepted under 5450
section 3793.07 of the Revised Code as authority to practice as a 5451
certified chemical dependency counselor II. 5452~~

Sec. 4758.55. ~~An~~ In addition to practicing chemical 5453
dependency counseling, an individual holding a valid independent 5454
chemical dependency counselor license may do all of the following: 5455

(A) Diagnose and treat chemical dependency conditions; 5456

(B) Perform treatment planning, assessment, crisis 5457
intervention, individual and group counseling, case management, 5458
and education services as they relate to abuse of and dependency 5459
on alcohol and other drugs; 5460

(C) Refer individuals with nonchemical dependency conditions 5461
to appropriate sources of help. 5462

Sec. 4758.56. (A) ~~An~~ In addition to practicing chemical 5463
dependency counseling, an individual holding a valid chemical 5464
dependency counselor III license may do all of the following: 5465

(1) Diagnose chemical dependency conditions under the 5466

supervision of any of the following:	5467
(a) An independent chemical dependency counselor licensed under this chapter;	5468 5469
(b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	5470 5471 5472
(c) A psychologist licensed under Chapter 4732. of the Revised Code;	5473 5474
(d) A registered nurse licensed under Chapter 4723. of the Revised Code or professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code if such supervision is consistent with the scope of practice of the registered nurse, professional clinical counselor, or independent social worker.	5475 5476 5477 5478 5479 5480
(2) Treat chemical dependency conditions;	5481
(3) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;	5482 5483 5484 5485
(4) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	5486 5487
(B) A chemical dependency counselor III may not practice as an individual practitioner.	5488 5489
Sec. 4758.57. (A) An <u>In addition to practicing chemical dependency counseling, an</u> individual holding a valid chemical dependency counselor II license may do both of the following:	5490 5491 5492
(1) Perform <u>treatment planning</u> , assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency	5493 5494 5495

on alcohol and other drugs;	5496
(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	5497 5498
(B) A chemical dependency counselor II may not practice as an individual practitioner.	5499 5500
Sec. 4758.58. (A) Until six years after the effective date of this section <u>December 23, 2002</u> , an individual holding a valid chemical dependency counselor I certificate may do both of the following <u>in addition to practicing chemical dependency counseling</u> :	5501 5502 5503 5504 5505
(1) Perform <u>treatment planning</u> , assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;	5506 5507 5508 5509
(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	5510 5511
(B) A chemical dependency counselor I may not practice as an individual practitioner.	5512 5513
Sec. 4758.59. (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> :	5514 5515 5516 5517
(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;	5518 5519 5520 5521
(2) Refer individuals with nonchemical dependency conditions to appropriate sources of help.	5522 5523
(B) An individual holding a valid chemical dependency	5524

counselor assistant certificate may practice chemical dependency 5525
counseling and perform the tasks specified in division (A) of this 5526
section only while under the supervision of any of the following: 5527

(1) An independent chemical dependency counselor or chemical 5528
dependency counselor III licensed under this chapter; 5529

(2) An individual authorized under Chapter 4731. of the 5530
Revised Code to practice medicine and surgery or osteopathic 5531
medicine and surgery; 5532

(3) A psychologist licensed under Chapter 4732. of the 5533
Revised Code; 5534

(4) A registered nurse licensed under Chapter 4723. of the 5535
Revised Code or professional clinical counselor or independent 5536
social worker licensed under Chapter 4757. of the Revised Code if 5537
such supervision is consistent with the scope of practice of the 5538
registered nurse, professional clinical counselor, or independent 5539
social worker. 5540

(C) A chemical dependency counselor assistant may not 5541
practice as an individual practitioner. 5542

Sec. 4758.61. An individual who holds a valid registered 5543
applicant certificate issued under this chapter may engage in the 5544
practice of alcohol and other drug prevention services under the 5545
supervision of ~~an individual holding a valid~~ any of the following: 5546

(A) A prevention specialist II certificate or prevention 5547
specialist I certificate issued certified under this chapter; 5548

(B) An independent chemical dependency counselor, a chemical 5549
dependency counselor III, or a chemical dependency counselor II 5550
licensed under this chapter; 5551

(C) An individual authorized under Chapter 4731. of the 5552
Revised Code to practice medicine and surgery or osteopathic 5553
medicine and surgery; 5554

<u>(D) A psychologist licensed under Chapter 4732. of the Revised Code;</u>	5555
	5556
<u>(E) A registered nurse licensed under Chapter 4723. of the Revised Code;</u>	5557
	5558
<u>(F) A professional clinical counselor, a professional counselor, an independent social worker, or a social worker licensed under Chapter 4757. of the Revised Code;</u>	5559
	5560
	5561
<u>(G) A school counselor licensed by the department of education pursuant to section 3319.22 of the Revised Code;</u>	5562
	5563
<u>(H) A health education specialist certified by the national commission for health education credentialing.</u>	5564
	5565
Sec. 5101.27. (A) Except as permitted by this section,	5566
section 5101.28 or 5101.29 of the Revised Code, or the rules	5567
adopted under division (A) of section 5101.30 of the Revised Code,	5568
or required by federal law, no person or government entity shall	5569
solicit, disclose, receive, use, or knowingly permit, or	5570
participate in the use of any information regarding a public	5571
assistance recipient for any purpose not directly connected with	5572
the administration of a public assistance program.	5573
(B) To the extent permitted by federal law, the department of	5574
job and family services and county agencies shall do both <u>all</u> of	5575
the following:	5576
(1) Release information regarding a public assistance	5577
recipient for purposes directly connected to the administration of	5578
the program to a government entity responsible for administering	5579
that public assistance program;	5580
(2) Provide information regarding a public assistance	5581
recipient to a law enforcement agency for the purpose of any	5582
investigation, prosecution, or criminal or civil proceeding	5583
relating to the administration of that public assistance program;	5584

(3) Provide, for purposes directly connected to the 5585
administration of a program that assists needy individuals with 5586
the costs of public utility services, information regarding a 5587
recipient of financial assistance provided under a program 5588
administered by the department or a county agency pursuant to 5589
Chapter 5107. or 5108. of the Revised Code or sections 5115.01 to 5590
5115.07 of the Revised Code to an entity administering the public 5591
utility services program. 5592

(C) To the extent permitted by federal law and section 5593
1347.08 of the Revised Code, the department and county agencies 5594
shall provide access to information regarding a public assistance 5595
recipient to all of the following: 5596

(1) The recipient; 5597

(2) The authorized representative; 5598

(3) The legal guardian of the recipient; 5599

(4) The attorney of the recipient, if the attorney has 5600
written authorization that complies with section 5101.271 of the 5601
Revised Code from the recipient. 5602

(D) To the extent permitted by federal law and subject to 5603
division (E) of this section, the department and county agencies 5604
may do both of the following: 5605

(1) Release information about a public assistance recipient 5606
if the recipient gives voluntary, written authorization that 5607
complies with section 5101.271 of the Revised Code; 5608

(2) Release information regarding a public assistance 5609
recipient to a state, federal, or federally assisted program that 5610
provides cash or in-kind assistance or services directly to 5611
individuals based on need or for the purpose of protecting 5612
children to a government entity responsible for administering a 5613
children's protective services program. 5614

(E) Except when the release is required by division (B), (C), 5615
or (D)(2) of this section, the department or county agency shall 5616
release the information only in accordance with the authorization. 5617
The department or county agency shall provide, at no cost, a copy 5618
of each written authorization to the individual who signed it. 5619

(F) The department or county agency may release information 5620
under division (D) of this section concerning the receipt of 5621
medical assistance provided under a public assistance program only 5622
if all of the following conditions are met: 5623

(1) The release of information is for purposes directly 5624
connected to the administration of or provision of medical 5625
assistance provided under a public assistance program; 5626

(2) The information is released to persons or government 5627
entities that are subject to standards of confidentiality and 5628
safeguarding information substantially comparable to those 5629
established for medical assistance provided under a public 5630
assistance program; 5631

(3) The department or county agency has obtained an 5632
authorization consistent with section 5101.271 of the Revised 5633
Code. 5634

(G) Information concerning the receipt of medical assistance 5635
provided under a public assistance program may be released only if 5636
the release complies with this section and rules adopted by the 5637
department pursuant to section 5101.30 of the Revised Code or, if 5638
more restrictive, the Health Insurance Portability and 5639
Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1955, 5640
42 U.S.C. 1320d, et seq., as amended, and regulations adopted by 5641
the United States department of health and human services to 5642
implement the act. 5643

(H) The department of job and family services may adopt rules 5644
defining "authorized representative" for purposes of division 5645

(C)(2) of this section. 5646

Sec. 5110.35. The department of job and family services shall 5647
adopt rules in accordance with Chapter 119. of the Revised Code to 5648
implement the Ohio's best Rx program. The rules shall provide for 5649
all of the following: 5650

(A) Determination of family income for the purpose of 5651
division (A)(2) of section 5110.05 of the Revised Code; 5652

(B) For the purpose of division (B) of section ~~5110.06~~ 5653
5110.05 of the Revised Code, the application and annual 5654
reapplication process for the program and documentation to be 5655
submitted with applications and reapplications for the purpose of 5656
verifying eligibility; 5657

(C) For the purpose of division (B) of section ~~5110.06~~ 5658
5110.05 of the Revised Code and subject to section 5110.351 of the 5659
Revised Code, the application form for the program; 5660

(D) The method of providing information about the medicaid 5661
program to applicants under section 5110.07 of the Revised Code; 5662

(E) For the purpose of section 5110.08 of the Revised Code, 5663
eligibility determination procedures; 5664

(F) Subject to section 5110.352 of the Revised Code, 5665
periodically increasing the maximum professional fee that 5666
participating terminal distributors may charge Ohio's best Rx 5667
program participants under section 5110.12 of the Revised Code or 5668
the Ohio's best Rx program administrator may charge under a 5669
contract entered into under section 5110.10 of the Revised Code; 5670

(G) Subject to section 5110.353 of the Revised Code, the 5671
amount of the administrative fee, if any, participating terminal 5672
distributors are to charge Ohio's best Rx program participants 5673
under section 5110.12 of the Revised Code or the Ohio's best Rx 5674
program administrator may charge under a contract entered into 5675

under section 5110.10 of the Revised Code; 5676

(H) The electronic method for participating terminal 5677
distributors and the Ohio's best Rx program administrator to 5678
submit claims to the department under section 5110.16 of the 5679
Revised Code; 5680

(I) Additional information participating terminal 5681
distributors and the Ohio's best Rx program administrator shall 5682
include on claims submitted under section 5110.16 of the Revised 5683
Code that the department determines is necessary for the 5684
department to be able to make payments under section 5110.17 of 5685
the Revised Code; 5686

(J) The method for making payments to participating terminal 5687
distributors or the Ohio's best Rx program administrator under 5688
section 5110.17 of the Revised Code; 5689

(K) Subject to section 5110.354 of the Revised Code, the 5690
percentage that is the rebate administration percentage; 5691

(L) If the department determines it is best that 5692
participating manufacturers make rebates under section 5110.21 of 5693
the Revised Code on a basis other than quarterly, a schedule for 5694
payment of the rebates; 5695

(M) The process for the department of administrative services 5696
and state retirement systems to calculate and submit the 5697
information required by section 5110.25 of the Revised Code; 5698

(N) Procedures for making computations under sections 5110.21 5699
and 5110.27 of the Revised Code; 5700

(O) Standards and procedures for the use and preservation of 5701
records regarding the Ohio's best Rx program by the department and 5702
the Ohio's best Rx program administrator pursuant to section 5703
5110.59 of the Revised Code; 5704

(P) For the purpose of section 5110.10 of the Revised Code, 5705

the standards and procedures governing the operation of the mail 5706
order system by the Ohio's best Rx program administrator; 5707

(Q) The efficient administration of other provisions of this 5708
chapter for which the department determines rules are necessary. 5709

Sec. 5111.022. (A) As used in this section: 5710

(1) "Community mental health facility" means a community 5711
mental health facility that has a quality assurance program 5712
accredited by the joint commission on accreditation of healthcare 5713
organizations or is certified by the department of mental health 5714
or department of job and family services. 5715

(2) "Mental health professional" means a person qualified to 5716
work with mentally ill persons under the standards established by 5717
the director of mental health pursuant to section 5119.611 of the 5718
Revised Code. 5719

(B) The state medicaid plan shall include provision of the 5720
following mental health services when provided by community mental 5721
health facilities: 5722

(1) Outpatient mental health services, including, but not 5723
limited to, preventive, diagnostic, therapeutic, rehabilitative, 5724
and palliative interventions rendered to individuals in an 5725
individual or group setting by a mental health professional in 5726
accordance with a plan of treatment appropriately established, 5727
monitored, and reviewed; 5728

(2) Partial-hospitalization mental health services of three 5729
to fourteen hours per service day, rendered by persons directly 5730
supervised by a mental health professional; 5731

(3) Unscheduled, emergency mental health services of a kind 5732
ordinarily provided to persons in crisis when rendered by persons 5733
supervised by a mental health professional; 5734

(4) Subject to receipt of federal approval, assertive 5735

community treatment and intensive home-based mental health 5736
services. 5737

(C) The comprehensive annual plan shall certify the 5738
availability of sufficient unencumbered community mental health 5739
state subsidy and local funds to match federal medicaid 5740
reimbursement funds earned by community mental health facilities. 5741

(D) The department of job and family services shall enter 5742
into a separate contract with the department of mental health 5743
under section 5111.91 of the Revised Code with regard to the 5744
component of the medicaid program provided for by this section. 5745

(E) Not later than ~~May 1~~ July 21, 2004, the department of job 5746
and family services shall request federal approval to provide 5747
assertive community treatment and intensive home-based mental 5748
health services under medicaid pursuant to this section. 5749

(F) On receipt of federal approval sought under division (E) 5750
of this section, the director of job and family services shall 5751
adopt rules in accordance with Chapter 119. of the Revised Code 5752
~~establishing statewide access and acuity standards for partial~~ 5753
~~hospitalization mental health services and~~ for assertive community 5754
treatment and intensive home-based mental health services provided 5755
under medicaid pursuant to this section. The director shall 5756
consult with the department of mental health in adopting the 5757
rules. 5758

Sec. 5111.87. (A) As used in this section and section 5759
5111.871 of the Revised Code, "intermediate care facility for the 5760
mentally retarded" has the same meaning as in section 5111.20 of 5761
the Revised Code. 5762

(B) The director of job and family services may apply to the 5763
United States secretary of health and human services for both of 5764
the following: 5765

(1) One or more medicaid waivers under which home and 5766
community-based services are provided to individuals with mental 5767
retardation or other developmental disability as an alternative to 5768
placement in an intermediate care facility for the mentally 5769
retarded; 5770

(2) One or more medicaid waivers ~~that operate for three to~~ 5771
~~four years each and~~ under which home and community-based services 5772
are provided in the form of either or both of the following: 5773

(a) Early intervention services for children under three 5774
years of age that are provided or arranged by county boards of 5775
mental retardation and developmental disabilities; 5776

(b) Therapeutic services for children who have autism and are 5777
under six years of age at the time of enrollment. 5778

~~(C) No individual may receive services under an autism~~ 5779
~~component of the medicaid program established under a waiver~~ 5780
~~sought under division (B)(2)(b) of this section for more than~~ 5781
~~three years. An individual receiving intensive therapeutic~~ 5782
~~services under such an autism component is forever ineligible to~~ 5783
~~receive intensive therapeutic services, under any other component~~ 5784
~~of the medicaid program.~~ 5785

~~(D)~~ The director of mental retardation and developmental 5786
disabilities may request that the director of job and family 5787
services apply for one or more medicaid waivers under this 5788
section. 5789

~~(E)~~(D) Before applying for a waiver under this section, the 5790
director of job and family services shall seek, accept, and 5791
consider public comments. 5792

Sec. 5119.18. There is hereby created in the state treasury 5793
the department of mental health trust fund. Not later than the 5794
first day of September of each year, the director of mental health 5795

shall certify to the director of budget and management the amount 5796
of all of the unexpended, unencumbered balances of general revenue 5797
fund appropriations made to the department of mental health for 5798
the previous fiscal year, excluding funds appropriated for rental 5799
payments to the Ohio public facilities commission. On receipt of 5800
the certification, the director of budget and management shall 5801
transfer cash to the trust fund in an amount up to, but not 5802
exceeding, the total of the amounts certified by the director of 5803
mental health. 5804

In addition, the trust fund shall receive all amounts, 5805
subject to any provisions in bond documents, received from the 5806
sale or lease of lands and facilities by the department. 5807

All moneys in the trust fund shall be used by the department 5808
of mental health for mental health purposes specified in division 5809
(A) of section 5119.06 of the Revised Code. The use of moneys in 5810
the trust fund pursuant to this section does not represent an 5811
ongoing commitment to the continuation of the trust fund or to the 5812
use of moneys in the trust fund. 5813

Sec. 5123.352. There is hereby created in the state treasury 5814
the community mental retardation and developmental disabilities 5815
trust fund. The director of mental retardation and developmental 5816
disabilities, not later than sixty days after the end of each 5817
fiscal year, shall certify to the director of budget and 5818
management the amount of all the unexpended, unencumbered balances 5819
of general revenue fund appropriations made to the department of 5820
mental retardation and developmental disabilities for the fiscal 5821
year, excluding appropriations for rental payments to the Ohio 5822
public facilities commission, and the amount of any other funds 5823
held by the department in excess of amounts necessary to meet the 5824
department's operating costs and obligations pursuant to this 5825
chapter and Chapter 5126. of the Revised Code. On receipt of the 5826

certification, the director of budget and management shall 5827
transfer cash to the trust fund in an amount up to, but not 5828
exceeding, the total of the amounts certified by the director of 5829
mental retardation and developmental disabilities, except in cases 5830
in which the transfer will involve more than twenty million 5831
dollars. In such cases, the director of budget and management 5832
shall notify the controlling board and must receive the board's 5833
approval of the transfer prior to making the transfer. 5834

Except for expenses paid under division (C) of section 5835
5123.353 of the Revised Code, all moneys in the trust fund shall 5836
be distributed in accordance with section 5126.19 of the Revised 5837
Code. 5838

Sec. 5731.47. The fees of the sheriff or other officers for 5839
services performed under ~~Chapter 5731. of the Revised Code~~ this 5840
chapter and the expenses of the county auditor shall be certified 5841
by the county auditor by a report filed with the tax commissioner. 5842
If the tax commissioner finds that ~~such~~ those fees and expenses 5843
are correct and reasonable in amount, the tax commissioner shall 5844
indicate approval of the fees and expenses in writing to the 5845
county auditor. The county auditor shall pay ~~such~~ those fees and 5846
expenses out of the ~~state's share of the undivided inheritance~~ 5847
~~taxes in the county treasury and~~ undivided estate tax fund. The 5848
county auditor then shall deduct, from the amount required to be 5849
credited to each of the funds or boards of education listed or 5850
referred to in division (A) of section 5731.48 of the Revised 5851
Code, a pro rata share of the amount so paid. The pro rata share 5852
shall be computed on the basis of the proportions of the gross 5853
taxes levied and paid under this chapter that are required to be 5854
credited to the funds or boards of education listed or referred to 5855
under that section. The county auditor shall draw warrants payable 5856
from ~~such~~ those taxes on the county treasurer in favor of the fee 5857
funds or officers personally entitled ~~thereto~~ to the fees and 5858

~~expenses. If the fees and expenses approved by the tax 5859
commissioner exceed the amount of the state's share of undivided 5860
inheritance taxes in the county treasury, the county auditor shall 5861
certify the amount of the excess to the tax commissioner, who 5862
shall certify the amount to the director of budget and management. 5863
The director shall provide for payment of the excess from the 5864
general revenue fund to the county treasury, and the county 5865
auditor shall draw warrants on the county treasurer in favor of 5866
the appropriate fee funds or officers. 5867~~

Sec. 5731.48. (A) If a decedent dies on or after July 1, 5868
1989, and before January 1, 2001, sixty-four per cent of the gross 5869
amount of taxes levied and paid under this chapter shall be for 5870
the use of the municipal corporation or township in which the tax 5871
originates, and shall be credited as provided in division (A)(1), 5872
(2), or (3) of this section: 5873

(1) To the general revenue fund in the case of a city; 5874

(2) To the general revenue fund of a village or to the board 5875
of education of a village, for school purposes, as the village 5876
council by resolution may approve; 5877

(3) To the general revenue fund or to the board of education 5878
of the school district of which the township is a part, for school 5879
purposes, as the board of township trustees by resolution may 5880
approve, in the case of a township. 5881

The remainder of the taxes levied and paid shall be for the 5882
use of the state and shall be credited to the general revenue fund 5883
~~after any deduction for fees and costs charged under section 5884
5731.47 of the Revised Code. 5885~~

(B) If a decedent dies on or after January 1, 2001, and 5886
before January 1, 2002, seventy per cent of the gross amount of 5887
taxes levied and paid under this chapter shall be for the use of 5888

the municipal corporation or township in which the tax originates 5889
and credited as provided in division (A)(1), (2), or (3) of this 5890
section, and the remainder shall be for the use of the state and 5891
credited to the general revenue fund ~~after any deduction for fees~~ 5892
~~and costs charged under section 5731.47 of the Revised Code.~~ 5893

(C) If a decedent dies on or after January 1, 2002, eighty 5894
per cent of the gross amount of taxes levied and paid under this 5895
chapter, less any deduction from the municipal corporation's or 5896
township's share of those taxes for fees or expenses charged under 5897
section 5731.47 of the Revised Code, shall be for the use of the 5898
municipal corporation or township in which the tax originates and 5899
credited as provided in division (A)(1), (2), or (3) of this 5900
section, and the remainder, less any deduction from the state's 5901
share of those taxes for fees or expenses charged under section 5902
5731.47 of the Revised Code, shall be for the use of the state and 5903
shall be credited to the general revenue fund ~~after any deduction~~ 5904
~~for fees and costs charged under section 5731.47 of the Revised~~ 5905
~~Code.~~ 5906

(D) If a municipal corporation is in default with respect to 5907
the principal or interest of any outstanding notes or bonds, one 5908
half of the taxes distributed under this section shall be credited 5909
to the sinking or bond retirement fund of the municipal 5910
corporation, and the residue shall be credited to the general 5911
revenue fund. 5912

(E) The council, board of trustees, or other legislative 5913
authority of a village or township may, by ordinance in the case 5914
of a village, or by resolution in the case of a township, provide 5915
that whenever there is money in the treasury of the village or 5916
township from taxes levied under this chapter, not required for 5917
immediate use, that money may be invested in federal, state, 5918
county, or municipal bonds, upon which there has been no default 5919
of the principal during the preceding five years. 5920

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

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

~~(1) If a board of county commissioners administering workforce development activities at the local level designates the county department of job and family services as its workforce development agency, the director shall allocate the funds to that county department. That county department shall deposit all funds received pursuant to this section into the county public assistance fund.~~

~~(2) If a board of county commissioners administering workforce development activities at the local level designates as its workforce development agency an entity for which the board maintains responsibility or control, but which is not the county~~

~~department of job and family services, the board. Local areas, as~~ 5952
~~defined by either section 101 of the "Workforce Investment Act of~~ 5953
~~1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or section~~ 5954
~~6301.01 of the Revised Code, and subrecipients of a local area~~ 5955
shall establish a ~~county~~ workforce development fund, and the 5956
entity receiving ~~the~~ funds shall deposit all funds received under 5957
this section into the ~~county~~ workforce development fund. All 5958
expenditures for activities funded under this section shall be 5959
made from the ~~county~~ workforce development fund. 5960

~~(3) If a board of county commissioners administering~~ 5961
~~workforce development activities at the local level designates as~~ 5962
~~its workforce development agency an entity other than one~~ 5963
~~described in divisions (B)(1) and (2) of this section, the board~~ 5964
~~shall designate a fiscal agent to receive and be responsible for~~ 5965
~~the funds. Any entity designated by the board as the fiscal agent~~ 5966
~~shall be an agency supervised by the director or the county~~ 5967
~~auditor.~~ 5968

~~(4) If a municipal corporation administering workforce~~ 5969
~~development activities at the local level is designated to receive~~ 5970
~~funds under this section, the municipal corporation shall place~~ 5971
~~all funds received under this section into a special fund and all~~ 5972
~~expenditures for workforce development activities shall be made~~ 5973
~~from that fund. The municipal corporation may use the funds in~~ 5974
~~that fund only for the workforce development activities for which~~ 5975
~~the funds are appropriated.~~ 5976

(C) The use of funds, reporting requirements, and other 5977
administrative and operational requirements governing the use of 5978
funds received by the director pursuant to this section shall be 5979
governed by internal management rules adopted by the director 5980
pursuant to section 111.15 of the Revised Code. 5981

(D) To the extent permitted by state or federal law, the 5982
director, local areas, counties, and municipal corporations 5983

authorized to administer workforce development activities may 5984
 assess a fee for specialized services requested by an employer. 5985
 The director shall adopt rules pursuant to Chapter 119. of the 5986
 Revised Code governing the nature and amount of those types of 5987
 fees. 5988

Section 2. That existing sections 9.24, 102.02, 123.01, 5989
 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 5990
 152.09, 175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3383.09, 5991
 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 5992
 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 5993
 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 5994
 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 5123.352, 5995
 5731.47, 5731.48, and 6301.03 and sections 152.101 and 901.85 of 5996
 the Revised Code are hereby repealed. 5997

Section 3. All items set forth in Sections 3.01 to 3.04 of 5998
 this act are hereby appropriated out of any moneys in the General 5999
 Revenue Fund (GRF) that are not otherwise appropriated: 6000

Reappropriations

Section 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 6001

CAP-773	Governor's Residence Restoration	\$	4,705	6002
CAP-786	Rural Areas Community Improvements	\$	365,000	6003
CAP-804	Day Care Centers	\$	6,472	6004
CAP-817	Urban Areas Community Improvements	\$	1,058,900	6005
Total Department of Administrative Services			\$ 1,435,077	6006

RURAL AREAS COMMUNITY IMPROVEMENTS 6007

From the foregoing appropriation item CAP-786, Rural Areas 6008
 Community Improvements, grants shall be made for the following 6009
 projects: \$20,000 for the Smith Field Memorial Foundation; 6010
 \$200,000 for the Champaign YMCA; \$100,000 for the Mentor Fire & 6011
 Police Headquarters Relocation; \$20,000 for the Red Mill Creek 6012

Water Retention Basin; and \$25,000 for the Lawrence County Water 6013
Projects. 6014

URBAN AREAS COMMUNITY IMPROVEMENTS 6015

From the foregoing appropriation item CAP-817, Urban Areas 6016
Community Improvements, grants shall be made for the following 6017
projects: \$100,000 for the Maumee Youth Center; \$25,000 for the 6018
Columbus Civic Arena Development Planning; \$50,000 for the Brown 6019
Senior Center Renovations; \$100,000 for Project AHEAD Facility 6020
Improvements; \$75,000 for the J. Frank-Troy Senior Citizens 6021
Center; \$15,000 for the Victorian Village Society; \$50,000 for the 6022
Beech Acres Family Center; \$23,900 for the Canton Jewish Women's 6023
Center; \$450,000 for the Gateway Social Services Building; \$50,000 6024
for the Loew Field Improvements; \$20,000 for the Harvard Community 6025
Services Center Renovation & Expansion; \$20,000 for the Collinwood 6026
Community Service Center Repair & Renovation; and \$80,000 for 6027
Bowman Park - City of Toledo. 6028

Reappropriations

Section 3.02. AFC ARTS AND SPORTS FACILITIES COMMISSION 6029

CAP-819 Cooper Stadium Relocation Feasibility \$ 350,000 6030
Study

Total Arts and Sports Facilities Commission \$ 350,000 6031

COOPER STADIUM RELOCATION FEASIBILITY STUDY 6032

Notwithstanding division (F) of section 3383.07 of the 6033
Revised Code, all or a portion of the foregoing appropriation item 6034
CAP-819, Cooper Stadium Relocation Feasibility Study, may be 6035
expended for the cost of preparing a financial and development 6036
plan or feasibility study, renovation, and purchasing engineering 6037
and architectural services, designs, plans, specifications, 6038
surveys, and estimates of costs for Cooper Stadium. Any amount 6039
expended for that purpose from the appropriation shall count 6040
toward the maximum 15 per cent of the construction cost of the 6041

sports facility to be paid from state funds. 6042

Reappropriations

Section 3.03. OHS OHIO HISTORICAL SOCIETY 6043

CAP-745 Historic Sites/Museums - Emergency \$ 30,721 6044
 Repair

Total Ohio Historical Society \$ 30,721 6045

Reappropriations

Section 3.04. DNR DEPARTMENT OF NATURAL RESOURCES 6047

CAP-245 Millcreek Valley Conservancy District \$ 230,503 6048

CAP-702 Upgrade Underground Fuel Tanks \$ 296,963 6049

CAP-703 Cap Abandoned Water Wells \$ 357,481 6050

CAP-823 Cost Sharing-Pollution Abatement \$ 33,614 6051

CAP-847 Assistance to Local Governments for \$ 25,000 6052
 Conservation Works of Improvement

CAP-848 Hazardous Dam Repair \$ 91,521 6053

CAP-875 Ohio River Access \$ 100,000 6054

CAP-929 Hazardous Waste/Asbestos Abatement \$ 286,154 6055

CAP-931 Wastewater/Water Systems Upgrades \$ 32,205 6056

CAP-932 Wetlands/Waterfront Development and \$ 32,460 6057
 Acquisition

CAP-942 Local Parks Projects \$ 80,225 6058

CAP-969 Frost-Parker Wetlands Preserve \$ 4,760 6059

CAP-999 Geographic Information Management System \$ 1,085 6060

Total Department of Natural Resources \$ 1,571,971 6061

TOTAL GRF General Revenue Fund \$ 3,462,769 6062

LOCAL PARKS PROJECTS 6063

From the foregoing appropriation item CAP-942, Local Parks 6064

Projects, \$75,000 shall be granted for the Liberty Township 6065

Playground. 6066

Section 3.05. No expenditures shall be made from any of the 6067

items appropriated from the General Revenue Fund in Sections 3.01 6068
to 3.04 of this act until the funds are released by the 6069
Controlling Board. 6070

Section 4. All items set forth in this section are hereby 6071
appropriated out of any moneys in the state treasury to the credit 6072
of the Wildlife Fund (Fund 015) that are not otherwise 6073
appropriated: 6074

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 6075

CAP-015	Highlandtown Wildlife Area	\$	2,768	6076
CAP-117	Cooper Hollow Wildlife Area	\$	4,815	6077
CAP-161	Tranquility Wildlife Area	\$	1,286	6078
CAP-216	Killbuck Creek Wildlife Area	\$	550	6079
CAP-387	Access Development	\$	3,204,333	6080
CAP-702	Upgrade Underground Fuel Tanks	\$	84,945	6081
CAP-703	Cap Abandoned Water Wells	\$	50,000	6082
CAP-732	Mosquito Creek Wildlife Area	\$	300	6083
CAP-754	Tiffin River Wildlife Area	\$	1,000	6084
CAP-764	Fire Lookout & Radio Tower Inspection	\$	7,215	6085
CAP-785	K.H. Butler Ohio River Access	\$	978	6086
CAP-795	Headlands Beach State Park	\$	90,958	6087
CAP-804	Lake La Su An Wildlife Area	\$	400	6088
CAP-834	Appraisal Fees - Statewide	\$	51,995	6089
CAP-852	Wildlife Area Building	\$	3,489,530	6090
	Development/Renovation			
CAP-881	Dam Rehabilitation	\$	500,000	6091
CAP-995	Boundary Protection	\$	50,000	6092
	Total Department of Natural Resources	\$	7,541,073	6093
	TOTAL Wildlife Fund	\$	7,541,073	6094

Section 5. The items set forth in this section are hereby 6096
appropriated out of any moneys in the state treasury to the credit 6097

of the Public School Building Fund (Fund 021) that are not 6098
otherwise appropriated: 6099

Reappropriations

SFC SCHOOL FACILITIES COMMISSION			6100
CAP-622	Public School Buildings	\$ 26,998,886	6101
CAP-778	Exceptional Needs	\$ 1,440,286	6102
CAP-783	Emergency School Building Assistance	\$ 15,000,000	6103
Total School Facilities Commission			6104
TOTAL Public School Building Fund			6105

PUBLIC SCHOOL BUILDINGS 6106

The amount reappropriated for the foregoing appropriation 6107
item CAP-622, Public School Buildings, is \$349,622 plus the sum of 6108
the unencumbered and unallotted balances as of June 30, 2004, for 6109
appropriation item CAP-622, Public School Buildings. 6110

Section 6. The items set forth in this section are hereby 6111
appropriated out of any moneys in the state treasury to the credit 6112
of the Highway Safety Fund (Fund 036) that are not otherwise 6113
appropriated: 6114

Reappropriations

DHS DEPARTMENT OF PUBLIC SAFETY			6115
CAP-045	Platform Scales Improvements	\$ 400,000	6116
CAP-059	Patrol Post ADA Compliance	\$ 250,000	6117
CAP-065	Replace Windows at the Academy	\$ 79,000	6118
CAP-071	Construct Georgetown Patrol Post	\$ 41,240	6119
CAP-072	Patrol Academy Infrastructure	\$ 41,355	6120
Improvements			
CAP-074	Construct Warren District Blue Title	\$ 39,585	6121
Facility			
CAP-077	Van Wert Patrol Post	\$ 1,700,000	6122
Total Department of Public Safety			6123
TOTAL Highway Safety Fund			6124

Section 7. All items set forth in this section are hereby 6126
 appropriated out of any moneys in the state treasury to the credit 6127
 of the Waterways Safety Fund (Fund 086) that are not otherwise 6128
 appropriated: 6129

Reappropriations

	DNR DEPARTMENT OF NATURAL RESOURCES		6130
CAP-324	Cooperative Funding for Boating	\$ 7,375,543	6131
	Facilities		
CAP-390	State Park Maintenance Facility	\$ 1,821,093	6132
	Development - Middle Bass Island		
CAP-807	Hocking Technical College Ramp	\$ 30,643	6133
CAP-844	Put-in-Bay Township Port Authority	\$ 6,466	6134
CAP-858	Clendening Lake Ramp	\$ 2,736	6135
CAP-871	Village of Montezuma Ramp	\$ 13,519	6136
CAP-874	Recreational Harbor Evaluation Project	\$ 357,789	6137
CAP-905	City of Ironton Boat Launch	\$ 168,007	6138
CAP-934	Operations Facilities Development	\$ 762,508	6139
	Total Department of Natural Resources	\$ 10,538,304	6140
	TOTAL Waterways Safety Fund	\$ 10,538,304	6141

Section 8. All items set forth in this section are hereby 6143
 appropriated out of any moneys in the state treasury to the credit 6144
 of the Underground Parking Garage Operating Fund (Fund 208) that 6145
 are not otherwise appropriated: 6146

Reappropriations

	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD		6147
CAP-003	Renovate Garage Offices	\$ 127,194	6148
CAP-004	Emergency Generator and Lighting System	\$ 200,000	6149
CAP-007	Garage Elevator Upgrades	\$ 5,670	6150
CAP-008	Install Garage Oil Interceptor System	\$ 60,000	6151
CAP-009	Garage Fire Suppression System	\$ 1,050,000	6152
	Total Capitol Square Review and Advisory Board	\$ 1,442,864	6153

TOTAL Underground Parking Garage Operating Fund	\$	1,442,864	6154
UNDERGROUND PARKING GARAGE FIRE SUPPRESSION SYSTEM			6155
Appropriation item CAP-009, Garage Fire Suppression System,			6156
in the Underground Parking Garage Operating Fund (Fund 208), shall			6157
be used for completion of the second and final phase of a fire			6158
suppression system in the Statehouse garage. Notwithstanding any			6159
section of the Revised Code, any transfer or disbursement of			6160
moneys from appropriation items CAP-009, Garage Fire Suppression,			6161
and CAP-011, Statehouse Security Improvements, for this purpose			6162
shall be subject to Controlling Board approval.			6163
Section 9. All items set forth in this section are hereby			6164
appropriated out of any moneys in the state treasury to the credit			6165
of the Army National Guard Service Contract Fund (Fund 342) that			6166
are not otherwise appropriated:			6167
		Reappropriations	
ADJ ADJUTANT GENERAL			6168
CAP-065 Local Armory Construction/Federal	\$	16,200,000	6169
Total Adjutant General	\$	16,200,000	6170
TOTAL Army National Guard Service Contract Fund	\$	16,200,000	6171
Section 10. All items set forth in this section are hereby			6173
appropriated out of any moneys in the state treasury to the credit			6174
of the Special Administrative Fund (Fund 4A9) that are not			6175
otherwise appropriated:			6176
		Reappropriations	
JFS DEPARTMENT OF JOB AND FAMILY SERVICES			6177
CAP-702 Central Office Building Renovations	\$	16,000,000	6178
Total Department of Job and Family Services	\$	16,000,000	6179
TOTAL Special Administrative Fund	\$	16,000,000	6180
CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT			6181
PLAN			6182

Funds appropriated in the foregoing appropriation item 6183
CAP-702, Central Office Building Renovations, are to be released 6184
for expenditure only after approval of the Unemployment 6185
Compensation Advisory Council created under section 4141.08 of the 6186
Revised Code. The amount to be released shall be based on a 6187
spending plan, which may include a repayment schedule, approved by 6188
the Council. Once approval is received, the Director of Job and 6189
Family Services shall request the Director of Budget and 6190
Management or the Controlling Board to release the appropriation. 6191

Section 11. All items set forth in this section are hereby 6192
appropriated out of any moneys in the state treasury to the credit 6193
of the Capital Donations Fund (Fund 5A1) that are not otherwise 6194
appropriated: 6195

Reappropriations

AFC ARTS AND SPORTS FACILITIES COMMISSION		6196
CAP-702 Capital Donations	\$ 254,557	6197
Total Arts and Sports Facilities Commission	\$ 254,557	6198
TOTAL Capital Donations Fund	\$ 254,557	6199

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS 6200

The Executive Director of the Arts and Sports Facilities 6201
Commission shall certify to the Director of Budget and Management 6202
the amount of cash receipts and related investment income, 6203
irrevocable letters of credit from a bank, or certification of the 6204
availability of funds that have been received from a county or a 6205
city for deposit to the Capital Donations Fund and are related to 6206
an anticipated project. These amounts are hereby appropriated to 6207
appropriation item CAP-702, Capital Donations. Prior to certifying 6208
these amounts to the Director, the Executive Director shall make a 6209
written agreement with the participating entity on the necessary 6210
cash flows required for the anticipated construction or equipment 6211
acquisition project. 6212

Section 12. The items set forth in this section are hereby 6213
 appropriated out of any moneys in the state treasury to the credit 6214
 of the Community Match Armories Fund (Fund 5U8) that are not 6215
 otherwise appropriated: 6216

ADJUTANT GENERAL 6217

CAP-066	Armory Construction/Local	\$ 8,600,000	6218
	Total Adjutant General	\$ 8,600,000	6219
	TOTAL Community Match Armories Fund	\$ 8,600,000	6220

Section 13. The items set forth in this section are hereby 6222
 appropriated out of any moneys in the state treasury to the credit 6223
 of the State Fire Marshal Fund (Fund 546) that are not otherwise 6224
 appropriated: 6225

DEPARTMENT OF COMMERCE 6226

CAP-013	Land Acquisition	\$ 100,000	6227
CAP-014	Office & Dorm Addition	\$ 1,800,000	6228
	Total Department of Commerce	\$ 1,900,000	6229
	TOTAL State Fire Marshal Fund	\$ 1,900,000	6230

Section 14. The items set forth in this section are hereby 6232
 appropriated out of any moneys in the state treasury to the credit 6233
 of the Veterans' Home Improvement Fund (Fund 604) that are not 6234
 otherwise appropriated: 6235

Reappropriations

OVH OHIO VETERANS' HOME 6236

CAP-755	Secrest Security System Improvement	\$ 65,000	6237
CAP-760	Security System Improvement	\$ 22,832	6238
CAP-762	Renovate Secrest Bath Floor/Wall	\$ 43,621	6239
CAP-765	Warehouse Freezer	\$ 15,500	6240
CAP-766	Secrest Motor Coordinators	\$ 33,000	6241
CAP-769	Water and Air Balance	\$ 190,000	6242
CAP-771	Elevator Griffin	\$ 190,000	6243

CAP-773	Emergency Generator	\$	26,500	6244
CAP-774	Fire Alarm System	\$	595,000	6245
Total Ohio Veterans' Home		\$	1,181,453	6246
TOTAL Veterans' Home Improvement Fund		\$	1,181,453	6247

Section 15. All items set forth in this section are hereby 6249
appropriated out of any moneys in the state treasury to the credit 6250
of the Education Facilities Trust Fund (Fund N87) that are not 6251
otherwise appropriated: 6252

Reappropriations

SFC SCHOOL FACILITIES COMMISSION 6253

CAP-780	Classroom Facilities Assistance Program	\$	13,395,208	6254
CAP-784	Exceptional Needs Program	\$	4,138,923	6255
Total School Facilities Commission		\$	17,534,131	6256
TOTAL Education Facilities Trust Fund		\$	17,534,131	6257

CLASSROOM FACILITIES ASSISTANCE PROJECTS 6258

The amount reappropriated for the foregoing appropriation 6259
item CAP-780, Classroom Facilities Assistance Program, is \$768,711 6260
plus the sum of the unencumbered and unallotted balances as of 6261
June 30, 2004, for appropriation item CAP-780, Classroom 6262
Facilities Assistance Program. 6263

EXCEPTIONAL NEEDS PROGRAM 6264

The amount reappropriated for the foregoing appropriation 6265
item CAP-784, Exceptional Needs Program, is \$761,146 plus the sum 6266
of the unencumbered and unallotted balances as of June 30, 2004, 6267
for appropriation item CAP-784, Exceptional Needs Program. 6268

Section 16. All items set forth in this section are hereby 6269
appropriated out of any moneys in the state treasury to the credit 6270
of the Clean Ohio Revitalization Fund (Fund 003) that are not 6271
otherwise appropriated: 6272

Reappropriations

	DEV DEPARTMENT OF DEVELOPMENT		6273
CAP-001	Clean Ohio Revitalization	\$ 444,008	6274
CAP-002	Clean Ohio Assistance	\$ 16,564,467	6275
	Total Department of Development	\$ 17,008,475	6276
	TOTAL Clean Ohio Revitalization Fund	\$ 17,008,475	6277

Section 17. All items set forth in this section are hereby 6279
appropriated out of any moneys in the state treasury to the credit 6280
of the Highway Safety Building Fund (Fund 025) that are not 6281
otherwise appropriated: 6282

Reappropriations

	DHS DEPARTMENT OF PUBLIC SAFETY		6283
CAP-047	Public Safety Office Building	\$ 2,710,400	6284
CAP-048	Statewide Communications System	\$ 4,006,530	6285
CAP-068	Alum Creek Warehouse Renovations	\$ 1,441,969	6286
CAP-069	Centre School Renovations	\$ 20,219	6287
CAP-070	Canton One-Stop Shop	\$ 731,000	6288
CAP-076	Investigative Unit MARCS Equipment	\$ 15,877	6289
	Total Department of Public Safety	\$ 8,925,995	6290
	TOTAL Highway Safety Building Fund	\$ 8,925,995	6291

Section 18. All items set forth in Sections 18.01 to 18.16 of 6293
this act are hereby appropriated out of any moneys in the state 6294
treasury to the credit of the Administrative Building Fund (Fund 6295
026) that are not otherwise appropriated: 6296

Reappropriations

	Section 18.01. ADJ ADJUTANT GENERAL		6297
CAP-032	Upgrade Underground Storage Tanks	\$ 46,078	6298
CAP-034	Asbestos Abatement - Various Facilities	\$ 154,750	6299
CAP-036	Roof Replacement - Various Facilities	\$ 892,145	6300
CAP-038	Electrical System - Various Facilities	\$ 774,521	6301
CAP-039	Camp Perry Facility Improvements	\$ 530,239	6302

CAP-043	Renovate/Expand Existing Eaton Facility	\$	800,498	6303
CAP-044	Replace Windows/Doors - Various Facilities	\$	878,911	6304
CAP-045	Plumbing Renovations - Various Facilities	\$	345,503	6305
CAP-046	Paving Renovations - Various Facilities	\$	1,439,575	6306
CAP-050	HVAC Systems - Various Facilities	\$	607,319	6307
CAP-052	Cincinnati Shadybrook Armory	\$	2,149,705	6308
CAP-054	Construct Camp Perry Administration Building	\$	6,540	6309
CAP-055	Hillsboro Armory Renovations	\$	478,974	6310
CAP-056	Masonry Renovations - Various Facilities	\$	395,599	6311
CAP-057	Sewer Improvement - Rickenbacker	\$	1,300	6312
CAP-058	Construct Cincinnati Armory	\$	283,775	6313
CAP-059	Construct Bowling Green Armory	\$	357,411	6314
CAP-060	Facility Protection Measures	\$	590,061	6315
CAP-061	Repair/Renovate Waste Water System	\$	200,000	6316
CAP-062	Construct Coshocton Armory	\$	950,600	6317
CAP-064	Bowling Green Armory Construction/Local	\$	1,000,000	6318
Total Adjutant General		\$	12,883,504	6319

NEW ARMORY CONSTRUCTION 6320

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. 6321-6328

Reappropriations

Section 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 6329

CAP-773	Governor's Residence Renovations	\$	4,705	6330
CAP-809	Hazardous Substance Abatement	\$	1,688,120	6331
CAP-811	Health/EPA Laboratory Facilities	\$	20,840,003	6332
CAP-813	Heer Building Renovation	\$	1,500,000	6333
CAP-822	Americans with Disabilities Act	\$	1,535,675	6334
CAP-826	Office Services Building Renovation	\$	1,250,000	6335
CAP-827	Statewide Communications System	\$	72,787,285	6336
CAP-834	Capital Improvements Tracking System	\$	407,600	6337
CAP-835	Energy Conservation Projects	\$	1,817,260	6338
CAP-837	Major Computer Purchases	\$	1,824,884	6339
CAP-838	SOCC Renovations	\$	2,148,691	6340
CAP-844	Hamilton State/Local Government Center - Planning	\$	57,500	6341
CAP-848	ODOT Building Boiler Replacement	\$	155,981	6342
CAP-849	Facility Planning and Development	\$	4,445,184	6343
CAP-850	Education Building Renovations	\$	308,482	6344
CAP-852	North High Building Complex Renovations	\$	2,689,102	6345
CAP-855	Office Space Planning	\$	70,300	6346
CAP-859	eSecure Ohio	\$	2,500,000	6347
CAP-860	Structured Cabling	\$	397,155	6348
CAP-864	eGovernment Infrastructure	\$	1,047,000	6349
CAP-865	DAS Building Security	\$	78,100	6350
CAP-867	Lausche Building Connector	\$	963,200	6351
Total Department of Administrative Services		\$	118,516,627	6352

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES 6353

The foregoing appropriation item CAP-809, Hazardous Substance 6354
Abatement, shall be used to fund the removal of asbestos, PCB, 6355
radon gas, and other contamination hazards from state facilities. 6356

Prior to the release of funds for asbestos abatement, the 6357
Department of Administrative Services shall review proposals from 6358
state agencies to use these funds for asbestos abatement projects 6359
based on criteria developed by the Department of Administrative 6360

Services. Upon a determination by the Department of Administrative 6361
Services that the requesting agency cannot fund the asbestos 6362
abatement project or other toxic materials removal through 6363
existing capital and operating appropriations, the department may 6364
request the release of funds for such projects by the Controlling 6365
Board. State agencies intending to fund asbestos abatement or 6366
other toxic materials removal through existing capital and 6367
operating appropriations shall notify the Director of 6368
Administrative Services of the nature and scope prior to 6369
commencing the project. 6370

Only agencies that have received appropriations for capital 6371
projects from the Administrative Building Fund (Fund 026) are 6372
eligible to receive funding from this item. Public school 6373
districts are not eligible. 6374

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT 6375

The foregoing appropriation item CAP-822, Americans with 6376
Disabilities Act, shall be used to renovate state-owned facilities 6377
to provide access for physically disabled persons in accordance 6378
with Title II of the Americans with Disabilities Act. 6379

Prior to the release of funds for renovation, state agencies 6380
shall perform self-evaluations of state-owned facilities 6381
identifying barriers to access to service. State agencies shall 6382
prioritize access barriers and develop a transition plan for the 6383
removal of these barriers. The Department of Administrative 6384
Services shall review proposals from state agencies to use these 6385
funds for Americans with Disabilities Act renovations. 6386

Only agencies that have received appropriations for capital 6387
projects from the Administrative Building Fund (Fund 026) are 6388
eligible to receive funding from this item. Public school 6389
districts are not eligible. 6390

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 6391

There is hereby continued a Multi-Agency Radio Communications 6392
System (MARCS) Steering Committee consisting of the designees of 6393
the Directors of Administrative Services, Public Safety, Natural 6394
Resources, Transportation, Rehabilitation and Correction, and 6395
Budget and Management. The Director of Administrative Services or 6396
the director's designee shall chair the committee. The committee 6397
shall provide assistance to the Director of Administrative 6398
Services for effective and efficient implementation of the MARCS 6399
system as well as develop policies for the ongoing management of 6400
the system. Upon dates prescribed by the Directors of 6401
Administrative Services and Budget and Management, the MARCS 6402
Steering Committee shall report to the directors on the progress 6403
of MARCS implementation and the development of policies related to 6404
the system. 6405

The foregoing appropriation item CAP-827, Statewide 6406
Communications System, shall be used to purchase or construct the 6407
components of MARCS that are not specific to any one agency. The 6408
equipment may include, but is not limited to, multi-agency 6409
equipment at the Emergency Operations Center/Joint Dispatch 6410
Facility, computer and telecommunication equipment used for the 6411
functioning and integration of the system, communications towers, 6412
tower sites, tower equipment, and linkages among towers and 6413
between towers and the State of Ohio Network for Integrated 6414
Communication (SONIC) system. The Director of Administrative 6415
Services shall, with the concurrence of the MARCS Steering 6416
Committee, determine the specific use of funds. 6417

Spending from this appropriation item shall not be subject to 6418
Chapters 123. and 153. of the Revised Code. 6419

ENERGY CONSERVATION PROJECTS 6420

The foregoing appropriation item CAP-835, Energy Conservation 6421
Projects, shall be used to perform energy conservation 6422

renovations, including the United States Environmental Protection 6423
Agency's Energy Star Program, in state-owned facilities. Prior to 6424
the release of funds for renovation, state agencies shall have 6425
performed a comprehensive energy audit for each project. The 6426
Department of Administrative Services shall review and approve 6427
proposals from state agencies to use these funds for energy 6428
conservation. Public school districts and state-supported and 6429
state-assisted institutions of higher education are not eligible 6430
for funding from this item. 6431

Reappropriations

Section 18.03. AGE DEPARTMENT OF AGING 6432

CAP-001	Renovate Martin Janis Center	\$	10,013	6433	
Total Department of Aging			\$	10,013	6434

Reappropriations

Section 18.04. AGR DEPARTMENT OF AGRICULTURE 6436

CAP-025	Building Renovations	\$	15,197	6437	
CAP-029	Administration Building Renovation	\$	203,950	6438	
CAP-033	Site Electrical/Utility Improvement	\$	117,341	6439	
CAP-037	Consumer Lab/Weights/Measures Equip.	\$	20,254	6440	
CAP-043	Building and Grounds Renovation	\$	478,529	6441	
CAP-044	Renovate Building 4	\$	176,366	6442	
CAP-048	Alkaline Hydrolysis Equip & Addition	\$	658,336	6443	
Total Department of Agriculture			\$	1,669,973	6444

Reappropriations

Section 18.05. AGO ATTORNEY GENERAL 6446

CAP-715	Expand/Renovate Richfield Lab	\$	12,359	6447	
CAP-717	HVAC Improvements OPOTA	\$	1,775,829	6448	
Total Attorney General			\$	1,788,188	6449

Reappropriations

Section 18.06. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			6451
CAP-010	Capitol Rotunda Renovations	\$ 500,000	6452
CAP-011	Statehouse Security Improvements	\$ 34,316	6453
CAP-014	Statehouse Grounds Repair/Improvements	\$ 500,000	6454
Total Capitol Square Review and Advisory Board			\$ 1,034,316 6455

Reappropriations

Section 18.07. COM DEPARTMENT OF COMMERCE			6457
CAP-012	Fire Academy Architectural Plan	\$ 26,500	6458
Total Department of Commerce			\$ 26,500 6459

Reappropriations

Section 18.08. EXP EXPOSITIONS COMMISSION			6461
CAP-037	Electric and Lighting Upgrade	\$ 2,488,929	6462
CAP-046	Land Acquisition	\$ 866,662	6463
CAP-051	Roof Renovations	\$ 2,602	6464
CAP-052	Sewer Separation	\$ 1,536,578	6465
CAP-053	Multipurpose Agricultural Center	\$ 2,671	6466
CAP-056	Building Renovations - 2	\$ 1,009,813	6467
CAP-057	HVAC Planning	\$ 2,001	6468
CAP-063	Facility Improvements and Modernization Plan	\$ 700,000	6469
CAP-064	Replacement of Water Lines	\$ 16,209	6470
CAP-066	Stairtower Replacement	\$ 1,427	6471
CAP-068	Masonry Renovations	\$ 131,334	6472
CAP-069	Restroom Renovations	\$ 502,060	6473
CAP-072	Emergency Renovations and Equipment Replacement	\$ 501,578	6474
Total Expositions Commission			\$ 7,761,864 6475

Reappropriations

Section 18.09. DEPARTMENT OF HEALTH			6477
CAP-003	Building Renovation & Telecomm	\$ 800,000	6478

Total Department of Health \$ 800,000 6479

Reappropriations

Section 18.10. JSC JUDICIARY/SUPREME COURT 6481

CAP-001 Ohio Courts Building Renovations \$ 1,381,580 6482

Total Judiciary/Supreme Court \$ 1,381,580 6483

EXEMPT FROM PER CENT FOR ARTS PROGRAM 6484

The foregoing appropriation item CAP-001, Ohio Courts Building Renovations, is exempt from section 3379.10 of the Revised Code, the Per Cent for Arts Program. 6485
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6487

OHIO COURTS BUILDING 6488

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. 6489
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Reappropriations

Section 18.11. DNR DEPARTMENT OF NATURAL RESOURCES 6498

CAP-741 DNR Communications System \$ 51,894 6499

CAP-742 Fountain Square Building and Telephone System Improvements \$ 1,003,878 6500

CAP-744 Multi-Agency Radio Communications Equipment \$ 3,062,468 6501

CAP-867 Reclamation Facility Renovation and Development \$ 225,000 6502

CAP-928 Handicapped Accessibility \$ 39,654 6503

CAP-934 District Office Renovations and \$ 868,025 6504

Development

Total Department of Natural Resources \$ 5,250,919 6505

Reappropriations

Section 18.12. DHS DEPARTMENT OF PUBLIC SAFETY 6507

CAP-053 Construct EMA/EOC and Office Building \$ 6,605 6508

CAP-054 Multi-Agency Radio Communications System \$ 658,151 6509

CAP-056 Emergency Operations Center Equipment \$ 1,502 6510

CAP-067 VHF Radio System Improvements \$ 306,102 6511

CAP-078 Upgrade/Replacement - State EOC \$ 810,000 6512

Equipment

Total Department of Public Safety \$ 1,782,360 6513

Reappropriations

Section 18.13. OSB SCHOOL FOR THE BLIND 6515

CAP-745 Roof Improvements on the School and Cottage \$ 295,657 6516

CAP-751 Upgrade Fire Alarm System \$ 73,878 6517

CAP-757 Bathroom Handicapped Accessibility \$ 20,956 6518

CAP-764 Electric System Improvements \$ 44,000 6519

CAP-772 Boiler Replacement \$ 449,220 6520

CAP-773 School Residential Hot Water \$ 605,000 6521

CAP-780 Residential Renovations \$ 17,580 6522

Total Ohio School for the Blind \$ 1,506,291 6523

ROOF IMPROVEMENT SCHOOL AND COTTAGE 6524

The amount reappropriated for appropriation item CAP-745, 6525
Roof Improvements on the School and Cottage, is \$49,011 plus the 6526
unencumbered and unallotted balances as of June 30, 2004, in 6527
appropriation item CAP-745, Roof Improvements on the School and 6528
Cottage. 6529

RESIDENTIAL RENOVATIONS 6530

The amount reappropriated for appropriation item CAP-780, 6531

Residential Renovations is \$10,537 plus the unencumbered and 6532
 unallotted balances as of June 30, 2004 in appropriation items 6533
 CAP-780 Residential Renovations and CAP-752 Equipment Storage 6534
 Building. 6535

Reappropriations

Section 18.14. OSD SCHOOL FOR THE DEAF 6536
 CAP-767 Roof Renovations \$ 1,046,802 6537
 CAP-774 Student Health Services Electrical \$ 111,000 6538
 Upgrade
 CAP-775 Staff Building Heat & Electrical Upgrade \$ 631,433 6539
 CAP-776 Dormitory Renovations \$ 443,375 6540
 Total Ohio School for the Deaf \$ 2,232,610 6541

DORMITORY RENOVATIONS 6542

The amount reappropriated for the foregoing appropriation 6543
 item CAP-776, Dormitory Renovations, is \$23,225 plus the 6544
 unencumbered and unallotted balances as of June 30, 2004, in 6545
 appropriation items CAP-776, Dormitory Renovations, and CAP-785, 6546
 Site Improvements. 6547

Reappropriations

Section 18.15. OVH OHIO VETERANS' HOME 6548
 CAP-775 Emergency Generator \$ 600,000 6549
 Total Ohio Veterans' Home \$ 600,000 6550

Section 18.16. SOS SECRETARY OF STATE 6552
 CAP-002 Voting Machines \$ 5,800,000 6553
 Total Secretary of State \$ 5,800,000 6554
 TOTAL Administrative Building Fund \$ 163,084,591 6555

VOTING MACHINES 6556

The foregoing appropriation item CAP-002, Voting Machines, 6557
 shall be used to purchase upgraded voting equipment. Appropriation 6558

item CAP-002, Voting Machines, shall match federal funds provided 6559
 through the Help America Vote Act of 2002. 6560

Section 19. All items set forth in this section are hereby 6561
 appropriated out of any moneys in the state treasury to the credit 6562
 of the Adult Correctional Building Fund (Fund 027) that are not 6563
 otherwise appropriated: 6564

Reappropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION 6565

STATEWIDE AND CENTRAL OFFICE PROJECTS 6566

CAP-002	Local Jails	\$	24,107,550	6567
CAP-003	Community-Based Correctional Facilities	\$	16,839,357	6568
CAP-004	Site Renovations	\$	1,385,239	6569
CAP-007	Asbestos Removal	\$	1,093,777	6570
CAP-008	Powerhouse/Utility Improvements	\$	2,964,941	6571
CAP-009	Water System/Plant Improvements	\$	7,472,549	6572
CAP-010	Industrial Equipment - Statewide	\$	842,907	6573
CAP-011	Roof/Window Renovations - Statewide	\$	979,430	6574
CAP-012	Shower/Restroom Improvements	\$	1,506,660	6575
CAP-015	Underground Storage Tanks Improvements	\$	37,789	6576
CAP-017	Security Improvements - Statewide	\$	3,885,429	6577
CAP-026	Waste Water Treatment Facilities	\$	49,437	6578
CAP-028	Power House Improvements	\$	55,661	6579
CAP-041	Community Residential Program	\$	5,693,543	6580
CAP-043	Design/Construct/Parole Detention Centers	\$	149,288	6581
CAP-044	Lightening Protection Plan	\$	1,504	6582
CAP-087	Correctional Camp	\$	8,079	6583
CAP-105	Special Counsel - Coit Road	\$	77,417	6584
CAP-109	Statewide Fire Alarm Systems	\$	179,647	6585
CAP-111	General Building Renovations	\$	12,795,525	6586
CAP-129	Water Treatment Plants - Statewide	\$	651,500	6587
CAP-140	Boot Camp/Substance Abuse Offenders	\$	336,709	6588

CAP-141	Multi-Agency Radio System Equipment	\$	2,550,651	6589
CAP-142	Various Facility Medical Services	\$	837,716	6590
CAP-143	Perimeter Security, Lighting, Alarms, and Sallyports	\$	2,243,962	6591
CAP-186	Close Custody Prison and Camp	\$	5,000,000	6592
CAP-187	Mandown Alert Communication System - Statewide	\$	5,382,422	6593
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300	6594
CAP-189	Tuck-pointing - Statewide	\$	124,847	6595
CAP-238	Electrical Systems Upgrades	\$	175,025	6596
CAP-239	Emergency Projects	\$	2,014,537	6597
CAP-240	State Match for Federal Prison Construction Funds	\$	1,787,819	6598
CAP-302	OPI Shops Renovation - Statewide	\$	75,000	6599
Total Statewide and Central Office Projects				\$ 101,465,217 6600
GENERAL BUILDING RENOVATIONS				6601
The amount reappropriated for the foregoing appropriation				6602
item CAP-111, General Building Renovations, is the unencumbered				6603
and unallotted balance as of June 30, 2004, in appropriation item				6604
CAP-111, General Building Renovations, plus \$1,170,818.				6605
ALLEN CORRECTIONAL INSTITUTION				6606
CAP-304	Lift Station By-pass - ACI	\$	189,546	6607
Total Allen Correctional Institution				\$ 189,546 6608
BELMONT CORRECTIONAL INSTITUTION				6609
CAP-094	Belmont Correctional Institution	\$	223,493	6610
CAP-241	Inmate Health Services Renovations - BECI	\$	2,389,974	6611
Total Belmont Correctional Institution				\$ 2,613,468 6612
CHILLICOTHE CORRECTIONAL INSTITUTION				6613
CAP-045	Perimeter Fence Replacement	\$	31,423	6614
CAP-046	Showers/Restroom Renovations	\$	66,527	6615

CAP-048	Control Room Security Improvements	\$	3,270	6616
CAP-113	Fire Alarm, Egress System Improvements	\$	106,733	6617
CAP-114	Emergency Lighting Renovations	\$	94,574	6618
CAP-115	Roof Renovations	\$	141,311	6619
CAP-145	Plumbing Renovations	\$	216	6620
CAP-146	Renovate Food Service Area - CCI	\$	199,900	6621
CAP-177	Convert Warehouse to Dormitory	\$	596	6622
CAP-190	Utility Improvements	\$	125,700	6623
CAP-191	Life & Fire Safety Improvements - CCI	\$	171,749	6624
CAP-192	Hot Water System Improvements - CCI	\$	11,711	6625
CAP-254	Boiler House Renovations	\$	1,182,550	6626
CAP-255	Replace Windows and Doors	\$	591,125	6627
CAP-257	Emergency Generator Improvements	\$	392,174	6628
CAP-258	Sewer Upgrades	\$	287,002	6629
CAP-314	Emergency Tunnel Repair	\$	95,553	6630
Total Chillicothe Correctional Institution		\$	3,502,116	6631
CORRECTIONAL RECEPTION CENTER				6632
CAP-320	Fire Alarm - CRC	\$	268,280	6633
Total Correctional Reception Center		\$	268,280	6634
CORRECTIONS MEDICAL CENTER				6635
CAP-318	Fire Alarm - CMC	\$	129,045	6636
Total Corrections Medical Center		\$	129,045	6637
CORRECTIONS TRAINING ACADEMY				6638
CAP-148	Roof Replacement	\$	21,110	6639
CAP-149	New Classroom Building	\$	816,962	6640
CAP-193	AT Building Roof Replacement	\$	141,132	6641
CAP-194	Construct Conference Center	\$	12,314	6642
Total Corrections Training Academy		\$	991,518	6643
DAYTON CORRECTIONAL INSTITUTION				6644
CAP-195	Hot Water System Improvements - DCI	\$	400,000	6645
CAP-242	Shower Renovations - DCI	\$	224,725	6646
CAP-319	Roof Renovations - DCI	\$	145,975	6647
Total Dayton Correctional Institution		\$	770,700	6648

	FRANKLIN PRE-RELEASE CENTER		6649
CAP-316	Roof Renovation - FPRC	\$ 41,672	6650
	Total Franklin Pre-Release Center	\$ 41,672	6651
	GRAFTON CORRECTIONAL INSTITUTION		6652
CAP-196	Camp Egress System Improvements - GCI	\$ 420,856	6653
	Total Grafton Correctional Institution	\$ 420,856	6654
	HOCKING CORRECTIONAL FACILITY		6655
CAP-053	General Building Renovations	\$ 3,414	6656
CAP-054	Water Tower Improvements	\$ 3,000	6657
CAP-306	Parking Lot Improvements - HCF	\$ 67,360	6658
	Total Hocking Correctional Facility	\$ 73,774	6659
	LAKE ERIE CORRECTIONAL INSTITUTION		6660
CAP-144	Medium/Minimum Security Privatized Prison	\$ 142,435	6661
	Total Lake Erie Correctional Institution	\$ 142,435	6662
	LEBANON CORRECTIONAL INSTITUTION		6663
CAP-055	Institution Roof Replacement	\$ 39,500	6664
CAP-056	Kitchen Renovations	\$ 6,641	6665
CAP-057	Shower Pan/Drain Renovations	\$ 7,289	6666
CAP-118	Water Tower Renovations	\$ 25,878	6667
CAP-119	Masonry Improvements - LECI	\$ 308,074	6668
CAP-197	Cell Door Lock Replacement - LECI	\$ 321,100	6669
CAP-198	Water Treatment Plant - LECI	\$ 1,329,823	6670
CAP-282	Emergency Electrical Upgrade - LECI	\$ 28,614	6671
CAP-285	Bar Screen Replacement	\$ 147,713	6672
CAP-300	Water Softener Replacement	\$ 225,008	6673
	Total Lebanon Correctional Institution	\$ 2,439,640	6674
	LONDON CORRECTIONAL INSTITUTION		6675
CAP-059	Convert Brush Factory to Dormitory	\$ 809	6676
CAP-122	Master Plan Building/Renovations	\$ 872,355	6677
CAP-157	London Camp Renovation Project	\$ 14,955	6678
CAP-201	Water Treatment Plant Addition	\$ 62,670	6679
CAP-245	Bridge Replacement - LOCI	\$ 3,424	6680

CAP-261	Roof Replacement	\$	687,506	6681
CAP-283	Gas Boiler Installation - LOCI	\$	45,144	6682
CAP-308	Electric Upgrades - LOCI	\$	250,000	6683
CAP-309	Building Demolition - LOCI	\$	500	6684
Total London Correctional Institution		\$	1,937,363	6685
LORAIN CORRECTIONAL INSTITUTION				6686
CAP-303	Auger Replacement - LLORCL	\$	500	6687
Total Lorain Correctional Institution		\$	500	6688
MADISON CORRECTIONAL INSTITUTION				6689
CAP-176	Madison Classroom Renovation	\$	15,600	6690
CAP-263	Upgrade Emergency Electrical Service	\$	541,036	6691
CAP-264	Sewage Station Upgrade	\$	13,285	6692
CAP-286	Juvenile Unit Remodeling - Madison	\$	2,177	6693
CAP-288	Water Softener System - Madison	\$	40,372	6694
CAP-315	Roof Replacement - MACL	\$	206,750	6695
Total Madison Correctional Institution		\$	819,220	6696
MANSFIELD CORRECTIONAL INSTITUTION				6697
CAP-088	Mansfield Correctional Camp	\$	5,761	6698
CAP-123	Smoke Removal/Sprinkler System Improvements	\$	4,330	6699
CAP-159	Power Pole Replacement	\$	16,800	6700
CAP-305	Site Improvements - MNCI	\$	314,375	6701
CAP-307	Network Wiring - MNCI	\$	886,675	6702
Total Mansfield Correctional Institution		\$	1,227,941	6703
MARION CORRECTIONAL INSTITUTION				6704
CAP-033	Telephone System	\$	2,957	6705
CAP-065	Sewage Lift Station Renovations	\$	8,863	6706
CAP-067	Roof Replacement	\$	22,725	6707
CAP-124	Fire Sprinkler System Improvements	\$	130,344	6708
CAP-172	Marion Camp Shower Renovation	\$	1,313	6709
CAP-207	HVAC Improvements - Administration Building	\$	31,185	6710
CAP-208	Hot Water Tank Replacement	\$	953,766	6711

CAP-246	Exterior Window Replacement - MCI	\$	254,880	6712
CAP-247	Plumbing Upgrades - MCI	\$	193,142	6713
CAP-294	Asphalt Paving - MCI	\$	7,380	6714
CAP-295	Sanitary Manhole Sewer - MCI	\$	112,234	6715
Total Marion Correctional Institution		\$	1,718,789	6716
NORTH COAST CORRECTIONAL TREATMENT FACILITY				6717
CAP-001	New Prison Construction	\$	73,163	6718
Total North Coast Correctional Treatment Facility		\$	73,163	6719
NORTHEAST PRE-RELEASE CENTER				6720
CAP-209	Security Improvements - NEPRC	\$	117,462	6721
Total Northeast Pre-Release Center		\$	117,462	6722
OAKWOOD CORRECTIONAL FACILITY				6723
CAP-162	Renovate East Wing Plumbing	\$	21,969	6724
CAP-163	Install Positive Latching Devices	\$	74,977	6725
Total Oakwood Correctional Facility		\$	96,945	6726
OHIO REFORMATORY FOR WOMEN				6727
CAP-040	Dormitory Housing - ORW	\$	6,452	6728
CAP-074	Fire Alarm System Improvements	\$	5,798	6729
CAP-125	Replacement Dormitory	\$	11,669	6730
CAP-165	Master Plan Building/Renovations - ORW	\$	262,305	6731
CAP-210	Replacement Dormitory - ORW	\$	772,090	6732
CAP-211	Renovate J.G. Cottage	\$	8,880	6733
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000	6734
CAP-216	Elevator Renovation	\$	26,109	6735
CAP-217	Perimeter Lighting Improvements	\$	53,566	6736
CAP-218	Rewire Harmon Building	\$	329,389	6737
CAP-219	Fire Alarm System Improvements	\$	112,955	6738
CAP-266	Construct New Medical and Food Services Building	\$	7,375,019	6739
CAP-267	Renovate ARN Dorms	\$	449,843	6740
CAP-268	Emergency Generator Improvements	\$	1,395,085	6741
CAP-289	Perimeter Sec Fence	\$	639,406	6742
CAP-296	Domestic Waterline Renovation	\$	51,491	6743

CAP-301	500 Car Parking/Road Design - ORW	\$	24,080	6744
CAP-317	Sanitary/Storm Sewer System Renovation - ORW	\$	332,050	6745
Total Ohio Reformatory for Women		\$	13,106,187	6746
OHIO STATE PENITENTIARY				6747
CAP-110	Construct Maximum Security Facility	\$	124,679	6748
CAP-291	New Exterior Recreation Units	\$	4,125,659	6749
Total Ohio State Penitentiary		\$	4,250,337	6750
PICKAWAY CORRECTIONAL INSTITUTION				6751
CAP-062	Meat Processing Operation	\$	199,883	6752
CAP-076	Laundry/Maintenance Shop/Farms Roof Renovation	\$	726	6753
CAP-077	Shower Renovations	\$	15,349	6754
CAP-222	Sludge Removal System Improvements	\$	897,118	6755
CAP-223	Replacement of Unit A Dorm	\$	517,387	6756
CAP-225	Water System Improvements	\$	85,876	6757
CAP-226	Milk Processing Plant	\$	31,912	6758
CAP-227	Roof Improvements	\$	393,306	6759
CAP-228	Power House Improvements	\$	10,545	6760
CAP-248	Replacement of Perimeter Fence - PCI	\$	152,495	6761
CAP-252	Construct Meat Processing Plant	\$	823,588	6762
CAP-269	Utility Tunnels Improvement	\$	382,729	6763
CAP-274	Replacement of Segregation Housing	\$	4,806,750	6764
CAP-292	Tunnel Renovation/Orient Complex	\$	30,139	6765
CAP-297	Steam Waterline Replacement - PCI	\$	820,996	6766
CAP-310	OPI Warehouse Addition - PCI	\$	1,537,241	6767
CAP-312	Waste Water Treatment Plant	\$	7,583,125	6768
Total Pickaway Correctional Institution		\$	18,289,165	6769
RICHLAND CORRECTIONAL INSTITUTION				6770
CAP-251	Construct Retaining Wall - RICI	\$	61,474	6771
CAP-293	Asphalt Parking - RICI	\$	9,161	6772
Total Richland Correctional Institution		\$	70,634	6773
ROSS CORRECTIONAL INSTITUTION				6774

CAP-147	Waste Water Treatment Plant	\$	6,120	6775
CAP-229	Waste Water Treatment Plant - RCI	\$	6,849,581	6776
CAP-276	Rubberized Roof Replacement	\$	200,104	6777
CAP-311	Water Tower Renovation - RCI	\$	175,000	6778
Total Ross Correctional Institution		\$	7,230,805	6779
SOUTHEASTERN CORRECTIONAL INSTITUTION				6780
CAP-133	Construct New Dining Hall	\$	8,822	6781
CAP-134	Wastewater Treatment Storage Addition	\$	579,365	6782
CAP-167	Master Plan Building/Renovations - SCI	\$	186,643	6783
CAP-183	Two Story Dorm - SCI	\$	92,327	6784
CAP-234	High Voltage Electrical System	\$	2,702,624	6785
CAP-235	Construct Warehouse & Utility Buildings	\$	1,315,406	6786
CAP-236	Construct Dining Hall - SCI	\$	682,650	6787
CAP-237	Power Plant Improvements	\$	39,341	6788
CAP-277	Powerhouse Boiler Improvements	\$	397,147	6789
CAP-313	Perimeter Fence Upgrade - SCI	\$	1,375,977	6790
Total Southeastern Correctional Institution		\$	7,380,300	6791
SOUTHERN OHIO CORRECTIONAL FACILITY				6792
CAP-034	Southern Ohio Telephone System	\$	9,943	6793
CAP-135	SOCF Renovation and Improvements	\$	148,445	6794
CAP-136	Waste Water Treatment Plant Improvements	\$	30,120	6795
CAP-230	Waste Water Treatment Plant	\$	3,410,347	6796
CAP-231	Gas Boiler Installation	\$	1,034,815	6797
CAP-279	Powerhouse Domestic Hot Water Replacement	\$	198,534	6798
CAP-287	Roof Renovations B Wing - SOCF	\$	18,494	6799
CAP-322	Water Tower Renovations - SOCF	\$	75,000	6800
Total Southern Ohio Correctional Facility		\$	4,925,698	6801
TOLEDO CORRECTIONAL INSTITUTION				6802
CAP-161	1000-Bed Close Security Prison	\$	1,118,383	6803
Total Toledo Correctional Institution		\$	1,118,383	6804
TRUMBULL CORRECTIONAL INSTITUTION				6805
CAP-280	Door Control Switch Renovation	\$	141,799	6806

CAP-281	Construct Psychiatric Residential Treatment Unit	\$	558,508	6807
Total Trumbull Correctional Institution		\$	700,306	6808
WARREN CORRECTIONAL INSTITUTION				6809
CAP-284	Compound Lighting Upgrade	\$	57,807	6810
CAP-290	Security Upgrades	\$	234,323	6811
Total Warren Correctional Institution		\$	292,131	6812
TOTAL Department of Rehabilitation and Correction		\$	174,827,327	6813
TOTAL Adult Correctional Building Fund		\$	176,403,594	6814

Section 19.01. LOCAL JAILS 6816

From the foregoing appropriation item, CAP-002, Local Jails, 6817
the Department of Rehabilitation and Correction shall designate 6818
the projects involving the construction and renovation of county, 6819
multicounty, municipal-county, and multicounty-municipal jail 6820
facilities and workhouses, including correctional centers 6821
authorized under sections 153.61 and 307.93 of the Revised Code, 6822
for which the Ohio Building Authority is authorized to issue 6823
obligations. Notwithstanding any provisions to the contrary in 6824
Chapter 152. or 153. of the Revised Code, the Department of 6825
Rehabilitation and Correction may coordinate, review, and monitor 6826
the drawdown and use of funds for the renovation or construction 6827
of projects for which designated funds are provided. 6828

The funding authorized under this section shall not be 6829
applied to any such facilities that are not designated by the 6830
Department of Rehabilitation and Correction. The amount of funding 6831
authorized under this section that may be applied to a project 6832
designated for initial funding after July 1, 2000, involving the 6833
construction or renovation of a county, multicounty, 6834
municipal-county, and multicounty-municipal jail facilities and 6835
workhouses, including correctional centers authorized under 6836
sections 153.61 and 307.93 of the Revised Code, shall not exceed 6837

\$35,000 per bed of the total allowable cost of the project in the 6838
case of construction of county and municipal-county jail 6839
facilities, workhouses, and correctional centers, or multicounty 6840
or multicounty-municipal jail facilities, workhouses, and 6841
correctional centers and shall not exceed 30 per cent of the total 6842
allowable cost of the project in the case of renovation of county, 6843
multicounty, municipal-county, and multicounty-municipal jail 6844
facilities, workhouses, and correctional centers. If a political 6845
subdivision is in the planning phase of constructing a multicounty 6846
or multicounty-municipal jail facility, workhouse, or correctional 6847
center on or before the effective date of this section, the 6848
Department of Rehabilitation and Correction shall fund that 6849
facility at \$42,000 per bed. Multicounty or multicounty-municipal 6850
jail facility construction projects initiated after the effective 6851
date of this section may be considered for, but are not entitled 6852
to be awarded, funding at \$42,000 per bed. The higher per bed 6853
award is at the discretion of the Department of Rehabilitation and 6854
Correction and is contingent upon available funds, the impact of 6855
the project, and inclusion of at least three counties in the 6856
project. 6857

The cost-per-bed funding authorized under this section that 6858
may be applied to a construction project shall not exceed the 6859
actual cost-per-bed of the project. The 30 per cent funding 6860
authorized under this section that may be applied to a renovation 6861
project shall not exceed \$35,000 per bed of the total allowable 6862
cost of the project. 6863

The funding authorized under this section shall not be 6864
applied to any project involving the construction of a county, 6865
multicounty, municipal-county, or multicounty-municipal jail 6866
facility or workhouse, including a correctional center established 6867
under sections 153.61 and 307.93 of the Revised Code, unless the 6868
facility, workhouse, or correctional center will be built in 6869

compliance with "The Minimum Standards for Jails in Ohio" and the 6870
plans have been approved under section 5120.10 of the Revised 6871
Code. In addition, the funding authorized under this section shall 6872
not be applied to any project involving the renovation of a 6873
county, multicounty, municipal-county, or multicounty-municipal 6874
jail facility or workhouse, including a correctional center 6875
established under sections 153.61 and 307.93 of the Revised Code, 6876
unless the renovation is for the purpose of bringing the facility, 6877
workhouse, or correctional center into compliance with "The 6878
Minimum Standards for Jails in Ohio" and the plans have been 6879
approved under section 5120.10 of the Revised Code. 6880

Section 19.02. COMMUNITY-BASED CORRECTIONAL FACILITIES 6881

The Department of Rehabilitation and Correction may designate 6882
to the Ohio Building Authority the sites of, and, notwithstanding 6883
any provisions to the contrary in Chapter 152. or 153. of the 6884
Revised Code, may review the renovation or construction of the 6885
single county and district community-based correctional facilities 6886
funded by the foregoing appropriation item CAP-003, 6887
Community-Based Correctional Facilities. 6888

Section 19.03. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS 6889

The foregoing appropriation item CAP-041, Community 6890
Residential Program, may be used by the Department of 6891
Rehabilitation and Correction, under sections 5120.103, 5120.104, 6892
and 5120.105 of the Revised Code, to provide for the construction 6893
or renovation of halfway house facilities for offenders eligible 6894
for community supervision by the Department of Rehabilitation and 6895
Correction. 6896

Section 20. All items set forth in this section are hereby 6897
appropriated out of any moneys in the state treasury to the credit 6898
of the Juvenile Correctional Building Fund (Fund 028) that are not 6899

otherwise appropriated:			6900
		Reappropriations	
	DYS DEPARTMENT OF YOUTH SERVICES		6901
CAP-004	Cuyahoga Juvenile Court Detention	\$ 5,459,404	6902
CAP-801	Fire Suppression/Safety/Security	\$ 1,636,155	6903
CAP-803	General Institutional Renovations	\$ 3,787,255	6904
CAP-812	Community Rehabilitation Centers	\$ 916,913	6905
CAP-821	Construct Maximum Security Facility	\$ 172,327	6906
CAP-828	Multi-Agency Radio System Equipment	\$ 3,186	6907
CAP-829	Local Juvenile Detention Centers	\$ 10,844,623	6908
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$ 649,290	6909
CAP-832	72-Bed Unit Housing Addition - Ohio River Valley Correctional Center	\$ 2,000	6910
CAP-833	Security Renovations - Indian River	\$ 1,996	6911
CAP-837	Sanitary Safety/Renovations Indian River	\$ 3,736,500	6912
	Total Department of Youth Services	\$ 27,209,649	6913
	TOTAL Juvenile Correctional Building Fund	\$ 27,209,649	6914

Section 20.01. GENERAL INSTITUTIONAL RENOVATIONS 6916

The amount reappropriated for the foregoing appropriation 6917
item CAP-803, General Institutional Renovations, is the 6918
unencumbered and unallotted balance as of June 30, 2004, in 6919
appropriation item CAP-803, General Institutional Renovations, 6920
plus \$788,000. 6921

Section 20.02. COMMUNITY REHABILITATION CENTERS 6922

From the foregoing appropriation item CAP-812, Community 6923
Rehabilitation Centers, the Department of Youth Services shall 6924
designate the projects involving the construction and renovation 6925
of single county and multicounty community corrections facilities 6926
for which the Ohio Building Authority is authorized to issue 6927

obligations. 6928

The Department of Youth Services is authorized to review and 6929
approve the renovation and construction of projects for which 6930
funds are provided. The proceeds of any obligations authorized 6931
under this section shall not be applied to any such facilities 6932
that are not designated and approved by the Department of Youth 6933
Services. 6934

The Department of Youth Services shall adopt guidelines to 6935
accept and review applications and designate projects. The 6936
guidelines shall require the county or counties to justify the 6937
need for the facility and to comply with timelines for the 6938
submission of documentation pertaining to the site, program, and 6939
construction. 6940

For purposes of this section, "community corrections 6941
facilities" has the same meaning as in section 5139.36 of the 6942
Revised Code. 6943

Section 20.03. LOCAL JUVENILE DETENTION CENTERS 6944

From the foregoing appropriation item CAP-829, Local Juvenile 6945
Detention Centers, the Department of Youth Services shall 6946
designate the projects involving the construction and renovation 6947
of county and multicounty juvenile detention centers for which the 6948
Ohio Building Authority is authorized to issue obligations. 6949

The Department of Youth Services is authorized to review and 6950
approve the renovation and construction of projects for which 6951
funds are provided. The proceeds of any obligations authorized 6952
under this section shall not be applied to any such facilities 6953
that are not designated by the Department of Youth Services. 6954

The Department of Youth Services shall comply with the 6955
guidelines set forth in this section, accept and review 6956
applications, designate projects, and determine the amount of 6957

state match funding to be applied to each project. The department 6958
shall, with the advice of the county or counties participating in 6959
a project, determine the funded design capacity of the detention 6960
centers that are designated to receive funding. Notwithstanding 6961
any provisions to the contrary contained in Chapter 152. or 153. 6962
of the Revised Code, the Department of Youth Services may 6963
coordinate, review, and monitor the drawdown and use of funds for 6964
the renovation and construction of projects for which designated 6965
funds are provided. 6966

(A) The Department of Youth Services shall develop a weighted 6967
numerical formula to determine the amount, if any, of state match 6968
that may be provided to a single or multicounty detention center 6969
project. The formula shall include the factors specified below in 6970
division (A)(1) of this section and may include the factors 6971
specified below in division (A)(2) of this section. The weight 6972
assigned to the factors specified in division (A)(1) of this 6973
section shall be not less than twice the weight assigned to 6974
factors specified in division (A)(2) of this section. 6975

(1)(a) The number of detention center beds needed in the 6976
county or group of counties, as estimated by the Department of 6977
Youth Services, is significantly more than the number of beds 6978
currently available; 6979

(b) Any existing detention center in the county or group of 6980
counties does not meet health, safety, or security standards for 6981
detention centers as established by the Department of Youth 6982
Services; 6983

(c) The Department of Youth Services projects that the county 6984
or group of counties have a need for a sufficient number of 6985
detention beds to make the project economically viable. 6986

(2)(a) The percentage of children in the county or group of 6987
counties living below the poverty level is above the state 6988

average; 6989

(b) The per capita income in the county or group of counties 6990
is below the state average. 6991

(B) The formula developed by the Department of Youth Services 6992
shall yield a percentage of state match ranging from 0 to 60 per 6993
cent based on the above factors. Notwithstanding the foregoing 6994
provisions, if a single county or multicounty system currently has 6995
no detention center beds, or if the projected need for detention 6996
center beds as estimated by the Department of Youth Services is 6997
greater than 120 per cent of current detention center bed 6998
capacity, then the percentage of state match shall be 60 per cent. 6999
To determine the dollar amount of the state match for new 7000
construction projects, the percentage of state match is multiplied 7001
by \$125,000 per bed for detention centers with a designated 7002
capacity of 99 beds or less, and by \$130,000 per bed for detention 7003
centers with a design capacity of 100 beds or more. To determine 7004
the dollar amount of the state match for renovation projects the 7005
percentage match shall be multiplied by the actual cost of the 7006
renovation, provided that the cost of the renovation does not 7007
exceed \$100,000 per bed. The funding authorized under this section 7008
that may be applied to a construction or renovation project shall 7009
not exceed the actual cost of the project. 7010

The funding authorized under this section shall not be 7011
applied to any project unless the detention center will be built 7012
in compliance with health, safety, and security standards for 7013
detention centers as established by the Department of Youth 7014
Services. In addition, the funding authorized under this section 7015
shall not be applied to the renovation of a detention center 7016
unless the renovation is for the purpose of increasing the number 7017
of beds in the center, or to meet health, safety, or security 7018
standards for detention centers as established by the Department 7019
of Youth Services. 7020

Section 21. All items set forth in this section are hereby 7021
appropriated out of any moneys in the state treasury to the credit 7022
of the Transportation Building Fund (Fund 029) that are not 7023
otherwise appropriated: 7024

Reappropriations

	DOT DEPARTMENT OF TRANSPORTATION		7025
CAP-001	Transportation Buildings Capital	\$ 35,000	7026
	Improvements		
	Total Department of Transportation	\$ 35,000	7027
	TOTAL Transportation Building Fund	\$ 35,000	7028

Section 22. All items set forth in this section are hereby 7030
appropriated out of any moneys in the state treasury to the credit 7031
of the Arts and Sports Facilities Building Fund (Fund 030) that 7032
are not otherwise appropriated: 7033

Reappropriations

	AFC ARTS AND SPORTS FACILITIES COMMISSION		7034
CAP-003	Center of Science and Industry - Toledo	\$ 12,268	7035
CAP-004	Valentine Theatre	\$ 1,111	7036
CAP-005	Center of Science and Industry -	\$ 181,636	7037
	Columbus		
CAP-010	Sandusky State Theatre Improvements	\$ 1,000,000	7038
CAP-017	Zion Center of the National	\$ 488,232	7039
	Afro-American Museum		
CAP-021	Ohio Historical Center - Archives and	\$ 2,395	7040
	Library Shelving		
CAP-033	Woodward Opera House Renovation	\$ 1,050,000	7041
CAP-037	Canton Palace Theatre Renovations	\$ 1,066,126	7042
CAP-038	Center Exhibit Replacement	\$ 750,000	7043
CAP-041	Cleveland Playhouse	\$ 500,000	7044
CAP-042	Statewide Site Exhibit/Renovation &	\$ 625,000	7045
	Construction		

CAP-043	Statewide Site Repairs	\$	454,000	7046
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	7047
CAP-052	Akron Art Museum	\$	6,634,666	7048
CAP-053	Powers Auditorium Improvements	\$	200,000	7049
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	7050
CAP-057	Comprehensive Master Plan	\$	180,000	7051
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	7052
CAP-061	Statewide Arts Facilities Planning	\$	35,931	7053
CAP-063	Robins Theatre Renovations	\$	1,000,000	7054
CAP-064	Bramley Historic House	\$	75,000	7055
CAP-066	Delaware County Cultural Arts Center	\$	40,000	7056
CAP-068	Perry County Historical Society	\$	100,000	7057
CAP-069	Cleveland Institute of Art	\$	750,000	7058
CAP-071	Cleveland Institute of Music	\$	750,000	7059
CAP-072	West Side Arts Consortium	\$	138,000	7060
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	7061
CAP-075	McKinley Museum Improvements	\$	125,000	7062
CAP-076	Spring Hill Historic Home	\$	125,000	7063
CAP-077	Western Reserve Ballet Improvements	\$	100,000	7064
CAP-078	Midland Theatre	\$	175,000	7065
CAP-079	Lorain Palace Civic Theatre	\$	200,000	7066
CAP-080	Great Lakes Historical Society	\$	150,000	7067
CAP-734	Hayes Presidential Center	\$	75,000	7068
CAP-745	Historic Sites and Museums	\$	750,000	7069
CAP-753	Buffington Island State Memorial	\$	91,500	7070
CAP-770	Serpent Mound State Memorial	\$	295,000	7071
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	7072
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	7073
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	7074
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	7075

CAP-796	Moundbuilders State Memorial	\$	530,000	7076
CAP-806	Grant Boyhood Home Improvements	\$	68,333	7077
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	7078
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	7079
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000	7080
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	7081
CAP-821	Lorain County Historical Society	\$	300,000	7082
CAP-822	Madison County Historic Schoolhouse	\$	40,000	7083
CAP-823	Marion Palace Theatre	\$	825,000	7084
CAP-824	McConnellsville Opera House	\$	75,000	7085
CAP-825	Secrest Auditorium	\$	75,000	7086
CAP-826	Renaissance Theatre	\$	50,000	7087
CAP-827	Trumpet in the Land	\$	100,000	7088
CAP-828	Becky Thatcher Showboat	\$	30,000	7089
CAP-829	Mid Ohio Valley Players	\$	50,000	7090
CAP-830	The Anchorage	\$	50,000	7091
CAP-831	Wayne County Historical Society	\$	300,000	7092
CAP-833	Promont House Museum	\$	200,000	7093
CAP-836	Fairfield Outdoor Theatre	\$	100,000	7094
CAP-837	Lake County Historical Society	\$	250,000	7095
CAP-839	Hancock Historical Society	\$	75,000	7096
CAP-840	Riversouth Development	\$	10,000,000	7097
CAP-841	Ft. Piqua Hotel	\$	200,000	7098
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	7099
	Total Arts and Sports Facilities Commission	\$	43,970,114	7100
	TOTAL Arts and Sports Facilities Building Fund	\$	43,970,114	7101
	COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT			7102
	CONTRACTS			7103
	Notwithstanding division (A) of section 3383.07 of the			7104
	Revised Code, the Ohio Arts and Sports Facilities Commission, with			7105
	respect to the foregoing appropriation item CAP-005, Center of			7106

Science and Industry - Columbus, may administer all or part of 7107
capital facilities project contracts involving exhibit fabrication 7108
and installation as determined by the Department of Administrative 7109
Services, the Center of Science and Industry - Columbus, and the 7110
Ohio Arts and Sports Facilities Commission in review of the 7111
project plans. The Ohio Arts and Sports Facilities Commission 7112
shall enter into a contract with the Center of Science and 7113
Industry - Columbus to administer the exhibit fabrication and 7114
installation contracts and such contracts are not subject to 7115
Chapter 123. or 153. of the Revised Code. 7116

SPORTS FACILITIES IMPROVEMENTS - AKRON 7117

The amount reappropriated to the Arts and Sports Facilities 7118
Building Fund (Fund 030), CAP-024, Sports Facilities Improvements 7119
- Akron, is the unallotted and unencumbered balance in the Sports 7120
Facilities Building Fund (Fund 024), CAP-024, Sports Facilities 7121
Improvements - Akron. 7122

REDS HALL OF FAME 7123

The amount reappropriated to the Arts and Sports Facilities 7124
Building Fund (Fund 030), CAP-025, Reds Hall of Fame, is the 7125
unallotted and unencumbered balance in the Sports Facilities 7126
Building Fund (Fund 024), CAP-025, Reds Hall of Fame. 7127

MARINA DISTRICT/ICE ARENA DEVELOPMENT 7128

The amount reappropriated to the Arts and Sports Facilities 7129
Building Fund (Fund 030), CAP-843, Marina District/Ice Arena 7130
Development, is the unallotted and unencumbered balance in the 7131
Sports Facilities Building Fund (Fund 024), CAP-073, Marina 7132
District/Ice Arena Development. 7133

Section 22.01. The Ohio Building Authority is hereby 7134
authorized to issue and sell, in accordance with Section 2i of 7135
Article VIII, Ohio Constitution, and Chapter 152. and other 7136

applicable sections of the Revised Code, original obligations in 7137
an aggregate principal amount not to exceed \$1,000,000 in addition 7138
to the original issuance of obligations heretofore authorized by 7139
prior acts of the General Assembly. The authorized obligations 7140
shall be issued, subject to applicable constitutional and 7141
statutory limitations, to pay costs of capital facilities as 7142
defined in division (A)(5) of section 152.09 of the Revised Code, 7143
including construction as defined in division (H) of section 7144
3383.01 of the Revised Code, of the Ohio arts facilities 7145
designated in Section 15.01 of H.B. 675 of the 124th General 7146
Assembly. 7147

Section 23. All items set forth in this section are hereby 7148
appropriated out of any moneys in the state treasury to the credit 7149
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 7150
not otherwise appropriated: 7151

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 7152

STATEWIDE AND LOCAL PROJECTS 7153

CAP-012	Land Acquisition	\$	958,039	7154
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294	7155
CAP-703	Cap Abandoned Water Wells	\$	189,482	7156
CAP-748	Local Parks Projects - Statewide	\$	3,406,183	7157
CAP-751	City of Portsmouth Launch Ramp	\$	15,989	7158
CAP-753	Project Planning	\$	118,360	7159
CAP-766	South Fork Licking Watershed Study	\$	600	7160
CAP-768	Grand River Wildlife Area	\$	2,700	7161
CAP-788	Community Recreation Projects	\$	60,000	7162
CAP-799	Village of Nelville Boat Ramp	\$	140,727	7163
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700	7164
CAP-814	North of Rush Run Wildlife Area	\$	200	7165
CAP-834	Appraisal Fees - Statewide	\$	77,265	7166
CAP-844	Put-In-Bay Township Port Authority	\$	79,784	7167

CAP-868	New Philadelphia Office Relocation	\$	1,500,000	7168
CAP-881	Dam Rehabilitation	\$	14,998,701	7169
CAP-900	City of Huron Docks	\$	46,786	7170
CAP-928	Handicapped Accessibility	\$	743,285	7171
CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857	7172
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572	7173
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481	7174
CAP-934	Operations Facilities Development	\$	1,486,438	7175
CAP-963	Fairpoint Harbor Port Authority	\$	103,293	7176
CAP-995	Boundary Protection	\$	32,426	7177
CAP-999	Geographic Information Management System	\$	779,501	7178
Total Statewide and Local Projects		\$	35,513,663	7179
DIVISION OF CIVILIAN CONSERVATION				7180
CAP-750	Quilter CCC Camp	\$	900	7181
CAP-817	Riffe CCC Camp	\$	1,309	7182
CAP-835	Civilian Conservation Facilities	\$	1,847,074	7183
Total Division of Civilian Conservation		\$	1,849,283	7184
DIVISION OF FORESTRY				7185
CAP-021	Mohican State Forest	\$	1,200	7186
CAP-030	Shawnee State Forest	\$	1,300	7187
CAP-073	Brush Creek State Forest	\$	5,850	7188
CAP-146	Zaleski State Forest	\$	200	7189
CAP-213	Shade River State Forest	\$	200	7190
CAP-841	Operations and Maintenance Facility	\$	1,489,212	7191
Development and Renovation				
CAP-977	Fernwood State Forest	\$	7,181	7192
Total Division of Forestry		\$	1,505,143	7193
DIVISION OF MINERAL RESOURCES MANAGEMENT				7194
CAP-867	Reclamation Facilities Renovation and	\$	19,500	7195
Development				
Total Division of Mineral Resources Management		\$	19,500	7196
DIVISION OF NATURAL AREAS AND PRESERVES				7197
CAP-006	Little Beaver Creek Nature Preserve	\$	1,500	7198

CAP-826	Natural Areas and Preserves	\$	788,056	7199
	Maintenance/Facility Development			
CAP-831	Lake Katherine	\$	17,699	7200
CAP-870	Little Miami Scenic River	\$	4,800	7201
	Total Division of Natural Areas	\$	812,055	7202
	DIVISION OF PARKS AND RECREATION			7203
CAP-003	Barkcamp State Park	\$	3,025	7204
CAP-005	Cowan Lake State Park	\$	34,684	7205
CAP-010	East Harbor State Park	\$	41,329	7206
CAP-016	Hueston Woods State Park	\$	2,500	7207
CAP-017	Indian Lake State Park	\$	2,319	7208
CAP-018	Kelleys Island State Park	\$	5,700	7209
CAP-019	Lake Hope State Park	\$	500	7210
CAP-025	Punderson Lake State Park	\$	8,997	7211
CAP-026	Pymatuning State Park	\$	2,650	7212
CAP-032	West Branch State Park	\$	6,243	7213
CAP-037	Kiser Lake State Park	\$	10,616	7214
CAP-051	Buck Creek State Park	\$	500	7215
CAP-052	Buckeye Lake State Park	\$	74,746	7216
CAP-060	East Fork State Park	\$	1,709	7217
CAP-064	Geneva State Park	\$	750	7218
CAP-069	Hocking Hills State Park	\$	472	7219
CAP-089	Mosquito Lake State Park	\$	2,789	7220
CAP-093	Portage Lakes State Park	\$	44,676	7221
CAP-114	Beaver Creek State Park	\$	12,000	7222
CAP-119	Forked Run State Park	\$	5,123	7223
CAP-169	Lake White State Park	\$	3,100	7224
CAP-222	Wolf Run State Park	\$	205,787	7225
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369	7226
CAP-305	Maumee Bay State Park	\$	900	7227
CAP-331	Park Boating Facilities	\$	5,411,873	7228
CAP-390	State Park Maintenance/Facility	\$	1,803,182	7229

	Development			
CAP-718	Grand Lake St Marys State Park	\$	7,490	7230
CAP-719	Indian Lake State Park	\$	7,610	7231
CAP-758	Muskingum River Parkway Lock #7	\$	1,146	7232
CAP-795	Headlands Beach State Park	\$	25,160	7233
CAP-815	Mary Jane Thurston State Park	\$	4,700	7234
CAP-825	Marblehead Lighthouse State Park	\$	1,233	7235
CAP-829	Sycamore State Park	\$	500	7236
CAP-836	State Park Renovations/Upgrading	\$	3,254,137	7237
CAP-851	Cleveland Lakefront	\$	47,051	7238
CAP-916	Lake Milton State Park	\$	46,509	7239
	Total Division of Parks and Recreation	\$	14,513,075	7240
	DIVISION OF SOIL AND WATER CONSERVATION			7241
CAP-810	New Facilities at Farm Science Review	\$	500	7242
	Total Division of Soil and Water Conservation	\$	500	7243
	DIVISION OF WATER			7244
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222	7245
CAP-730	Miami and Erie Canal	\$	700	7246
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266	7247
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396	7248
CAP-822	Flood Hazard Information Studies	\$	5,518	7249
CAP-848	Hazardous Dam Repair - Statewide	\$	267,000	7250
	Total Division of Water	\$	4,858,102	7251
	TOTAL Department of Natural Resources	\$	59,071,321	7252
	TOTAL Ohio Parks and Natural Resources Fund	\$	59,071,321	7253

Section 23.01. LAND ACQUISITION 7255

Of the foregoing appropriation item CAP-012, Land 7256
Acquisition, \$300,000 shall be used by the City of Mentor to 7257
purchase property for the Mentor Marsh. 7258

MIAMI AND ERIE CANAL IMPROVEMENTS 7259

Of the foregoing appropriation item CAP-705, Rehabilitate 7260
Canals, Hydraulic Works, and Support Facilities, at least 7261
\$1,250,000 shall be used for Miami and Erie Canal improvements. 7262

LOCAL PARKS PROJECTS - STATEWIDE 7263

The amount reappropriated for the foregoing appropriation 7264
item CAP-748, Local Parks Projects - Statewide, is \$840,879 plus 7265
the unencumbered and unallotted balance as of June 30, 2004, in 7266
item CAP-748, Local Parks Projects - Statewide. The \$840,879 7267
represents amounts that were previously appropriated, allocated to 7268
counties pursuant to division (D) of section 1557.06 of the 7269
Revised Code, and encumbered for local project grants. The 7270
encumbrances for these local projects in the various counties 7271
shall be canceled by the Director of Natural Resources or the 7272
Director of Budget and Management. The Director of Natural 7273
Resources shall allocate the \$840,879 to the same counties the 7274
moneys were originally allocated to, in the amount of the canceled 7275
encumbrances. 7276

DAM REHABILITATION 7277

Of the foregoing appropriation item CAP-881, Dam 7278
Rehabilitation, up to \$5,000,000 shall be used to rehabilitate the 7279
Muskingum River Locks and Dams. 7280

Section 23.02. For the projects appropriated in Section 24 of 7281
this act, the Ohio Department of Natural Resources shall 7282
periodically prepare and submit to the Director of Budget and 7283
Management the estimated design, planning, and engineering costs 7284
of capital-related work to be done by the Department of Natural 7285
Resources for each project. Based on the estimates, the Director 7286
of Budget and Management may release appropriations from the 7287
foregoing appropriation item CAP-753, Project Planning, to pay for 7288

design, planning, and engineering costs incurred by the Department 7289
of Natural Resources for such projects. Upon release of the 7290
appropriations by the Director of Budget and Management, the 7291
Department of Natural Resources shall pay for these expenses from 7292
Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks 7293
and Natural Resources Fund (Fund 031) using an intrastate voucher. 7294

Section 24. All items set forth in this section are hereby 7295
appropriated out of any moneys in the state treasury to the credit 7296
of the School Building Program Assistance Fund (Fund 032) that are 7297
not otherwise appropriated: 7298

		Reappropriations		
SFC SCHOOL FACILITIES COMMISSION				7299
CAP-770	School Building Program Assistance	\$	11,319,352	7300
CAP-779	Exceptional Needs	\$	602,365	7301
Total School Facilities Commission		\$	11,921,717	7302
TOTAL School Building Program Assistance Fund		\$	11,921,717	7303

SCHOOL BUILDING PROGRAM ASSISTANCE 7304

The amount reappropriated for the foregoing appropriation 7305
item CAP-770, School Building Program Assistance, is \$6,205,032, 7306
plus the sum of the unencumbered and unallotted balances as of 7307
June 30, 2004, for appropriation item CAP-770, School Building 7308
Program Assistance. 7309

Section 25. All items set forth in Sections 25.01 to 25.03 of 7310
this act are hereby appropriated out of any moneys in the state 7311
treasury to the credit of the Mental Health Facilities Improvement 7312
Fund (Fund 033) that are not otherwise appropriated: 7313

Reappropriations

Section 25.01. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION				7314
SERVICES				7315
CAP-001	Renovate Rollman Center	\$	41,236	7316

CAP-002	Community Assistance Projects	\$	3,560,104	7317
CAP-003	Alcohol/Drug Addiction Center	\$	7,314	7318
Total Department of Alcohol and Drug Addiction				7319
Services		\$	3,608,654	7320

COMMUNITY ASSISTANCE PROJECTS 7321

Of the foregoing appropriation item CAP-002, Community 7322
Assistance Projects, \$266,512 shall be used for the Oak House 7323
Women's Residential Treatment Facility. 7324

Reappropriations

Section 25.02. DMH DEPARTMENT OF MENTAL HEALTH 7325

STATEWIDE AND CENTRAL OFFICE PROJECTS 7326

CAP-092	Hazardous Materials Abatement	\$	240,104	7327
CAP-479	Community Assistance Projects	\$	1,281,313	7328
CAP-906	Campus Consolidation-Automation	\$	307,487	7329
CAP-946	Demolition	\$	126,012	7330
CAP-976	Life Safety/Critical Plant Renovations	\$	147,387	7331
CAP-977	Patient Care/Environment Improvement	\$	2,062,910	7332
CAP-978	Infrastructure Renovations	\$	420,050	7333
CAP-981	Emergency Improvements	\$	2,540,710	7334
Total Department of Mental Health				7335

COMMUNITY ASSISTANCE PROJECTS 7336

Of the foregoing appropriation item CAP-479, Community 7337
Assistance Projects, \$250,000 shall be used for the Berea 7338
Children's Home. 7339

PATIENT CARE AND ENVIRONMENT IMPROVEMENTS 7340

The amount reappropriated for appropriation item CAP-977, 7341
Patient Care/Environment Improvement, is the unencumbered and 7342
unallotted balances as of June 30, 2004, in appropriation item 7343
CAP-977, Patient Care/Environment Improvement, plus \$371,199. 7344

PATIENT ENVIRONMENT IMPROVEMENT CONSOLIDATION 7345

The amount reappropriated for appropriation item CAP-984, 7346
 Patient Environment Improvement/Consolidation, is the unencumbered 7347
 and unallotted balance as of June 30, 2004, in appropriation item 7348
 CAP-984, Patient Environment Improvement/Consolidation plus 7349
 \$176,853. 7350

Reappropriations

Section 25.03. DMR DEPARTMENT OF MENTAL RETARDATION AND 7351
DEVELOPMENTAL DISABILITIES 7352

STATEWIDE PROJECTS 7353

CAP-001	Asbestos Abatement	\$	1,324,722	7354
CAP-480	Community Assistance Projects	\$	15,366,610	7355
CAP-901	Razing of Buildings	\$	369,502	7356
CAP-912	Telecommunications Systems Improvement	\$	208,417	7357
CAP-941	Emergency Generator Replacement	\$	88,942	7358
CAP-955	Statewide Developmental Centers	\$	4,496,148	7359
CAP-981	Emergency Improvements	\$	266,017	7360
Total Statewide and Central Office Projects				\$ 22,120,358 7361

COMMUNITY ASSISTANCE PROJECTS 7362

The foregoing appropriation item CAP-480, Community 7363
 Assistance Projects, may be used to provide community assistance 7364
 funds for the construction or renovation of facilities for day 7365
 programs or residential programs that provide services to persons 7366
 eligible for services from the Department of Mental Retardation 7367
 and Developmental Disabilities or county boards of mental 7368
 retardation and developmental disabilities. Any funds provided to 7369
 nonprofit agencies for the construction or renovation of 7370
 facilities for persons eligible for services from the Department 7371
 of Mental Retardation and Developmental Disabilities and county 7372
 boards of mental retardation and developmental disabilities are 7373
 subject to the prevailing wage provisions in section 176.05 of the 7374
 Revised Code. 7375

Of the foregoing appropriation item CAP-480, Community			7376
Assistance Projects, \$150,000 shall be used for the Fostoria Area			7377
Community Childhood and Family Center and \$1,000,000 shall be used			7378
for the Bellefaire Jewish Children's Bureau.			7379
STATEWIDE DEVELOPMENTAL CENTERS			7380
APPLE CREEK DEVELOPMENTAL CENTER			7381
CAP-790	Cortland Hall Renovation	\$ 31,183	7382
CAP-791	Jonathan Hall Renovation	\$ 417,107	7383
CAP-795	Ruby Hall Renovation	\$ 277,500	7384
CAP-940	Sewage Treatment Plant Renovation	\$ 55,307	7385
CAP-953	Door Replacements	\$ 20,000	7386
CAP-956	Apple Creek Developmental Center	\$ 49,611	7387
Total Apple Creek Developmental Center		\$ 850,708	7388
CAMBRIDGE DEVELOPMENTAL CENTER			7389
CAP-711	Residential Renovations - CAMDC	\$ 45,037	7390
CAP-910	HVAC Renovations - Residential Buildings	\$ 53,550	7391
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$ 43,125	7392
CAP-969	Utility Upgrade Centerwide	50,000	7393
Total Cambridge Developmental Center		\$ 191,712	7394
COLUMBUS DEVELOPMENTAL CENTER			7395
CAP-852	Fire Alarm System Improvements	\$ 39,295	7396
CAP-958	Columbus Developmental Center	\$ 245,368	7397
Total Columbus Developmental Center		\$ 284,663	7398
GALLIPOLIS DEVELOPMENTAL CENTER			7399
CAP-959	Gallipolis Developmental Center	\$ 160,000	7400
Total Gallipolis Developmental Center		\$ 160,000	7401
MONTGOMERY DEVELOPMENTAL CENTER			7402
CAP-960	Montgomery Developmental Center	\$ 91,172	7403
Total Montgomery Developmental Center		\$ 91,172	7404
MOUNT VERNON DEVELOPMENTAL CENTER			7405
CAP-080	Renovate Main Kitchen - Rian Hall	\$ 71,143	7406
CAP-101	Rian Hall Residential Renovations	\$ 105,742	7407
CAP-947	Replace Chiller	\$ 67,865	7408

CAP-962	Mount Vernon Developmental Center	\$	239,039	7409
CAP-974	Pool/Gymnasium Renovation	\$	60,000	7410
Total Mount Vernon Developmental Center		\$	543,789	7411
NORTHWEST OHIO DEVELOPMENTAL CENTER				7412
CAP-963	Northwest Ohio Developmental Center	\$	409,409	7413
CAP-982	Cooling Tower Replacement	\$	50,000	7414
Total Northwest Ohio Developmental Center		\$	459,409	7415
SOUTHWEST OHIO DEVELOPMENTAL CENTER				7416
CAP-863	Residential Renovation - HVAC Upgrade	\$	30,838	7417
CAP-964	Southwest Ohio Developmental Center	\$	142,134	7418
CAP-976	Renovation Program and Support Services Building	\$	162,100	7419
Total Southwest Ohio Developmental Center		\$	335,072	7420
SPRINGVIEW DEVELOPMENTAL CENTER				7421
CAP-742	Administration Building Roof	\$	124,437	7422
CAP-977	Roof Replacement	\$	203,468	7423
Total Springview Developmental Center		\$	327,905	7424
TIFFIN DEVELOPMENTAL CENTER				7425
CAP-085	Roof Replacement - Dietary	\$	100,000	7426
CAP-086	Replace Boiler Feedwater Heating and Storage Unit	\$	88,738	7427
CAP-899	Utah & Nevada Buildings Renovation	\$	4,750	7428
CAP-931	Roof and Exterior Renovations	\$	184,825	7429
CAP-966	Tiffin Developmental Center	\$	192,528	7430
Total Tiffin Developmental Center		\$	570,841	7431
WARRENSVILLE DEVELOPMENTAL CENTER				7432
CAP-088	Exterior Lighting Replacement	\$	38,000	7433
CAP-867	Residential Renovations - WDC	\$	75,000	7434
CAP-900	Water Line Replacement - WDC	\$	77,922	7435
CAP-936	HVAC Renovations	\$	44,035	7436
CAP-950	ADA Compliance - WDC	\$	41,435	7437
CAP-951	Central Kitchen Improvements	\$	6,805	7438

CAP-967	Warrensville Developmental Center	\$	39,217	7439
	Total Warrensville Developmental Center	\$	322,414	7440
	TOTAL Department of Mental Retardation			7441
	and Developmental Disabilities	\$	26,258,043	7442
	TOTAL Mental Health Facilities Improvement Fund	\$	36,992,670	7443

Section 25.04. The foregoing appropriations for the 7445
Department of Alcohol and Drug Addiction Services, CAP-002, 7446
Community Assistance Projects; Department of Mental Health, 7447
CAP-479, Community Assistance Projects; and Department of Mental 7448
Retardation and Developmental Disabilities, CAP-480, Community 7449
Assistance Projects, may be used on facilities constructed or to 7450
be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 7451
5126. of the Revised Code or the authority granted by section 7452
154.20 of the Revised Code and the rules adopted pursuant to those 7453
chapters and that section and shall be distributed by the 7454
Department of Alcohol and Drug Addiction Services, the Department 7455
of Mental Health, and the Department of Mental Retardation and 7456
Developmental Disabilities, subject to Controlling Board approval. 7457

Section 25.05. (A) No capital improvement appropriations made 7458
in Sections 25.01 to 25.03 of this act shall be released for 7459
planning or for improvement, renovation, or construction or 7460
acquisition of capital facilities if a governmental agency, as 7461
defined in section 154.01 of the Revised Code, does not own the 7462
real property that constitutes the capital facilities or on which 7463
the capital facilities are or will be located. This restriction 7464
does not apply in any of the following circumstances: 7465

(1) The governmental agency has a long-term (at least fifteen 7466
years) lease of, or other interest (such as an easement) in, the 7467
real property. 7468

(2) In the case of an appropriation for capital facilities 7469

that, because of their unique nature or location, will be owned or 7470
be part of facilities owned by a separate nonprofit organization 7471
and made available to the governmental agency for its use, the 7472
nonprofit organization either owns or has a long-term (at least 7473
fifteen years) lease of the real property or other capital 7474
facility to be improved, renovated, constructed, or acquired and 7475
has entered into a joint or cooperative use agreement, approved by 7476
the Department of Mental Health, Department of Mental Retardation 7477
and Developmental Disabilities, or Department of Alcohol and Drug 7478
Addiction Services, whichever is applicable, with the governmental 7479
agency for that agency's use of and right to use the capital 7480
facilities to be financed and, if applicable, improved, the value 7481
of such use or right to use being, as determined by the parties, 7482
reasonably related to the amount of the appropriation. 7483

(B) In the case of capital facilities referred to in division 7484
(A)(2) of this section, the joint or cooperative use agreement 7485
shall include, as a minimum, provisions that: 7486

(1) Specify the extent and nature of that joint or 7487
cooperative use, extending for no fewer than fifteen years, with 7488
the value of such use or right to use to be, as determined by the 7489
parties and approved by the applicable department, reasonably 7490
related to the amount of the appropriation; 7491

(2) Provide for pro rata reimbursement to the state should 7492
the arrangement for joint or cooperative use by a governmental 7493
agency be terminated; 7494

(3) Provide that procedures to be followed during the capital 7495
improvement process will comply with appropriate applicable state 7496
statutes and rules, including provisions of this act. 7497

Section 26. All items set forth in Sections 26.01 to 26.56 of 7498
this act are hereby appropriated out of any moneys in the state 7499
treasury to the credit of the Higher Education Improvement Fund 7500

(Fund 034) that are not otherwise appropriated: 7501

Reappropriations

Section 26.01. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS			7502
NETWORK COMMISSION			7503
CAP-001	Educational Television and Radio Equipment	\$ 1,650,617	7504
CAP-002	Educational Broadcasting Fiber Optic Network	\$ 51,748	7505
Total Ohio Educational Telecommunications			7506
Network Commission			\$ 1,702,365 7507

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT 7508

The foregoing appropriation item CAP-001, Educational
Television and Radio Equipment, shall be used to provide
broadcasting, transmission, and production equipment to Ohio
public radio and television stations, radio reading services, and
the Ohio Educational Telecommunications Network Commission.

EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK 7514

The foregoing appropriation item CAP-002, Educational
Broadcasting Fiber Optic Network, shall be used to link the Ohio
public radio and television stations, radio reading services, and
the Ohio Educational Broadcasting Network for the reception and
transmission of digital communications through fiber optic cable
or other technology.

Reappropriations

Section 26.02. BOR BOARD OF REGENTS			7521
CAP-032	Research Facility Investment Loans/Grants	\$ 3,581,226	7522
CAP-033	Child Care Facility - Matching Grants	\$ 742,695	7523
CAP-060	Technology Initiatives	\$ 1,183,398	7524
CAP-061	Central State Rehabilitation	\$ 207,012	7525

CAP-062	Non Credit Job Training Facility Grants	\$	5,985,000	7526
CAP-068	Third Frontier Project	\$	54,360,000	7527
CAP-071	Center for Transitional and Applied Genomics	\$	500,000	7528
CAP-072	Cleveland Clinic Heart Center Infrastructure	\$	1,000,000	7529
CAP-073	Technology Incubator for Market-Ready Applications	\$	2,000,000	7530
Total Board of Regents		\$	69,559,331	7531

Section 26.03. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 7533

The foregoing appropriation item CAP-032, Research Facility Investment Loans/Grants, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education. 7534

The Board of Regents shall adopt rules under Chapter 119. of the Revised Code relative to the application for and approval of projects funded from appropriation item CAP-032, Research Facility Investment Loans/Grants. The rules shall be reviewed and approved by the Legislative Committee on Education Oversight. The Board of Regents shall inform the President of the Senate and the Speaker of the House of Representatives of each project application for funding received. Each project receiving a commitment for funding by the Board of Regents under the rules shall be reported to the President of the Senate and the Speaker of the House of Representatives. 7541

Section 26.04. REPAYMENT OF RESEARCH FACILITY INVESTMENT 7552

LOANS/GRANTS MONEYS 7553

Notwithstanding any provision of law to the contrary, all 7554
repayments of Research Facility Investment Loans/Grants loans 7555
shall be made to the Bond Service Account in the Higher Education 7556
Bond Service Trust Fund. 7557

Institutions of higher education shall make timely repayments 7558
of Research Facility Investment Loans/Grants loans, according to 7559
the schedule established by the Board of Regents. In the case of 7560
late payments, the Board of Regents may deduct from an 7561
institution's periodic subsidy distribution an amount equal to the 7562
amount of the overdue payment for that institution, transfer such 7563
amount to the Bond Service Trust Fund, and credit the appropriate 7564
institution for the repayment. 7565

Section 26.05. CHILD CARE FACILITY - MATCHING GRANTS 7566

The foregoing appropriation item CAP-033, Child Care Facility 7567
- Matching Grants, shall be used by the Board of Regents to make 7568
grants to state-supported or state-assisted institutions of higher 7569
education for projects to expand, construct, renovate space, or 7570
equip child care centers. All grants shall be awarded on a 50 per 7571
cent match basis. In making grant awards, the Board of Regents 7572
shall give priority to: 7573

(A) Projects located at state-supported or state-assisted 7574
institutions without child care facilities; 7575

(B) Projects for which the principal clients are children of 7576
students enrolled at the institution; and 7577

(C) Projects where the facility will be used as a 7578
classroom/training lab for child care/preschool certification 7579
programs. 7580

Section 26.06. TECHNOLOGY INITIATIVES 7581

The foregoing appropriation item CAP-060, Technology 7582

Initiatives, shall be used by the Board of Regents to support 7583
collaborative initiatives to improve the quality and efficiency of 7584
instruction, services, and program offerings at Ohio's 7585
state-assisted colleges and universities. 7586

Section 26.07. THIRD FRONTIER PROJECT 7587

The foregoing appropriation item CAP-068, Third Frontier 7588
Project, shall be used to acquire, renovate, or construct 7589
facilities and purchase equipment for research programs, 7590
technology development, product development, and commercialization 7591
programs at or involving state-supported and state-assisted 7592
institutions of higher education. The funds shall be used to make 7593
grants awarded on a competitive basis, and shall be administered 7594
by the Third Frontier Commission. Expenditure of these funds shall 7595
comply with Section 2n of Article VIII, Ohio Constitution, and 7596
sections 151.01 and 151.04 of the Revised Code for the period 7597
beginning July 1, 2004, and ending June 30, 2006. 7598

The Third Frontier Commission shall develop guidelines 7599
relative to the application for and selection of projects funded 7600
from appropriation item CAP-068, Third Frontier Project. The 7601
commission may develop these guidelines in consultation with other 7602
interested parties. The Board of Regents and all state-assisted 7603
and state-supported institutions of higher education shall take 7604
all actions necessary to implement grants awarded by the Third 7605
Frontier Commission. 7606

The foregoing appropriation item CAP-068, Third Frontier 7607
Project, for which an appropriation is made from the Higher 7608
Education Improvement Fund (Fund 034), is determined to consist of 7609
capital improvements and capital facilities for state-supported 7610
and state-assisted institutions of higher education, and is 7611
designated for the capital facilities to which proceeds of 7612
obligations in the Higher Education Improvement Fund (Fund 034) 7613

are to be applied. 7614

Section 26.08. TECHNOLOGY INCUBATOR FOR MARKET-READY 7615
APPLICATIONS 7616

The amount reappropriated for the foregoing appropriation 7617
item CAP-073, Technology Incubator for Market-Ready Applications, 7618
is the unencumbered and unallotted balance as of June 30, 2004, in 7619
Youngstown State University's appropriation item CAP-128, 7620
Technology Incubator for Market-Ready Applications, and CAP-116, 7621
Technology Incubator for Market-Ready Applications. 7622

Section 26.09. REIMBURSEMENT FOR PROJECT COSTS 7623

Appropriations made in Sections 26.02 to 26.56 of this act 7624
for purposes of the costs of capital facilities for the interim 7625
financing of which the particular institution has previously 7626
issued its own obligations anticipating the possibility of future 7627
state appropriations to pay all or a portion of such costs, as 7628
contemplated in division (B) of section 3345.12 of the Revised 7629
Code, shall be paid directly to the institution or the paying 7630
agent for those outstanding obligations in the full principal 7631
amount of those obligations then to be paid from the anticipated 7632
appropriation, and shall be timely applied to the retirement of a 7633
like principal amount of the institution's obligations. 7634

Appropriations made in Sections 26.02 to 26.56 of this act 7635
for purposes of the costs of capital facilities, all or a portion 7636
of which costs the particular institution has paid from the 7637
institution's moneys that were temporarily available and which 7638
expenditures were reasonably expected at the time of the advance 7639
by the institution and the state to be reimbursed from the 7640
proceeds of obligations issued by the state, shall be directly 7641
paid to the institution in the full amounts of those payments and 7642
shall be timely applied to the reimbursement of those temporarily 7643

available moneys. All reimbursements are subject to review and 7644
approval through the capital release process. 7645

Reappropriations

Section 26.10. UAK UNIVERSITY OF AKRON			7646
CAP-008	Basic Renovations	\$ 3,394,867	7647
CAP-047	Polsky Building Renovation	\$ 577,185	7648
CAP-049	Basic Renovations - Wayne	\$ 270,316	7649
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 4,099,600	7650
CAP-061	Asbestos Abatement	\$ 29,650	7651
CAP-063	Child Care Facility	\$ 149,998	7652
CAP-075	Infrastructure Materials/Rehabilitation	\$ 102,932	7653
CAP-076	Supercritical Fluid Technology	\$ 17,500	7654
CAP-080	UAK/Medina Technology Link	\$ 43,307	7655
CAP-081	Classroom/Office Building - Arts/Sciences	\$ 21,710	7656
CAP-091	Student Affairs Building	\$ 1,235,626	7657
CAP-095	Online Math	\$ 29,305	7658
CAP-097	Ohio NMR Consortium	\$ 96,500	7659
CAP-098	Guzzetta Hall Addition	\$ 7,784,808	7660
CAP-099	D Wing Expansion	\$ 243,750	7661
CAP-100	Classroom Office Addition-Design	\$ 120,120	7662
CAP-101	National Polymer Processing Center	\$ 1,000,000	7663
CAP-102	Scanning Raman Spectrometer	\$ 635	7664
CAP-104	Nanoscale Polymers Manufacturing	\$ 237,500	7665
CAP-105	Hydrogen Production and Storage	\$ 169,000	7666
CAP-107	Stan Hywet Hall and Gardens	\$ 500,000	7667
CAP-108	Weathervane Theatre, Akron	\$ 100,000	7668
CAP-109	Case Barlow Farm, Hudson	\$ 100,000	7669
CAP-110	Springfield HS/UAK Distance Learning Project	\$ 382,000	7670
Total University of Akron			\$ 20,706,309 7671

Reappropriations

Section 26.11. BGU BOWLING GREEN STATE UNIVERSITY			7673
CAP-009	Basic Renovations	\$ 6,290,012	7674
CAP-060	Basic Renovations - Firelands	\$ 267,550	7675
CAP-074	Instructional and Data Processing Equipment	\$ 1,586,263	7676
CAP-078	Asbestos Abatement	\$ 1,584	7677
CAP-088	ADA Modifications	\$ 329,896	7678
CAP-091	Child Care Facility	\$ 49,406	7679
CAP-093	Pedestrian Mall Project	\$ 20,766	7680
CAP-094	Materials Network	\$ 90,981	7681
CAP-104	Jerome Library Renovations	\$ 89,146	7682
CAP-105	Administration Building Elevators	\$ 25,003	7683
CAP-108	Tunnel Upgrade - Phase II	\$ 98,820	7684
CAP-109	Cedar Point Community Center	\$ 862,684	7685
CAP-110	Hannah Hall Rehabilitation	\$ 2,005,522	7686
CAP-112	Biology Lab Renovation	\$ 1,199,595	7687
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$ 352,700	7688
CAP-114	Student Learning	\$ 128,920	7689
CAP-115	Video Teaching Network	\$ 33,627	7690
CAP-117	Administration Building Chiller	\$ 2,475	7691
CAP-118	Kinetic Spectrometry Consortium	\$ 187,798	7692
CAP-119	Admissions Visitor Center	\$ 3,000,000	7693
CAP-120	Theatre/Performing Arts Complex	\$ 8,750,000	7694
CAP-121	University Hall Rehabilitation	\$ 1,174,981	7695
CAP-122	Convocation Center	\$ 50,000	7696
Total Bowling Green State University			\$ 26,597,729 7697
BASIC RENOVATIONS			7698
The amount reappropriated for the foregoing appropriation			7699
item CAP-009, Basic Renovations, is the sum of the unencumbered			7700
and unallotted balances as of June 30, 2004, in appropriation			7701

items CAP-009, Basic Renovations; CAP-066, South Hall Replacement; 7702
and CAP-106, LSC Stairwell/MSC Exterior Steps. 7703

Reappropriations

Section 26.12. CSU CENTRAL STATE UNIVERSITY 7704

CAP-022	Basic Renovations	\$	862,299	7705
CAP-068	Instructional and Data Processing Replacement	\$	16,002	7706
CAP-075	ADA Modifications	\$	51,645	7707
CAP-078	Brown Library Roof Replacement	\$	21,479	7708
CAP-081	Campus Rehabilitation	\$	236,907	7709
CAP-083	Master Plan/Supplemental Renovations	\$	91,278	7710
CAP-084	Academic Facility - Phase 1	\$	7,144,745	7711
CAP-085	Green Hall Rehabilitation	\$	50,406	7712
CAP-088	Capacity Grant	\$	28,609	7713
CAP-090	Emery Hall Roof Rehabilitation	\$	632,500	7714
CAP-091	Carnegie Hall Roof Rehabilitation	\$	76,503	7715
CAP-092	Page Hall Rehabilitation	\$	1,000,000	7716
CAP-095	Williamson Hall HVAC	\$	126,110	7717
CAP-096	Lane Hall Rehabilitation	\$	3,700,000	7718
CAP-097	Campus-wide Master Plan	\$	11,366	7719
CAP-098	Web Instruction	\$	888	7720
Total Central State University		\$	14,050,737	7721

Reappropriations

Section 26.13. UCN UNIVERSITY OF CINCINNATI 7723

CAP-009	Basic Renovations	\$	6,003,233	7724
CAP-018	Basic Renovations - Clermont	\$	227,093	7725
CAP-054	Raymond Walters Renovations	\$	146,415	7726
CAP-115	Hazardous Waste	\$	6,648	7727
CAP-122	Infrastructure Assessment	\$	1,639	7728
CAP-125	Supplemental Renovations - Interior Spaces	\$	15,223	7729

CAP-128	Science and Allied Health Building - Walters	\$	248,614	7730
CAP-137	MSB Otolaryngology	\$	1,228	7731
CAP-141	ADA Modifications	\$	239,535	7732
CAP-142	ADA Modifications - Clermont	\$	6,039	7733
CAP-143	ADA Modifications - Walters	\$	2,101	7734
CAP-156	CFC Unit Replacement	\$	2,173	7735
CAP-158	Molecular Components/Simulation Network	\$	14,154	7736
CAP-171	Asbestos - Rieveschl Hall	\$	298,057	7737
CAP-173	Surface Engineering	\$	69,428	7738
CAP-174	Classroom/Teaching Lab Renovations	\$	55,965	7739
CAP-176	Network Expansion	\$	19,000	7740
CAP-177	Critical Building Component Renovations	\$	422,700	7741
CAP-179	Rieveschl Rehabilitation	\$	27,240	7742
CAP-180	Rapid Prototype Process	\$	72,043	7743
CAP-182	Elevator - Critical Building Components	\$	33,271	7744
CAP-187	MSB Small Group Learning Spaces	\$	1,125	7745
CAP-188	HPB/Wherry Service Entrances	\$	24,454	7746
CAP-193	Nano Particles	\$	1,103	7747
CAP-194	Transgenic Core Capacity	\$	1,633	7748
CAP-195	Thin Film Analysis	\$	110,452	7749
CAP-196	Electronic Reconstruction	\$	1,784	7750
CAP-197	Med Center Technology	\$	1,546	7751
CAP-198	TC/Dyer Rehabilitation Phase 1A	\$	8,532	7752
CAP-200	Braustein Rehabilitation Phase 1	\$	301	7753
CAP-201	WC Faculty Media Center	\$	7,275	7754
CAP-202	Baldwin Hall Rehabilitation - Phase I	\$	8,360	7755
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919	7756
CAP-205	Medical Science Building Rehabilitation	\$	7,481,108	7757
CAP-206	One Stop Services Center	\$	1,221,776	7758
CAP-207	Central Campus Infrastructure	\$	327,727	7759
CAP-208	Security System Upgrade	\$	54,483	7760
CAP-209	Library Renovations	\$	900,500	7761

CAP-211	Cincinnati Symphony Facility	\$	500,000	7762
CAP-212	Roof Replacement - MSB Complex	\$	24,906	7763
CAP-218	Creation of a P3 Facility	\$	500	7764
CAP-223	Teachers College/Dyer Hall Rehabilitation Phase 2	\$	3,073,015	7765
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	642,423	7766
CAP-226	Holocaust Archives at Hebron Union College	\$	250,000	7767
CAP-227	Old Chemistry Roof and Masonry	\$	99,049	7768
CAP-228	Medical Science Building Level G, 1 & 2 Lab Upgrades	\$	2,117	7769
CAP-232	Expression Technology	\$	52,979	7770
CAP-237	Biomedical Engineering	\$	231,816	7771
CAP-244	Pulse Detonation Engine	\$	140,050	7772
CAP-250	Student Services	\$	97,898	7773
CAP-251	Information Technology	\$	15,972	7774
CAP-252	Surgery Research Renovation Level G & 1	\$	3,566	7775
CAP-253	Electron Photo Reagents	\$	62,055	7776
CAP-254	Elevator Modernization - Sanders	\$	232,372	7777
CAP-257	Micro and Nano-materials Consortium	\$	160,000	7778
CAP-258	Genome Research	\$	176,439	7779
CAP-259	Ohio NMR Consortium	\$	114,500	7780
CAP-260	Environmental Technology Consortium	\$	50,000	7781
CAP-262	Central Campus Renovations	\$	8,442	7782
CAP-264	McMicken Window Replacement	\$	66,882	7783
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	285,633	7784
CAP-266	Muntz Rehab Phase 2	\$	77,623	7785
CAP-267	Muntz Classroom/Office Upgrades	\$	16,297	7786
CAP-269	Raymond Walters Veterinary College	\$	400,000	7787
CAP-270	CAS HVAC Upgrades	\$	294,680	7788
CAP-272	French West	\$	557	7789
CAP-273	Help Phones	\$	43,754	7790

CAP-276	Health Professionals Building G44E Renovation	\$	25,428	7791
CAP-277	Rieveschl 800 Lab Reloc.	\$	705,147	7792
CAP-278	Structural Biology	\$	500,000	7793
CAP-279	Developmental Neurobiology	\$	500,000	7794
CAP-283	College of Applied Science	\$	154,000	7795
CAP-284	Mechanistic Modeling Tools	\$	60,000	7796
CAP-285	Medical Science Building Library Computer Lab Renovation	\$	63,003	7797
CAP-286	CAS Fire Alarm Upgrade	\$	618,174	7798
CAP-287	Classroom Security System	\$	71,696	7799
CAP-288	Doped Electroluminescent Devices	\$	100,000	7800
CAP-289	Medical Science Building Data Electronic RM Walls	\$	29,965	7801
CAP-290	Mainframe Computing Alliance	\$	104,727	7802
CAP-291	Proteomics in the Post Genome Era	\$	1,000,000	7803
CAP-292	Nanoscale Hybrid Materials	\$	600,287	7804
CAP-293	Accelerated Maturation of Materials	\$	250,000	7805
CAP-294	Hydrogen Production & Storage	\$	206,000	7806
CAP-295	Edwards Corridors Tile	\$	26,801	7807
Total University of Cincinnati		\$	30,208,640	7808

BASIC RENOVATIONS 7809

The amount reappropriated for the foregoing appropriation 7810
item CAP-009, Basic Renovations, is the sum of the unencumbered 7811
and unallotted balance as of June 30, 2004, in appropriation item 7812
CAP-009, Basic Renovations, plus \$14,860. 7813

SCIENCE AND ALLIED HEALTH BUILDING - WALTERS 7814

The amount reappropriated for the foregoing appropriation 7815
item CAP-128, Science and Allied Health Building - Walters, is the 7816
sum of the unencumbered and unallotted balance as of June 30, 7817
2004, in appropriation item CAP-128, Science and Allied Health 7818
Building - Walters, plus \$81,931. 7819

CLASSROOM/TEACHING LAB RENOVATIONS 7820

The amount reappropriated for the foregoing appropriation 7821
item CAP-174, Classroom/Teaching Lab Renovations, is the sum of 7822
the unencumbered and unallotted balance as of June 30, 2004, in 7823
appropriation item CAP-174, Classroom/Teaching Lab Renovations, 7824
plus \$698. 7825

ELEVATOR - CRITICAL BUILDING COMPONENTS 7826

The amount reappropriated for the foregoing appropriation 7827
item CAP-182, Elevator - Critical Building Components, is the sum 7828
of the unencumbered and unallotted balance as of June 30, 2004, in 7829
appropriation item CAP-182, Elevator - Critical Building 7830
Components, plus \$45,048. 7831

MSB SMALL GROUP LEARNING SPACES 7832

The amount reappropriated for the foregoing appropriation 7833
item CAP-187, MSB Small Group Learning Spaces, is the sum of the 7834
unencumbered and unallotted balance as of June 30, 2004, in 7835
appropriation item CAP-187, MSB Small Group Learning Spaces, plus 7836
\$1,125. 7837

TC/DYER REHABILITATION PHASE 1A 7838

The amount reappropriated for the foregoing appropriation 7839
item CAP-198, TC/DYER Rehabilitation Phase 1A, is the sum of the 7840
unencumbered and unallotted balance as of June 30, 2004, in 7841
appropriation item CAP-198, TC/DYER Rehabilitation Phase 1A, plus 7842
\$2,406. 7843

BRAUSTEIN REHABILITATION PHASE 1 7844

The amount reappropriated for the foregoing appropriation 7845
item CAP-200, Braustein Rehabilitation Phase 1, is the sum of the 7846
unencumbered and unallotted balance as of June 30, 2004, in 7847
appropriation item CAP-200, Braustein Rehabilitation Phase 1, plus 7848
\$301. 7849

BALDWIN HALL REHABILITATION - PHASE 1		7850
The amount reappropriated for the foregoing appropriation		7851
item CAP-202, Baldwin Hall Rehabilitation - Phase 1, is the sum of		7852
the unencumbered and unallotted balance as of June 30, 2004, in		7853
appropriation item CAP-202, Baldwin Hall Rehabilitation - Phase 1,		7854
plus \$8,360.		7855
MEDICAL SCIENCE BUILDING REHABILITATION		7856
The amount reappropriated for the foregoing appropriation		7857
item CAP-205, Medical Science Building Rehabilitation, is the sum		7858
of the unencumbered and unallotted balance as of June 30, 2004, in		7859
appropriation item CAP-205, Medical Science Building		7860
Rehabilitation, plus \$274.		7861
ONE STOP SERVICES CENTER		7862
The amount reappropriated for the foregoing appropriation		7863
item CAP-206, One Stop Services Center, is the sum of the		7864
unencumbered and unallotted balance as of June 30, 2004, in		7865
appropriation item CAP-206, One Stop Services Center, plus \$1,260.		7866
CREATION OF A P3 FACILITY		7867
The amount reappropriated for the foregoing appropriation		7868
item CAP-218, Creation of a P3 Facility, is the sum of the		7869
unencumbered and unallotted balance as of June 30, 2004, in		7870
appropriation item CAP-218, Creation of a P3 Facility, plus \$500.		7871
	Reappropriations	
Section 26.14. CLS CLEVELAND STATE UNIVERSITY		7872
CAP-007 Stilwell Hall Completion	\$ 25,160	7873
CAP-023 Basic Renovations	\$ 4,173,262	7874
CAP-067 17th - 18th Street Block	\$ 164,026	7875
CAP-069 Great Lakes Museum for Science, Environment, and Technology	\$ 200,000	7876
CAP-088 Asbestos Abatement	\$ 1,636,687	7877

CAP-092	Handicapped Requirements	\$	17,148	7878
CAP-101	Classroom Building Conversion	\$	50,000	7879
CAP-109	Classroom Upgrade	\$	533,031	7880
CAP-112	Land Acquisitions	\$	16,803	7881
CAP-114	Geographic Information Systems	\$	77,738	7882
CAP-117	Landscaping/Sidewalks/Stairs	\$	29,350	7883
CAP-118	Structural Concrete Rehabilitation	\$	36,893	7884
CAP-125	College of Education Building	\$	9,386,384	7885
CAP-126	Electrical System Upgrades Phase 2	\$	1,072,619	7886
CAP-127	Fire Alarm System Upgrade	\$	400,000	7887
CAP-128	Property Acquisition	\$	2,886,556	7888
CAP-130	WVIZ Technology Center	\$	1,000,000	7889
CAP-135	Law Building Stair Renovation	\$	6,669	7890
CAP-136	University Center HVAC Phase 1	\$	3,843	7891
CAP-137	University Center Elevator Upgrades	\$	26,545	7892
CAP-138	Student Services	\$	142,174	7893
CAP-139	Landscape, Sidewalk Replacement	\$	5,845	7894
CAP-142	Rhodes Tower Library Roof Replacement	\$	1,170,372	7895
CAP-143	Cleveland Food Bank	\$	500,000	7896
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$	1,300,000	7897
CAP-145	Cleveland Manufactures Technology Complex	\$	500,000	7898
CAP-146	Rhodes Tower Exterior Renovation	\$	56,709	7899
Total Cleveland State University		\$	25,417,813	7900

BASIC RENOVATIONS 7901

The amount reappropriated for the foregoing appropriation 7902
item CAP-023, Basic Renovations, is the unencumbered and 7903
unallotted balance as of June 30, 2004, in appropriation item 7904
CAP-023, Basic Renovations, plus \$9,122. 7905

Reappropriations

Section 26.15. KSU KENT STATE UNIVERSITY 7906

CAP-022	Basic Renovations	\$	4,061,411	7907
CAP-098	Trumbull Branch Addition	\$	13,972	7908
CAP-105	Basic Renovations - East Liverpool	\$	171,174	7909
CAP-106	Basic Renovations - Geauga	\$	93,274	7910
CAP-107	Basic Renovations - Salem	\$	178,129	7911
CAP-108	Basic Renovations - Stark	\$	397,489	7912
CAP-110	Basic Renovations - Ashtabula	\$	249,026	7913
CAP-111	Basic Renovations - Trumbull	\$	618,878	7914
CAP-112	Basic Renovations - Tuscarawas	\$	2,198	7915
CAP-122	Faculty Office Addition - Salem	\$	12,072	7916
CAP-126	HVAC Renovations - Ashtabula	\$	5,545	7917
CAP-128	Roof Renovations - Ashtabula	\$	1,435	7918
CAP-137	LCI/Materials Science Building	\$	24,730	7919
CAP-139	Science Building - Stark	\$	54,890	7920
CAP-140	Road Improvements - Trumbull	\$	12,282	7921
CAP-143	Liquid Crystals	\$	450,884	7922
CAP-146	Williams Hall Medium Voltage	\$	13,816	7923
CAP-154	Separation Science	\$	1,497	7924
CAP-156	Boiler Plant Controls and Building Alterations	\$	36,932	7925
CAP-157	Moulton Hall Rehabilitation	\$	30,772	7926
CAP-159	Electrical Substation/Fiber Optic Network	\$	51,993	7927
CAP-161	Addition to Cunningham Hall	\$	80,149	7928
CAP-162	Science and Technology Building - Trumbull	\$	125,374	7929
CAP-164	ADA Modifications - Ashtabula	\$	6,772	7930
CAP-166	ADA Modifications - Geauga	\$	440	7931
CAP-167	ADA Modifications - Salem	\$	5,312	7932
CAP-168	ADA Modifications - Stark	\$	620	7933
CAP-173	Child Care Facility	\$	18,650	7934
CAP-176	Midway Drive Utilities Tunnel - II	\$	100,087	7935
CAP-177	Corporate Education and Conference	\$	28,556	7936

	Center, Phase 2 Stark			
CAP-179	New Power Plant	\$	125,445	7937
CAP-184	Distributed Computation/Visualization	\$	33,833	7938
CAP-188	Child Care Funds - East Liverpool	\$	90,000	7939
CAP-189	Child Care Funds - Tuscarawas	\$	19,847	7940
CAP-190	Child Care Funds - Ashtabula	\$	12,500	7941
CAP-194	Child Care - Salem	\$	100,000	7942
CAP-195	Child Care - Geauga	\$	20,666	7943
CAP-196	Technology Improvements - Ashtabula	\$	282,331	7944
CAP-197	Technology Improvements - Geauga	\$	6,044	7945
CAP-198	Technology Improvements - Salem	\$	5,648	7946
CAP-199	Technology Improvements - Trumbull	\$	72,860	7947
CAP-200	Technology Improvements - Tuscarawas	\$	18,638	7948
CAP-202	Utility Tunnel Upgrade	\$	133,929	7949
CAP-206	Child Care Facility	\$	2,637	7950
CAP-207	Kent Hall Planning and Addition	\$	1,650,674	7951
CAP-210	Rooftop Air Handler	\$	600	7952
CAP-212	Technology Building and Parking	\$	1,700,333	7953
CAP-213	Electric Distribution Renovation	\$	36,396	7954
CAP-214	Stark Selective Interior Renovation	\$	10,549	7955
CAP-218	Henderson Hall Roof Replace/Masonry	\$	56,385	7956
CAP-219	Campus Electrical Infrastructure	\$	22,181	7957
	Improvements			
CAP-220	Campus Steam System Evaluation & Upgrade	\$	297,556	7958
CAP-221	Organic Semiconductor Facility	\$	60,000	7959
CAP-225	MPA Based Template	\$	15,078	7960
CAP-227	3D Microscopy Imaging	\$	287,100	7961
CAP-228	Exterior Site Improvements	\$	2,159	7962
CAP-231	Organic Semiconductor Consortium	\$	52,863	7963
CAP-232	Ohio NMR Consortium	\$	80,800	7964
CAP-233	Environmental Technology Consortium	\$	56,850	7965
CAP-234	Terrace Drive Heating Plant	\$	2,254,722	7966
	Rehabilitation I			

CAP-235	Rehabilitation of Franklin Hall - Planning	\$	1,815,000	7967
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	1,015,746	7968
CAP-238	Roof Replacement, Classroom Building	\$	169,002	7969
CAP-239	Classroom Building Roof, Coping, Fascia Restoration	\$	581,919	7970
CAP-240	Roadway Parking Lot Improvements Phase 1	\$	250,000	7971
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	146,547	7972
CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	804,594	7973
CAP-244	Fine Arts Building Addition	\$	1,300,000	7974
CAP-245	Rockwell Hall Sprinkler System	\$	1,018	7975
CAP-246	Tuscarawas Wing C Penthouse Roof Replacement	\$	83,745	7976
CAP-248	Mary Patterson Building Boiler Replacement	\$	119,631	7977
CAP-250	Rockwell Hall Tunnel Waterproofing	\$	16,707	7978
CAP-251	Hydrogen Production & Storage	\$	185,000	7979
CAP-252	Ohio Organic Semiconductor	\$	250,000	7980
Total Kent State University		\$	21,095,892	7981

BOILER PLANT CONTROLS AND BUILDING ALTERATIONS 7982

The amount reappropriated for the foregoing appropriation 7983
item CAP-156, Boiler Plant Controls and Building Alterations, is 7984
the unencumbered and unallotted balance as of June 30, 2004, in 7985
appropriation item CAP-156, Boiler Plant Controls and Building 7986
Alterations, plus \$6,738. 7987

ELECTRICAL SUBSTATION/FIBER OPTIC NETWORK 7988

The amount reappropriated for the foregoing appropriation 7989
item CAP-159, Electrical Substation/Fiber Optic Network, is the 7990
unencumbered and unallotted balance as of June 30, 2004, in 7991

appropriation item CAP-159, Electrical Substation/Fiber Optic Network, plus \$6,526. 7992
7993

MIDWAY DRIVE UTILITIES TUNNEL - II 7994

The amount reappropriated for the foregoing appropriation item CAP-176, Midway Drive Utilities Tunnel - II, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-176, Midway Drive Utilities Tunnel - II, plus \$1,522. 7995
7996
7997
7998
7999

Reappropriations

Section 26.16. MUN MIAMI UNIVERSITY 8000

CAP-018	Basic Renovations	\$	4,352,129	8001
CAP-064	Land Restoration - Hamilton	\$	11,466	8002
CAP-066	Basic Renovations - Hamilton	\$	438,175	8003
CAP-069	Basic Renovations - Middletown	\$	552,927	8004
CAP-070	Chilled Water System	\$	358,075	8005
CAP-072	Hiestand Hall Renovations	\$	782	8006
CAP-081	Cooperative Regional Library Depository	\$	2,546	8007
	SW			
CAP-083	Campus Avenue Building Renovation	\$	43,612	8008
CAP-085	Alumni Hall Rehabilitation - Phase I	\$	972	8009
CAP-088	Hoyt Hall Rehabilitation	\$	7,785	8010
CAP-089	High Voltage Electric	\$	735,266	8011
CAP-092	Science Building - Middletown	\$	271,261	8012
CAP-096	McGuffey Hall Rehabilitation	\$	137,677	8013
CAP-098	Computer Network Installation	\$	23,259	8014
CAP-099	King Library Rehabilitation	\$	3,001,865	8015
CAP-101	ADA Modifications	\$	963	8016
CAP-102	ADA Modifications - Hamilton	\$	686	8017
CAP-103	ADA Modifications - Middletown	\$	2,798	8018
CAP-105	Plant Response/Environmental Stress	\$	72,641	8019
CAP-107	Gas Phase Chemistry of Ions	\$	34,740	8020

CAP-109	Molecular Microbial Biology	\$	67,500	8021
CAP-110	Micromachining Technology	\$	510,553	8022
CAP-111	Roudebush Hall Rehabilitation	\$	291,058	8023
CAP-112	Chilled Water Loop Phase I - Hamilton	\$	45,291	8024
CAP-113	Special Academic/Administrative Projects - Hamilton	\$	508,381	8025
CAP-114	Chilled Water Loop Phase I - Middletown	\$	47,553	8026
CAP-115	Special Academic/Administrative Projects - Middletown	\$	1,607,518	8027
CAP-116	Hughes Hall Rehabilitation - Phase 2	\$	15,008	8028
CAP-117	North Campus Refrigeration/Chilled Water	\$	26,698	8029
CAP-120	Cole Service Building Addition	\$	15,206	8030
CAP-121	Southwestern Book Depository	\$	178,821	8031
CAP-123	Phillips Hall Rehabilitation	\$	86,743	8032
CAP-126	Collaboration to Improve Learning	\$	28,516	8033
CAP-127	Campus Steam Distribution - Phase I	\$	850,000	8034
CAP-129	Steam Plant Electrostatic Precipitator	\$	6,699	8035
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$	32,919	8036
CAP-131	Miami University Learning Center	\$	1,001,515	8037
CAP-132	Mass Spectrum Consortium	\$	21,413	8038
CAP-133	Single Crystal X-Ray Diffractometer	\$	70,144	8039
CAP-134	Thermal Ionization Mass Spectrometer	\$	147,481	8040
CAP-135	NMR Spectrometer	\$	159,654	8041
CAP-139	Ohio NMR Consortium	\$	193,000	8042
CAP-140	Environmental Technology Consortium	\$	50,000	8043
CAP-141	385 Peck Boulevard	\$	1,068,019	8044
CAP-142	Engineering and Applied Science Facility	\$	500,000	8045
CAP-143	Warfield Hall Rehabilitation	\$	250,000	8046
CAP-145	Campus Chilled Water Efficiency	\$	339,109	8047
CAP-146	Information Technology System Upgrade	\$	811,969	8048
CAP-147	Central Campus Water and Sewer Improvement	\$	350,000	8049

CAP-149	Parrish Auditorium Rehabilitation	\$	700,000	8050
CAP-150	Student and Community Center	\$	1,120	8051
Total Miami University		\$	20,031,513	8052

Reappropriations

Section 26.17. OSU OHIO STATE UNIVERSITY				8054
CAP-074	Basic Renovations	\$	21,755,353	8055
CAP-149	Basic Renovations - Regional Campuses	\$	1,586,910	8056
CAP-198	Brown Hall Annex Replacement	\$	6,213	8057
CAP-216	Evans Lab Addition	\$	92,250	8058
CAP-217	Library Book Warehouse	\$	14,721	8059
CAP-219	Supplemental Renovations	\$	101,419	8060
CAP-254	Basic Renovations - ATI	\$	184,610	8061
CAP-255	Supplemental Renovations - OARDC	\$	1,408,980	8062
CAP-256	Supplemental Renovations - Regional	\$	191,955	8063
CAP-258	Dreese Lab Addition	\$	283,941	8064
CAP-259	Mendenhall Lab Rehabilitation	\$	20,690	8065
CAP-261	Bioscience/Parks Hall Addition	\$	12,584	8066
CAP-268	Horse/Farm Management Facility - ATI	\$	5,417	8067
CAP-269	Greenhouse Modernization	\$	40,982	8068
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,425	8069
CAP-273	Retrovirus Research Center	\$	3,554	8070
CAP-274	OARDC Thorne & Gourley Halls	\$	20,955	8071
CAP-292	Life Sciences Research Building	\$	218,170	8072
CAP-293	College of Business Facilities	\$	134,074	8073
CAP-294	Stillman Hall Addition	\$	58,779	8074
CAP-295	Poultry Science Facility	\$	2,888	8075
CAP-297	Library/Classroom Building - Marion	\$	572	8076
CAP-302	Food Science & Technology Building	\$	92,743	8077
CAP-304	Conference Center - OARDC/ATI	\$	23,350	8078
CAP-306	Heart & Lung Institute	\$	32,437	8079
CAP-311	Superconducting Radiation	\$	65,094	8080

CAP-313	Brain Tumor Research Center	\$	6,001	8081
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730	8082
CAP-315	Membrane Protein Typology	\$	8,835	8083
CAP-316	Instructional and Data Processing Equipment	\$	200,806	8084
CAP-321	Fine Particle Technologies	\$	159,363	8085
CAP-323	Advanced Plasma Engineering	\$	22,379	8086
CAP-324	Plasma Ramparts	\$	1,150	8087
CAP-326	IN-SITU AL-BE Composites	\$	1,733	8088
CAP-331	Cunz Hall - Partial 2nd Floor Renovation	\$	7,286	8089
CAP-333	Larkins Hall - Roof Replacement Phase III	\$	84,795	8090
CAP-334	Center for Automotive Research	\$	3,445	8091
CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668	8092
CAP-339	Poultry Science Lab Remodeling	\$	213	8093
CAP-347	Asbestos Abatement	\$	5,724	8094
CAP-349	Materials Network	\$	56,025	8095
CAP-350	Bio-Technology Consortium	\$	42,378	8096
CAP-352	Analytical Electron Microscope	\$	375,000	8097
CAP-353	High Temp Alloys & Alluminoids	\$	220,000	8098
CAP-356	Pesticide Storage/Disposal Buildings	\$	606	8099
CAP-357	Supplemental Renovations - ATI	\$	33,969	8100
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	8101
CAP-362	McPherson Lab Rehabilitation	\$	169,056	8102
CAP-368	Heart and Lung Institute	\$	101,808	8103
CAP-372	Veterinary Hospital - Animal Isolation	\$	200	8104
CAP-374	ADA Modifications	\$	141,183	8105
CAP-375	ADA Modifications - ATI	\$	41,936	8106
CAP-376	ADA Modifications - Lima	\$	95,538	8107
CAP-377	ADA Modifications - Mansfield	\$	15,253	8108
CAP-379	ADA Modifications - Newark	\$	7,732	8109

CAP-387	Titanium Alloys	\$	54,912	8110
CAP-391	Haskett/Hopkins Halls Renovations	\$	7,312	8111
CAP-394	ATI/OARDC Roof Replacements	\$	13,913	8112
CAP-398	Advanced Manufacturing	\$	38,579	8113
CAP-399	Manufacturing Processes/Materials	\$	62,574	8114
CAP-401	Terhertz Studies	\$	35,294	8115
CAP-402	Caldwell Laboratory Remodeling	\$	37,839	8116
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750	8117
CAP-407	Dulles Chilled Water	\$	2,095	8118
CAP-411	Campus Grounds - Lights Phase 4	\$	7,018	8119
CAP-412	Hitchcock Hall HVAC Upgrades	\$	10,392	8120
CAP-413	Pomerene Lighting/Wiring	\$	235,300	8121
CAP-414	Postle Hall Roof Replacement	\$	2,332	8122
CAP-419	NMR Consortium	\$	75,116	8123
CAP-420	Versatile Film Facility	\$	72,894	8124
CAP-421	OCARNET	\$	5,916	8125
CAP-422	Bioprocessing Research	\$	90,252	8126
CAP-423	Localized Corrosion Research	\$	6,128	8127
CAP-424	ATM Testbed	\$	3,633	8128
CAP-425	Physical Sciences Building	\$	2,653,195	8129
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	730,742	8130
CAP-428	Capital Equipment - OARDC	\$	2,510	8131
CAP-430	Hagerty Hall Rehabilitation	\$	89,231	8132
CAP-431	Sisson Hall Replacement	\$	5,571	8133
CAP-434	Ramseyer Hall Roof Renovations	\$	19,700	8134
CAP-436	Machinery Acoustics	\$	3,804	8135
CAP-439	Sensors and Measurements	\$	15,115	8136
CAP-440	Polymer Magnets	\$	1,099	8137
CAP-443	ADA Modifications - Elevator/Handrails	\$	45,426	8138
CAP-444	Larkins Hall HVAC System Upgrade	\$	3,500	8139
CAP-445	Starling Loving Hall A Wing - HVAC	\$	367	8140
CAP-449	Bolz Hall Roof Replacement	\$	64,180	8141

CAP-450	Campus Grounds Exterior Lighting, Phase 5	\$	5,748	8142
CAP-453	Evans Lab Chiller Replacement	\$	5,647	8143
CAP-454	Utilities Upgrade Lighting Retrofit	\$	11,575	8144
CAP-458	A1 Alloy Corrosion	\$	14,292	8145
CAP-464	Main Library HVAC Renovations	\$	6,711	8146
CAP-465	Veterinary Hospital Chiller Replacement	\$	35,668	8147
CAP-466	ARPS Hall Chiller Replacement	\$	6,323	8148
CAP-468	Larkins Hall Window Replacements	\$	11,295	8149
CAP-471	Newton Hall Renovations	\$	2,134	8150
CAP-472	OSHA Safety Devices	\$	3,426	8151
CAP-476	Mount Hall Lecture Hall	\$	1,559	8152
CAP-479	ADA Compliant Restrooms 1997	\$	1,906	8153
CAP-480	Campbell Hall Public Space	\$	102,104	8154
CAP-481	OSHA Ventilation - Bio Science	\$	9,162	8155
CAP-484	Page Hall Planning	\$	179,557	8156
CAP-485	Botany & Zoology Building Planning	\$	20,803,345	8157
CAP-487	Robinson Laboratory Planning	\$	20,000,000	8158
CAP-488	Don Scott Field Replacement Barns	\$	24,889	8159
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	367,657	8160
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400	8161
CAP-492	OARDC Feed Mill	\$	5,800,000	8162
CAP-496	1314 Kinnear Road Building Improvement	\$	3,370	8163
CAP-497	Book Depository	\$	8,262	8164
CAP-498	Curl Drive Mill & Overlay	\$	28,830	8165
CAP-499	Biological Sciences Cooling Tower	\$	6,930	8166
CAP-500	Campus Buildings - Emergency Lighting	\$	25,258	8167
CAP-504	Fontana Lab - Chiller Replacement	\$	12,210	8168
CAP-505	Main Library HVAC Upgrade	\$	1,000	8169
CAP-507	Utilities High Voltage Electric	\$	216,544	8170
CAP-509	Mount Hall HVAC Modifications	\$	40,982	8171
CAP-510	Derby Hall Roof Replacement	\$	67,415	8172
CAP-512	Main Library Roof Replacement	\$	1,316	8173

CAP-513	Main Library Carpeting	\$	8,352	8174
CAP-517	Vet Hospital Roof Replacement	\$	36,185	8175
CAP-518	French Field House Glass Replacement	\$	57,625	8176
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	70,797	8177
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259	8178
CAP-521	Ohio Center for Wetland & River Restoration	\$	4,919	8179
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	499,010	8180
CAP-524	Bone & Mineral Metabolism Research Lab	\$	17,730	8181
CAP-526	Koffolt/Fontana Roof Replacement	\$	81,281	8182
CAP-530	OSHA Fume Hood Monitors Phase I	\$	27,033	8183
CAP-531	Animal & Plant Biology Level 3	\$	3,303,062	8184
CAP-532	Food, AG, and Environmental Sciences	\$	1,500,000	8185
CAP-534	Main Library Rehabilitation	\$	1,693,806	8186
CAP-535	Psychology Building	\$	13,517,273	8187
CAP-536	Thorne Hall and Gowley Hall Renovations, Phase 3	\$	3,895,974	8188
CAP-539	Nanosecond Infrared Measurement	\$	2,588	8189
CAP-544	Cockins Hall Math & Statistics	\$	59,371	8190
CAP-546	Nanometer Scale Auger Electron	\$	34	8191
CAP-549	Caldwell Asbestos Abatement	\$	193,947	8192
CAP-552	X-Ray Powder Diffractometer	\$	558	8193
CAP-554	Deconvolution Microscope	\$	1,097	8194
CAP-556	Heart/Lung Inst Animal Facility	\$	442,855	8195
CAP-557	Pomerene Hall Renovation	\$	10,546	8196
CAP-558	Campus Lighting Phase VII	\$	2,356	8197
CAP-560	Campus Grounds - Woody Hayes Drive Rebuild	\$	343,351	8198
CAP-561	Campus Grounds Street Rebuild	\$	13,767	8199

CAP-564	Denney Hall Renovation Phase I	\$	18,538	8200
CAP-565	Ion Mass Spectrometry	\$	7,556	8201
CAP-566	Accelerated Maturation of Materials	\$	31,231	8202
CAP-568	Role of Molecular Interfaces	\$	26,304	8203
CAP-569	McCracken Steam Turbine Vibration Monitoring	\$	50,926	8204
CAP-570	Celeste Laboratory HVAC Modifications	\$	396,848	8205
CAP-571	Electron and Ion Optical Characterization of Materials	\$	10,164	8206
CAP-572	New Millimeter Spectrometer	\$	11,962	8207
CAP-573	Noncredit Job Training - Mansfield	\$	46,640	8208
CAP-574	Noncredit Job Training - Marion	\$	6,644	8209
CAP-575	Multi Object Double Spectrograph	\$	132,981	8210
CAP-576	1224 Kinnear Road - Bale	\$	41,520	8211
CAP-577	Non-Silicon Micromachining	\$	73,991	8212
CAP-579	Veterinary Hospital Auditorium Renovation	\$	60,196	8213
CAP-580	Bevis Hall Roof Replacement	\$	38,366	8214
CAP-582	Hayes Hall Roof Replacement	\$	21,269	8215
CAP-583	Rightmire Hall Roof Replacement	\$	14,233	8216
CAP-584	Starling-Loving Hall Renovation	\$	35,179	8217
CAP-585	Marion Campus - Student Services	\$	35,654	8218
CAP-586	Electroscience Lab Renovation	\$	731,500	8219
CAP-587	OARDC Boiler Replacement	\$	1,173,042	8220
CAP-588	Graves Hall Roof Replacement	\$	76,594	8221
CAP-590	Supercomputer Center Expansion	\$	9,922,376	8222
CAP-591	Mansfield Parking Lot Resurfacing/Striping	\$	146,794	8223
CAP-592	Oval Restoration 2001	\$	1,390,350	8224
CAP-594	Forging Technologies	\$	115,539	8225
CAP-596	Information Literacy	\$	273,779	8226
CAP-597	Online Business Major	\$	119,351	8227
CAP-598	Child Care Facility	\$	125,000	8228

CAP-599	Renovation of Graves Hall	\$	271,876	8229
CAP-600	ATI Shisler Center Courtyard	\$	7,381	8230
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398	8231
CAP-604	Extramural Research Facilities	\$	1,000,000	8232
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	1,302,420	8233
CAP-607	Springback of Aluminum Alloys	\$	10,612	8234
CAP-608	Dual Beam Characterization	\$	150,000	8235
CAP-609	Precision Navigation System	\$	2,696	8236
CAP-613	Organic Semiconductor Consortium	\$	224,911	8237
CAP-616	Environmental Technology Consortium	\$	50,000	8238
CAP-617	Campbell, University, and Evans Hall	\$	1,546,496	8239
CAP-618	Laboratory Animal Facility	\$	6,700,000	8240
CAP-619	Fry Hall Building Addition	\$	3,600,000	8241
CAP-620	School of Music - Planning	\$	250,000	8242
CAP-622	Western Branch Headquarters & Machinery Building	\$	850,000	8243
CAP-623	Piketon Training & Development Center	\$	900,000	8244
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	825,000	8245
CAP-626	Agr/Engineering Building Renovation & Addition	\$	200,000	8246
CAP-628	Wood County Center for Agriculture	\$	1,000,000	8247
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000	8248
CAP-631	Health Psychology	\$	250,000	8249
CAP-632	Nanotechnology Molecular Assembly	\$	500,000	8250
CAP-633	Networking and Communication	\$	500,000	8251
CAP-634	Planetary Gear	\$	125,000	8252
CAP-635	X-Ray Fluorescence Spectrometer	\$	60,000	8253
CAP-636	Precision Navigation	\$	85,000	8254
CAP-637	Welding & Metal Working	\$	200,000	8255
CAP-638	Spin Driven Electronics	\$	78,841	8256
CAP-639	Inductively Coupled Plasma Etching	\$	139,661	8257
CAP-641	Accelerated Metals	\$	1,100,000	8258

CAP-642	Mathematical Biosciences Institute	\$	100,000	8259
CAP-645	Lincoln Morrill Tower Walkway	\$	611,100	8260
CAP-646	Mershon Auditorium HVAC System Improvements	\$	456,250	8261
CAP-647	Molecular Microdevices	\$	200,000	8262
CAP-648	Research Center HVAC System Improvements	\$	163,485	8263
CAP-649	Infrared Absorption Measurements	\$	187,500	8264
CAP-650	Dark Fiber	\$	5,000,000	8265
CAP-651	Shared Data Backup System	\$	252,560	8266
CAP-652	Mainframe Computing Alliance	\$	40,650	8267
CAP-653	Third Frontier Network Testbed	\$	1,029,988	8268
CAP-654	Distributed Learning Workshop	\$	750,000	8269
CAP-655	Nanoscale Patterning Consortium	\$	1,868,997	8270
CAP-656	Accelerated Maturation of Materials	\$	1,650,000	8271
CAP-657	Nanoscale Polymers Manufacturing	\$	1,762,500	8272
CAP-658	Hydrogen Production and Storage	\$	440,000	8273
CAP-659	Ohio Organic Semiconductor	\$	500,000	8274
CAP-660	Macromolecular Crystallography	\$	240,000	8275
CAP-680	Cleveland Botanical Gardens	\$	2,500,000	8276
Total Ohio State University		\$	163,205,353	8277

ANIMAL AND PLANT BIOLOGY LEVEL 3 8278

The amount reappropriated for the foregoing appropriation 8279
item CAP-531, Animal and Plant Biology Level 3, shall be 8280
\$3,303,062. 8281

Reappropriations

Section 26.18. OHU OHIO UNIVERSITY 8282

CAP-020	Basic Renovations	\$	5,116,698	8283
CAP-021	Conservancy District Assessment	\$	8,807	8284
CAP-086	Memorial Auditorium Rehabilitation	\$	10,013	8285
CAP-094	Bentley Hall Renovation	\$	111,333	8286
CAP-095	Basic Renovations - Eastern	\$	520,810	8287

CAP-098	Basic Renovations - Lancaster	\$	267,010	8288
CAP-099	Basic Renovations - Zanesville	\$	244,601	8289
CAP-113	Basic Renovations - Chillicothe	\$	299,716	8290
CAP-114	Basic Renovations - Ironton	\$	301,350	8291
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$	997,950	8292
CAP-116	Copeland Hall Rehabilitation	\$	3,881	8293
CAP-117	Porter Hall Rehabilitation	\$	26,531	8294
CAP-119	Biomedical Research Center	\$	21,374	8295
CAP-120	Ridges Auditorium Rehabilitation	\$	1,177	8296
CAP-136	Gymnasium Development - Eastern	\$	97,734	8297
CAP-137	Classroom Building - Ironton	\$	6,025	8298
CAP-141	College of Health and Human Services	\$	74,963	8299
CAP-142	Health Professions Labs Phase I	\$	33,308	8300
CAP-145	Asbestos Abatement	\$	27,136	8301
CAP-148	RTVC Building Asbestos Abatement	\$	1,037	8302
CAP-149	Electrical Distribution System	\$	1,490	8303
CAP-152	Gordy Hall Addition and Rehabilitation	\$	21,464	8304
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$	1,072,411	8305
CAP-157	ADA Modifications	\$	67,665	8306
CAP-160	ADA Modifications - Ironton	\$	9,113	8307
CAP-161	ADA Modifications - Lancaster	\$	20,345	8308
CAP-164	Southeast Library Warehouse	\$	251,254	8309
CAP-169	Elevator Improvements Phase III	\$	95,345	8310
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	1,080,130	8311
CAP-183	Central Classroom Building	\$	298,040	8312
CAP-184	Utilities to Scripps Hall	\$	211	8313
CAP-186	Ellis Hall Partial Renovation	\$	7,080	8314
CAP-187	Technology Center Planning - Ironton	\$	1,292	8315
CAP-188	Technology Center Construction - Ironton	\$	5,331	8316
CAP-189	Conference Center Planning - Lancaster	\$	500,358	8317
CAP-190	Center for Public Policy	\$	29,589	8318
CAP-191	District Water Cooling	\$	17,029	8319
CAP-192	Plant and Microbe Functional Genomics	\$	38,358	8320

Facilities

CAP-199	Bently Hall Phase I	\$	36,100	8321
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182	8322
CAP-202	Putnam Hall Rehabilitation	\$	258,523	8323
CAP-203	Supplemental Renovations	\$	309,937	8324
CAP-205	Noncredit Job Training	\$	731,000	8325
CAP-206	Human Resources Training Center	\$	1,116	8326
CAP-208	Student Services	\$	33,238	8327
CAP-209	Creativity Through Technology	\$	338,520	8328
CAP-211	Ohio NMR Consortium	\$	80,800	8329
CAP-212	Exterior Site Improvement	\$	248,065	8330
CAP-213	Daycare Center	\$	447,950	8331
CAP-214	Science/Fine Arts Renovation Phase 2	\$	725,213	8332
CAP-215	Land-Use Plan/Future Development	\$	30,000	8333
CAP-219	Mainframe Computing Alliance	\$	10,000	8334
CAP-220	Nanoscale Patterning Consortium	\$	131,003	8335
Total Ohio University		\$	15,442,606	8336

BASIC RENOVATIONS 8337

The amount reappropriated for the foregoing appropriation 8338
item CAP-020, Basic Renovations, is the unencumbered and 8339
unallotted balance as of June 30, 2004, in appropriation item 8340
CAP-020, Basic Renovations, plus \$42,454. 8341

BASIC RENOVATIONS - LANCASTER 8342

The amount reappropriated for the foregoing appropriation 8343
item CAP-098, Basic Renovations - Lancaster, is the unencumbered 8344
and unallotted balance as of June 30, 2004, in appropriation item 8345
CAP-098, Basic Renovations - Lancaster, plus \$441. 8346

BASIC RENOVATIONS - ZANESVILLE 8347

The amount reappropriated for the foregoing appropriation 8348
item CAP-099, Basic Renovations - Zanesville, is the unencumbered 8349
and unallotted balance as of June 30, 2004, in appropriation item 8350

CAP-099, Basic Renovations - Zanesville, plus \$1,333.	8351
BENNETT HALL HVAC/LAB - CHILLICOTHE	8352
The amount reappropriated for the foregoing appropriation	8353
item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, is the	8354
unencumbered and unallotted balance as of June 30, 2004, in	8355
appropriation item CAP-115, Bennett Hall HVAC/Lab - Chillicothe,	8356
plus \$11,590.	8357
GYMNASIUM DEVELOPMENT - EASTERN	8358
The amount reappropriated for the foregoing appropriation	8359
item CAP-136, Gymnasium Development - Eastern, is the unencumbered	8360
and unallotted balance as of June 30, 2004, in appropriation item	8361
CAP-136, Gymnasium Development - Eastern, plus \$305.	8362
COLLEGE OF HEALTH AND HUMAN SERVICES	8363
The amount reappropriated for the foregoing appropriation	8364
item CAP-141, College of Health and Human Services, is the	8365
unencumbered and unallotted balance as of June 30, 2004, in	8366
appropriation item CAP-141, College of Health and Human Services,	8367
plus \$7,534.	8368
HEALTH PROFESSIONS LABS - PHASE I	8369
The amount reappropriated for the foregoing appropriation	8370
item CAP-142, Health Professions Labs Phase I, is the unencumbered	8371
and unallotted balance as of June 30, 2004, in appropriation item	8372
CAP-142, Health Professions Labs Phase I, plus \$33,308.	8373
GORDY HALL ADDITION AND REHABILITATION	8374
The amount reappropriated for the foregoing appropriation	8375
item CAP-152, Gordy Hall Addition and Rehabilitation, is the	8376
unencumbered and unallotted balance as of June 30, 2004, in	8377
appropriation item CAP-152, Gordy Hall Addition and	8378
Rehabilitation, plus \$940.	8379
BRASEE HALL REHABILITATION - LANCASTER	8380

The amount reappropriated for the foregoing appropriation 8381
item CAP-155, Brasee Hall Rehabilitation - Lancaster, is the 8382
unencumbered and unallotted balance as of June 30, 2004, in 8383
appropriation item CAP-155, Brasee Hall Rehabilitation - 8384
Lancaster, plus \$13,216. 8385

ELSON HALL REHABILITATION - ZANESVILLE 8386

The amount reappropriated for the foregoing appropriation 8387
item CAP-172, Elson Hall Rehabilitation - Zanesville, is the 8388
unencumbered and unallotted balance as of June 30, 2004, in 8389
appropriation item CAP-172, Elson Hall Rehabilitation - 8390
Zanesville, plus \$4,404. 8391

TECHNOLOGY CENTER PLANNING - IRONTON 8392

The amount reappropriated for the foregoing appropriation 8393
item CAP-187, Technology Center Planning - Ironton, is the 8394
unencumbered and unallotted balance as of June 30, 2004, in 8395
appropriation item CAP-187, Technology Center Planning - Ironton, 8396
plus \$1,292. 8397

TECHNOLOGY CENTER CONSTRUCTION - IRONTON 8398

The amount reappropriated for the foregoing appropriation 8399
item CAP-188, Technology Center Construction - Ironton, is the 8400
unencumbered and unallotted balance as of June 30, 2004, in 8401
appropriation item CAP-188, Technology Center Construction - 8402
Ironton, plus \$5,331. 8403

CENTER FOR PUBLIC POLICY 8404

The amount reappropriated for the foregoing appropriation 8405
item CAP-190, Center for Public Policy, is the unencumbered and 8406
unallotted balance as of June 30, 2004, in appropriation item 8407
CAP-190, Center for Public Policy, plus \$23,891. 8408

DISTRICT WATER COOLING 8409

The amount reappropriated for the foregoing appropriation 8410

item CAP-191, District Water Cooling, is the unencumbered and 8411
 unallotted balance as of June 30, 2004, in appropriation item 8412
 CAP-191, District Water Cooling, plus \$17,029. 8413

SUPPLEMENTAL RENOVATIONS 8414

The amount reappropriated for the foregoing appropriation 8415
 item CAP-203, Supplemental Renovations, is the unencumbered and 8416
 unallotted balance as of June 30, 2004, in appropriation item 8417
 CAP-203, Supplemental Renovations, plus \$6,621. 8418

HUMAN RESOURCES TRAINING CENTER 8419

The amount reappropriated for the foregoing appropriation 8420
 item CAP-206, Human Resources Training Center, is the unencumbered 8421
 and unallotted balance as of June 30, 2004, in appropriation item 8422
 CAP-206, Human Resources Training Center, plus \$1,116. 8423

Reappropriations

Section 26.19. SSC SHAWNEE STATE UNIVERSITY 8424

CAP-004	Basic Renovations	\$	1,468,735	8425
CAP-008	Massie Hall Renovation	\$	54,541	8426
CAP-010	Land Acquisition	\$	116,917	8427
CAP-016	Library Building	\$	10,777	8428
CAP-017	Math/Science Building	\$	17,061	8429
CAP-029	Fine Arts Class and Lab Building	\$	108,704	8430
CAP-030	Utilities and Landscaping	\$	4,679	8431
CAP-037	ADA Modifications	\$	53,188	8432
CAP-039	Central Heating Plant Replacement	\$	5,215	8433
CAP-040	Chiller Replacement	\$	12,054	8434
CAP-041	Kricker Hall Renovation	\$	1,932	8435
CAP-042	Sidewalk/Plaza Replacement	\$	250,276	8436
CAP-043	Communication/Data Upgrade	\$	23,079	8437
CAP-044	Land Acquisition	\$	343,830	8438
CAP-045	Rehabilitation of Health Sciences	\$	1,681,974	8439
	Building Phase I			

CAP-046	Digital Infrastructure	\$	81,153	8440
CAP-047	Natatorium Rehabilitation	\$	450,000	8441
CAP-048	Facilities Building Renovation	\$	242,120	8442
Total Shawnee State University		\$	4,926,235	8443

Reappropriations

Section 26.20. UTO UNIVERSITY OF TOLEDO				8445
CAP-007	University Hall Renovation	\$	12,966	8446
CAP-010	Basic Renovations	\$	4,724,946	8447
CAP-025	Roof Renovations	\$	25,655	8448
CAP-062	Pharmacy, Chemical and Life Sciences Facility	\$	3,318	8449
CAP-071	Southwest Academic Center Rehabilitation	\$	12,321	8450
CAP-073	ADA Modifications	\$	6,452	8451
CAP-077	Tribology	\$	231,196	8452
CAP-083	Bowman-Oddy Rehabilitation Phase 2	\$	241,368	8453
CAP-091	Greenhouse Improvements	\$	11,675	8454
CAP-092	Plant and Microbe Functional Genomics Facilities	\$	42,587	8455
CAP-093	Distance Learning	\$	50,915	8456
CAP-094	Plant Operations Renovation	\$	450,000	8457
CAP-096	Health & Human Services Rehabilitation Phase I	\$	2,559,923	8458
CAP-097	Libbey Hall Rehabilitation	\$	275,000	8459
CAP-100	University Computer Center	\$	4,878	8460
CAP-105	Gillham Hall Rehabilitation	\$	9,522,871	8461
CAP-108	Roof Renovations/Scott Park	\$	12,508	8462
CAP-109	Student Services	\$	192,781	8463
CAP-110	Distributed Learning Courses	\$	94,996	8464
CAP-111	Scott Park Classroom Abatement	\$	418,139	8465
CAP-112	Campus Signage Improvements	\$	132,951	8466
CAP-113	Wind Tunnel Relocation	\$	16,370	8467
CAP-115	Palmer Hall - 3rd Floor Classroom	\$	2,200,000	8468

Renovations

CAP-116	Bowman-Oddy-N Wing Renovations	\$	5,207,000	8469
CAP-117	Mainframe Computing Alliance	\$	61,277	8470
CAP-118	Macromolecular Crystallography	\$	941,600	8471
Total University of Toledo		\$	27,453,693	8472

Reappropriations

Section 26.21. WSU WRIGHT STATE UNIVERSITY 8474

CAP-015	Basic Renovations	\$	2,291,904	8475
CAP-064	Basic Renovations - Lake	\$	7,350	8476
CAP-071	New Academic Building	\$	8,881	8477
CAP-080	Library Access Consolidation System	\$	6,160,731	8478
CAP-084	ADA Modifications	\$	2,751	8479
CAP-093	Information Technology Center	\$	23,860	8480
CAP-102	Specialized Communication	\$	12,894	8481
CAP-103	Millett Hall Rehabilitation	\$	21,479	8482
CAP-113	Advanced Internet Utilization	\$	167,583	8483
CAP-114	Environmental Technology Consortium	\$	575,245	8484
CAP-115	Russ Engineering Expansion	\$	2,631,000	8485
CAP-116	Rike Hall Renovation - Planning	\$	200,000	8486
CAP-117	Electrical Infrastructure Phase 1	\$	1,956,600	8487
CAP-118	Campus Master Plan Phase V-A	\$	1,534,031	8488
CAP-119	Science Lab Renovations - Planning	\$	500,000	8489
CAP-120	Lake Campus University Center	\$	587,200	8490
CAP-122	Accelerated Maturation of Materials	\$	100,000	8491
Total Wright State University		\$	16,781,509	8492

BASIC RENOVATIONS 8493

The amount reappropriated for the foregoing appropriation 8494
item CAP-015, Basic Renovations, is the unencumbered and 8495
unallotted balance as of June 30, 2004, in appropriation items 8496
CAP-015, Basic Renovations; CAP-094, Campus Services Building; and 8497
CAP-098, Center/Hamilton/Physical Education Chiller, plus \$23,400. 8498

BASIC RENOVATIONS - LAKE			8499
The amount reappropriated for the foregoing appropriation			8500
item CAP-064, Basic Renovations - Lake, is the sum of the			8501
unencumbered and unallotted balance as of June 30, 2004, in			8502
appropriation item CAP-064, Basic Renovations - Lake, plus \$7,350.			8503
LIBRARY ACCESS CONSOLIDATION SYSTEM			8504
The amount reappropriated for the foregoing appropriation			8505
item CAP-080, Library Access Consolidation System, is the			8506
unencumbered and unallotted balance as of June 30, 2004, in			8507
appropriation item CAP-080, Library Access Consolidation System,			8508
plus \$33,780.			8509
CAMPUS MASTER PLAN PHASE V-A			8510
The amount reappropriated for the foregoing appropriation			8511
item CAP-118, Campus Master Plan Phase V-A, is the sum of the			8512
unencumbered and unallotted balance as of June 30, 2004, in			8513
appropriation items CAP-072, Access Circulation, CAP-104, Road and			8514
Parking Lot Improvements, and CAP-118, Campus Master Plan Phase			8515
V-A.			8516
		Reappropriations	
Section 26.22. YSU YOUNGSTOWN STATE UNIVERSITY			8517
CAP-014 Basic Renovations	\$	3,029,503	8518
CAP-027 Property Acquisition/Street Closures	\$	19,673	8519
CAP-040 Bliss Hall Rehabilitation - Final Phase	\$	49,029	8520
CAP-066 Asbestos Abatement	\$	48,279	8521
CAP-086 Instructional and Data Processing	\$	898,064	8522
Equipment			
CAP-099 Todd Hall Renovations	\$	151,979	8523
CAP-108 Electronic Campus	\$	1,553,708	8524
Infrastructure/Technology			
CAP-111 Fine Arts Distance Learning	\$	45,146	8525

CAP-112	Beeghly Center Rehabilitation	\$	229,765	8526
CAP-113	Campus Development	\$	929,396	8527
CAP-114	Chiller and Steamline Replacement Phase 3	\$	777,900	8528
CAP-117	Ward Beecher/HVAC Ugrade	\$	174,982	8529
CAP-120	Student Services	\$	61,545	8530
CAP-121	Administrative Technology Computer Systems Improvements	\$	1,500,000	8531
CAP-123	Campus Wide Electrical Upgrades	\$	1,000,000	8532
CAP-124	Classroom Updates	\$	800,000	8533
CAP-125	Campus Wide Building System Upgrades	\$	400,000	8534
CAP-127	Recreation and Wellness Center	\$	1,000,000	8535
Total Youngstown State University		\$	12,668,969	8536

Reappropriations

Section 26.23. MCO MEDICAL COLLEGE OF OHIO				8538
CAP-010	Basic Renovations	\$	123,787	8539
CAP-046	Instructional and Data Processing Equipment	\$	490,676	8540
CAP-048	Medical Informatics Data Highway	\$	6,803	8541
CAP-049	Center for Classrooms of the Future	\$	5,460	8542
CAP-053	ADA Modifications	\$	8,258	8543
CAP-062	Waterproofing	\$	3,381	8544
CAP-066	Core Research Facility	\$	2,193,940	8545
CAP-067	Student Services	\$	553	8546
CAP-072	Campus Substation Repairs	\$	5,317	8547
CAP-074	Mulford Library Roof	\$	1,740	8548
CAP-076	Supplemental Renovations	\$	16,306	8549
CAP-077	Academic Classroom Improvements	\$	400,000	8550
CAP-078	Clinical Academic Renovation	\$	700,000	8551
CAP-079	Campus Waterproofing	\$	41,500	8552
Total Medical College of Ohio		\$	3,997,721	8553

Reappropriations

Section 26.24. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE OF			8555
MEDICINE			8556
CAP-018	Basic Renovations	\$ 495,179	8557
CAP-022	Cooperating Regional Library Depository	\$ 452,200	8558
CAP-034	ADA Modifications	\$ 5,562	8559
CAP-036	Computer Services Networking	\$ 398	8560
CAP-040	Campus Network Expansion	\$ 1,223,974	8561
CAP-042	Outdoor Athletic Facilities	\$ 6,158	8562
CAP-045	Renovation of Olson and Meshul Halls	\$ 1,316,849	8563
CAP-046	HEI Data Reporting	\$ 217,400	8564
CAP-047	Roof Renovations	\$ 12,418	8565
Total Northeastern Ohio Universities College of Medicine			8566
ROOF RENOVATIONS			8567
The amount reappropriated for the foregoing appropriation			8568
item CAP-047, Roof Renovations, shall be \$12,418.			8569
Section 26.25. CWR CASE WESTERN RESERVE UNIVERSITY			8570
CAP-005	NE Ohio Biomedical Research Consortium	\$ 33,750	8571
CAP-013	Ohio MEMSnet	\$ 17,579	8572
CAP-016	Ohio Pharmacological Sciences Consortium	\$ 9,892	8573
CAP-022	Developing and Improving Institutional Animal Resources	\$ 64,144	8574
CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic Microdevices	\$ 11,002	8575
CAP-029	Consortium for Novel Microfabrication Methods of Mesoscale Devices in Non-Silicon Materials	\$ 167,893	8576
CAP-031	Research in Propulsion Systems for	\$ 180,161	8577

	Future Vehicles			
CAP-032	Center for Fire & Explosion Science & Technology	\$	31,978	8578
CAP-033	Acquisition of 900 MHz NMR Spectrometer	\$	1,400,000	8579
CAP-035	Construction of Near Field Optical Probe for Bioinspired Research & Education	\$	145,000	8580
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$	500,000	8581
CAP-037	Mass Spectrometry Consortium for Materials and Medical Research	\$	155,000	8582
CAP-038	Ohio In-vivo Cellular and Molecular Imaging Consortium	\$	1,040,000	8583
CAP-039	Ohio Organic Semiconductor Consortium	\$	215,000	8584
CAP-040	Ohio NMR Consortium	\$	800,000	8585
CAP-041	Acquisition of a 600 MHz NMR Spectrometer Equipped with Cryoprobe	\$	250,000	8586
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$	200,000	8587
CAP-043	Ohio Organic Semiconductor Consortium	\$	250,000	8588
	Total Case Western Reserve University	\$	5,471,399	8589

Reappropriations

	Section 26.26. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY COLLEGE			8591
	COLLEGE			8592
CAP-008	Interior Renovations	\$	102,045	8593
CAP-013	Basic Renovations	\$	479,518	8594
CAP-016	Health Professions Building Planning	\$	1,468	8595
CAP-030	Student Life/Education Building	\$	3,707,269	8596
CAP-032	Child Care Facility	\$	89,715	8597
CAP-033	One Stop Shop Renovation	\$	547,860	8598
CAP-034	Rekeying of Main Campus	\$	365,160	8599
CAP-035	Install Kiosks	\$	150,450	8600
	Total Cincinnati State Community College	\$	5,443,485	8601

Reappropriations

Section 26.27. CLT CLARK STATE COMMUNITY COLLEGE			8603
CAP-006	Basic Renovations	\$ 703,692	8604
CAP-034	ADA Modifications	\$ 28,451	8605
CAP-038	Future Health Professionals	\$ 25,910	8606
CAP-039	Champaign Health and Education Center	\$ 100,000	8607
CAP-040	Clark Health and Education Center	\$ 50,000	8608
Total Clark State Community College			\$ 908,053 8609

Reappropriations

Section 26.28. CTI COLUMBUS STATE COMMUNITY COLLEGE			8611
CAP-006	Basic Renovations	\$ 1,286,530	8612
CAP-007	Land Acquisition	\$ 936,000	8613
CAP-028	Instructional and Data Processing Equipment	\$ 858,973	8614
CAP-033	Child Care Facility	\$ 89,510	8615
CAP-037	Academic Center "C"	\$ 132,684	8616
CAP-040	Building "D" Planning	\$ 22,283,398	8617
CAP-043	Building "E" Planning	\$ 1,022,862	8618
Total Columbus State Community College			\$ 26,609,957 8619

ACADEMIC CENTER "C" 8620

The amount reappropriated for the foregoing appropriation 8621
item CAP-037, Academic Center "C", shall be the sum of the 8622
unencumbered and unallotted balance as of June 30, 2004, in 8623
appropriation item CAP-037, Academic Center "C", plus \$29,271. 8624

Reappropriations

Section 26.29. CCC CUYAHOGA COMMUNITY COLLEGE			8625
CAP-031	Basic Renovations	\$ 4,226,339	8626
CAP-064	Technology Learning Center - Western	\$ 57,818	8627
CAP-067	Plans Ops/Vehicle Maintenance/Storage-Phase 1	\$ 63,336	8628

CAP-073	Noncredit Job Training	\$	1,994	8629
CAP-076	Distance Learning	\$	139,287	8630
CAP-079	Cleveland Art Museum - Improvements	\$	5,000,000	8631
CAP-084	Literacy Initiative	\$	202,020	8632
CAP-087	Center for Nursing and Health Careers	\$	222,164	8633
CAP-088	Corporate College	\$	500,000	8634
CAP-089	East I Renovations Phase 2 - Eastern	\$	4,339,089	8635
CAP-090	Building A Expansion Module - Western	\$	6,194,517	8636
Total Cuyahoga Community College				\$ 20,946,564 8637

BASIC RENOVATIONS 8638

The amount reappropriated for the foregoing appropriation 8639
item CAP-031, Basic Renovations, is the sum of the unencumbered 8640
and unallotted balance as of June 30, 2004, in appropriation items 8641
CAP-031, Basic Renovations, CAP-058, ADA Modifications, CAP-070, 8642
Interior/Exterior Signage Program, CAP-078, Humanities Building 8643
Renovations - Metro, CAP-080, UTC Curtainwall Modifications, 8644
CAP-081, Interior Courtyards Renovations, CAP-082, Carpet 8645
Replacement - Western, CAP-085, Expansion Joint Construction, 8646
CAP-086, Carpet Replacement - Western, plus \$15,884. 8647

TECHNOLOGY LEARNING CENTER 8648

The amount reappropriated for the foregoing appropriation 8649
item CAP-064, Technology Learning Center - Western, is the sum of 8650
the unencumbered and unallotted balance as of June 30, 2004, in 8651
appropriation item CAP-064, Technology Learning Center - Western, 8652
minus \$1,693,253. 8653

BUILDING A EXPANSION MODULE - WESTERN 8654

The amount reappropriated for the foregoing appropriation 8655
item CAP-090, Building A Expansion Module - Western, is the sum of 8656
the unencumbered and unallotted balance as of June 30, 2004, in 8657
appropriation items CAP-066, Renovate/Create New Classrooms - 8658
West, CAP-090, Building A Expansion Module - Western, plus 8659

\$1,677,369. 8660

Reappropriations

Section 26.30. ESC EDISON STATE COMMUNITY COLLEGE			8661
CAP-006	Basic Renovations	\$ 427,272	8662
CAP-011	Roadway Construction	\$ 16,696	8663
CAP-014	Student Activities Area	\$ 13,398	8664
CAP-018	Master Plan Update	\$ 1,220	8665
CAP-021	Student Services	\$ 12,358	8666
Total Edison State Community College			\$ 470,944 8667

Reappropriations

Section 26.31. JTC JEFFERSON COMMUNITY COLLEGE			8669
CAP-022	Basic Renovations	\$ 630,584	8670
CAP-031	Law Enforcement/Engineering Lab Renovations	\$ 56,172	8671
CAP-033	ADA Modifications	\$ 19,598	8672
CAP-037	Electrical System Evaluation/Renovation	\$ 382,820	8673
CAP-038	Library Interior Renovation	\$ 259,020	8674
CAP-039	Lecture Hall Interior Renovation	\$ 175,325	8675
CAP-041	Campus Master Plan	\$ 189,442	8676
Total Jefferson Community College			\$ 1,712,961 8677

Reappropriations

Section 26.32. LCC LAKELAND COMMUNITY COLLEGE			8679
CAP-006	Basic Renovations	\$ 1,736,909	8680
CAP-034	Child Care Facility	\$ 1,197	8681
CAP-036	Noncredit Job Training	\$ 850,000	8682
CAP-037	Building East End Project	\$ 985,000	8683
CAP-038	HVAC Upgrades/Rehabilitation	\$ 1,000,000	8684
CAP-039	Main Gym Floor Renovation	\$ 150,000	8685
CAP-040	Roadway and Drainage Improvements	\$ 534,730	8686
CAP-043	Mooreland Educational Center	\$ 84,400	8687

Rehabilitation

Total Lakeland Community College \$ 5,342,236 8688

Reappropriations

Section 26.33. LOR LORAIN COMMUNITY COLLEGE 8690

CAP-005 Basic Renovations \$ 858,437 8691

CAP-041 Student Services \$ 388,000 8692

CAP-042 Virtual Lab Courses \$ 224,730 8693

Total Lorain Community College \$ 1,471,167 8694

Reappropriations

Section 26.34. NTC NORTHWEST STATE COMMUNITY COLLEGE 8696

CAP-003 Basic Renovations \$ 269,232 8697

CAP-010 Instructional and Data Processing \$ 118,215 8698

Equipment

CAP-013 Classroom & Engineering Build \$ 9,917 8699

CAP-021 Services Facility \$ 200,000 8700

Total Northwest State Community College \$ 597,364 8701

Reappropriations

Section 26.35. OTC OWENS COMMUNITY COLLEGE 8703

CAP-019 Basic Renovations \$ 1,621,573 8704

CAP-034 Center for Fine and Performing Arts - \$ 11,419 8705

Construction

CAP-036 Child Care Facility \$ 250,600 8706

CAP-037 Education Center \$ 9,546,360 8707

CAP-038 Fire and Police Training Center \$ 1,145,610 8708

Total Owens Community College \$ 12,575,562 8709

Reappropriations

Section 26.36. RGC RIO GRANDE COMMUNITY COLLEGE 8711

CAP-005 Basic Renovations \$ 638,954 8712

CAP-012 Instructional and Data Processing \$ 84,061 8713

Equipment

CAP-013	College of Business	\$	7,392	8714
CAP-015	ADA Modifications	\$	75,446	8715
CAP-022	Child Care Facility	\$	35,000	8716
Total Rio Grande Community College		\$	840,853	8717

Reappropriations

Section 26.37. SCC SINCLAIR COMMUNITY COLLEGE 8719

CAP-007	Basic Renovations	\$	2,295,992	8720
CAP-034	Advanced Educational Applications Center	\$	40,000	8721
Phase I				
CAP-036	Advanced Integrated Manufacturing Center	\$	188,286	8722
CAP-042	Autolab/Fire Science Facility	\$	45,000	8723
CAP-055	Distance Learning	\$	54,463	8724
CAP-056	Information Literacy	\$	334,053	8725
Total Sinclair Community College		\$	2,957,794	8726

Reappropriations

Section 26.38. SOC SOUTHERN STATE COMMUNITY COLLEGE 8728

CAP-010	Basic Renovations	\$	384,421	8729
CAP-022	Clinton County Facility	\$	180	8730
CAP-024	Noncredit Job Training	\$	228,055	8731
CAP-025	Multi-Purpose Facility	\$	749,525	8732
Total Southern State Community College		\$	1,362,181	8733

Reappropriations

Section 26.39. TTC TERRA STATE COMMUNITY COLLEGE 8735

CAP-009	Basic Renovations	\$	327,766	8736
CAP-015	Child Care Facility	\$	166,148	8737
CAP-018	Nursing Online	\$	1,677	8738
Total Terra State Community College		\$	495,591	8739

Reappropriations

Section 26.40. WTC WASHINGTON STATE COMMUNITY COLLEGE			8741
CAP-009	Instructional and Data Processing Equipment	\$ 115,254	8742
CAP-012	ADA Modifications	\$ 14,575	8743
CAP-013	Child Care Facility	\$ 5,860	8744
CAP-016	Noncredit Job Training	\$ 14,859	8745
Total Washington State Community College			\$ 150,548 8746

Reappropriations

Section 26.41. BTC BELMONT TECHNICAL COLLEGE			8748
CAP-008	Basic Renovations	\$ 698,854	8749
CAP-014	Main Building Renovation - Phase 3	\$ 49,137	8750
CAP-019	ADA Modifications	\$ 49,915	8751
Total Belmont Technical College			\$ 797,906 8752

Reappropriations

Section 26.42. COT CENTRAL OHIO TECHNICAL COLLEGE			8754
CAP-003	Basic Renovations	\$ 154,332	8755
Total Central Ohio Technical College			\$ 154,332 8756

Reappropriations

Section 26.43. HTC HOCKING TECHNICAL COLLEGE			8758
CAP-019	Basic Renovations	\$ 572,765	8759
CAP-024	Building Addition	\$ 5,270	8760
CAP-027	Instructional and Data Processing Equipment	\$ 370,526	8761
CAP-028	College Hall Rehabilitation	\$ 3,769	8762
CAP-032	Public Safety Service	\$ 57,060	8763
CAP-033	Light and Oakley Halls	\$ 40,855	8764
CAP-035	Child Care Facility	\$ 9,406	8765
Total Hocking Technical College			\$ 1,059,651 8766

Reappropriations

Section 26.44. LTC LIMA TECHNICAL COLLEGE			8768
CAP-004	Basic Renovations	\$ 861,383	8769
CAP-006	Building Renovations	\$ 5,000	8770
CAP-007	Training and Education Facility	\$ 79,934	8771
CAP-008	Instructional and Data Processing Equipment	\$ 156,394	8772
CAP-009	Life and Physical Sciences	\$ 10,133	8773
CAP-014	Distance Education	\$ 222,115	8774
CAP-015	Information Technology Building	\$ 3,767,610	8775
Total Lima Technical College		\$ 5,102,569	8776

Reappropriations

Section 26.45. MAT MUSKINGUM AREA TECHNICAL COLLEGE			8778
CAP-007	Basic Renovations	\$ 244,465	8779
CAP-017	Basic Capacity Grant	\$ 1,410	8780
CAP-021	Lighting/HVAC Replacement	\$ 843,606	8781
Total Muskingum Area Technical College		\$ 1,089,481	8782

Reappropriations

Section 26.46. MTC MARION TECHNICAL COLLEGE			8784
CAP-006	Instructional and Data Processing Equipment	\$ 84,323	8785
CAP-012	Technical Education Center	\$ 205,044	8786
Total Marion Technical College		\$ 289,367	8787

Reappropriations

Section 26.47. NCC NORTH CENTRAL TECHNICAL COLLEGE			8789
CAP-003	Basic Renovations	\$ 360,533	8790
CAP-009	ADA Modifications	\$ 25,000	8791
CAP-013	Engineering Center Renovation	\$ 2,372	8792
CAP-018	Fallerius Center Rehabilitation	\$ 39,674	8793
Total North Central Technical College		\$ 427,579	8794

Reappropriations

Section 26.48. STC STARK TECHNICAL COLLEGE			8796
CAP-004	Basic Renovations	\$ 537,874	8797
CAP-015	Loop Road Property	\$ 629	8798
	Acquisition/Development		
CAP-024	Phase 2 Renovations	\$ 252	8799
CAP-027	Information Technology Learning Center	\$ 10,000	8800
CAP-030	Northside Development Parking Lot -	\$ 77,423	8801
	Phase II		
CAP-031	Student Services	\$ 31,087	8802
CAP-032	Automotive Technology Building Addition	\$ 1,719,554	8803
Total Stark Technical College			8804
TOTAL HIGHER EDUCATION IMPROVEMENT FUND			8805

Section 26.49. For all of the foregoing appropriation items 8807
from the Higher Education Improvement Fund (Fund 034) that require 8808
local funds to be contributed by any state-supported or 8809
state-assisted institution of higher education, the Board of 8810
Regents shall not recommend that any funds be released until the 8811
recipient institution demonstrates to the Board of Regents and the 8812
Office of Budget and Management that the local funds contribution 8813
requirement has been secured or satisfied. The local funds shall 8814
be in addition to the foregoing appropriations. 8815

Section 26.50. The Ohio Public Facilities Commission is 8816
hereby authorized to issue and sell, in accordance with Section 2n 8817
of Article VIII, Ohio Constitution, and Chapter 151. and 8818
particularly sections 151.01 and 151.04 of the Revised Code, 8819
original obligations in an aggregate principal amount not to 8820
exceed \$1,000,000, in addition to the original issuance of 8821
obligations heretofore authorized by prior acts of the General 8822
Assembly. The authorized obligations shall be issued, subject to 8823

applicable constitutional and statutory limitations, to pay costs 8824
of capital facilities as defined in sections 151.01 and 151.04 of 8825
the Revised Code for state-supported and state-assisted 8826
institutions of higher education. 8827

Section 26.51. The Ohio Public Facilities Commission is 8828
hereby authorized to issue and sell, in accordance with Section 2n 8829
of Article VIII, Ohio Constitution, and Chapter 151. and 8830
particularly sections 151.01 and 151.04 of the Revised Code, 8831
original obligations in an aggregate principal amount not to 8832
exceed \$2,000,000, in addition to the original issuance of 8833
obligations heretofore authorized by prior acts of the General 8834
Assembly. The authorized obligations shall be issued, subject to 8835
applicable constitutional and statutory limitations, to pay costs 8836
of capital facilities as defined in sections 151.01 and 151.04 of 8837
the Revised Code for state-supported and state-assisted 8838
institutions of higher education. 8839

Section 26.52. None of the foregoing capital improvements 8840
appropriations for state-supported or state-assisted institutions 8841
of higher education shall be expended until the particular 8842
appropriation has been recommended for release by the Board of 8843
Regents and released by the Director of Budget and Management or 8844
the Controlling Board. Either the institution concerned, or the 8845
Board of Regents with the concurrence of the institution 8846
concerned, may initiate the request to the Director of Budget and 8847
Management or the Controlling Board for the release of the 8848
particular appropriations. 8849

Section 26.53. (A) No capital improvement appropriations made 8850
in Sections 26.02 to 26.56, 34, 34.01, 34.02, and 34.03 of this 8851
act shall be released for planning or for improvement, renovation, 8852
construction, or acquisition of capital facilities if the 8853

institution of higher education or the state does not own the real 8854
property on which the capital facilities are or will be located. 8855
This restriction does not apply in any of the following 8856
circumstances: 8857

(1) The institution has a long-term (at least fifteen years) 8858
lease of, or other interest (such as an easement) in, the real 8859
property. 8860

(2) The Board of Regents certifies to the Controlling Board 8861
that undue delay will occur if planning does not proceed while the 8862
property or property interest acquisition process continues. In 8863
this case, funds may be released upon approval of the Controlling 8864
Board to pay for planning through the development of schematic 8865
drawings only. 8866

(3) In the case of an appropriation for capital facilities 8867
that, because of their unique nature or location, will be owned or 8868
will be part of facilities owned by a separate nonprofit 8869
organization or public body and made available to the institution 8870
of higher education for its use, the nonprofit organization or 8871
public body either owns or has a long-term (at least fifteen 8872
years) lease of the real property or other capital facility to be 8873
improved, renovated, constructed, or acquired and has entered into 8874
a joint or cooperative use agreement, approved by the Board of 8875
Regents, with the institution of higher education that meets the 8876
requirements of division (C) of this section. 8877

(B) Any foregoing appropriations which require cooperation 8878
between a technical college and a branch campus of a university 8879
may be released by the Controlling Board upon recommendation by 8880
the Board of Regents that the facilities proposed by the 8881
institutions are: 8882

(1) The result of a joint planning effort by the university 8883
and the technical college, satisfactory to the Board of Regents; 8884

(2) Facilities that will meet the needs of the region in 8885
terms of technical and general education, taking into 8886
consideration the totality of facilities which will be available 8887
after the completion of these projects; 8888

(3) Planned to permit maximum joint use by the university and 8889
technical college of the totality of facilities which will be 8890
available upon their completion; 8891

(4) To be located on or adjacent to the branch campus of the 8892
university. 8893

(C) In the case of capital facilities referred to in division 8894
(A)(3) of this section, the joint or cooperative use agreements 8895
shall include, as a minimum, provisions that: 8896

(1) Specify the extent and nature of that joint or 8897
cooperative use, extending for not fewer than fifteen years, with 8898
the value of such use or right to use to be, as determined by the 8899
parties and approved by the Board of Regents, reasonably related 8900
to the amount of the appropriations; 8901

(2) Provide for pro rata reimbursement to the state should 8902
the arrangement for joint or cooperative use be terminated; 8903

(3) Provide that procedures to be followed during the capital 8904
improvement process will comply with appropriate applicable state 8905
laws and rules, including provisions of this act; 8906

(4) Provide for payment or reimbursement to the institution 8907
of its administrative costs incurred as a result of the facilities 8908
project, not to exceed 1.5 per cent of the appropriated amount. 8909

(D) Upon the recommendation of the Board of Regents, the 8910
Controlling Board may approve the transfer of appropriations for 8911
projects requiring cooperation between institutions from one 8912
institution to another institution, with the approval of both 8913
institutions. 8914

(E) Notwithstanding section 127.14 of the Revised Code, the Controlling Board, upon the recommendation of the Board of Regents, may transfer amounts appropriated to the Board of Regents to accounts of state-supported or state-assisted institutions created for that same purpose.

Section 26.54. The requirements of Chapters 123. and 153. of the Revised Code, with respect to the powers and duties of the Director of Administrative Services in the procedure for and award of contracts for capital improvement projects, and the requirements of section 127.16 of the Revised Code, with respect to the Controlling Board, do not apply to projects of community college districts and technical college districts.

Section 26.55. Those institutions locally administering capital improvement projects pursuant to section 3345.50 of the Revised Code may:

(A) Establish charges for recovering costs directly related to project administration as defined by the Director of Administrative Services. The Department of Administrative Services shall review and approve these administrative charges when such charges are in excess of 1.5 per cent of the total construction budget.

(B) Seek reimbursement from state capital appropriations to the institution for the in-house design services performed by the institution for such capital projects. Acceptable charges shall be limited to design document preparation work that is done by the institution. These reimbursable design costs shall be shown as "A/E fees" within the project's budget that is submitted to the Controlling Board or the Director of Budget and Management as part of a request for release of funds. The reimbursement for in-house design may not exceed seven per cent of the estimated construction

cost. 8945

Section 26.56. The Board of Regents shall adopt rules 8946
regarding the release of moneys from all the foregoing 8947
appropriations for capital facilities for all state-supported and 8948
state-assisted institutions of higher education. 8949

Section 27. All items set forth in this section are hereby 8950
appropriated out of any moneys in the state treasury to the credit 8951
of the Parks and Recreation Improvement Fund (Fund 035) that are 8952
not otherwise appropriated: 8953

Reappropriations

DNR DEPARTMENT OF NATURAL RESOURCES 8954

CAP-005	Cowan Lake State Park	\$	23,445	8955
CAP-008	Delaware State Park	\$	56,223	8956
CAP-011	Findley State Park	\$	22,856	8957
CAP-012	Land Acquisition	\$	6,800,000	8958
CAP-016	Hueston Woods State Park	\$	23,258	8959
CAP-017	Indian Lake State Park	\$	130,288	8960
CAP-019	Lake Hope State Park	\$	6,776	8961
CAP-025	Punderson State Park	\$	1,163	8962
CAP-029	Salt Fork State Park	\$	127,555	8963
CAP-032	West Branch State Park	\$	200,895	8964
CAP-045	Mary J. Thurston State Park Marina/Dock	\$	300,000	8965
CAP-051	Buck Creek State Park	\$	250	8966
CAP-064	Geneva State Park	\$	4,182	8967
CAP-069	Hocking Hills State Park	\$	87,756	8968
CAP-070	Lake Logan State Park	\$	600	8969
CAP-093	Portage Lakes State Park	\$	13,373	8970
CAP-113	East Harbor State Park Shoreline Stabilization	\$	850,000	8971
CAP-119	Forked Run State Park	\$	27,747	8972
CAP-162	Shawnee State Park	\$	760	8973

CAP-205	Deer Creek State Park	\$	19,051	8974
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$	5,494,293	8975
CAP-331	Park Boating Facilities	\$	2,688,216	8976
CAP-390	State Park Maintenance Facility Development	\$	1,656,339	8977
CAP-701	Buckeye Lake Dam Rehabilitation	\$	427,756	8978
CAP-702	Upgrade Underground Storage Tanks	\$	234,134	8979
CAP-703	Cap Abandoned Water Wells	\$	78,000	8980
CAP-718	Grand Lake St. Mary's State Park	\$	251,882	8981
CAP-719	Indian Lake State Park	\$	1,000	8982
CAP-727	Riverfront Improvements	\$	1,275,000	8983
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000	8984
CAP-748	Local Parks Projects	\$	3,269,000	8985
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000	8986
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000	8987
CAP-836	State Parks Renovation/Upgrading	\$	350	8988
CAP-876	Statewide Trails Program	\$	1,168,398	8989
CAP-927	Mohican State Park	\$	96,816	8990
CAP-928	Handicapped Accessibility	\$	472,555	8991
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383	8992
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375	8993
	Total Department of Natural Resources	\$	30,102,675	8994
	TOTAL Parks and Recreation Improvement Fund	\$	30,102,675	8995

Section 27.01. RIVERFRONT IMPROVEMENTS 8996

Of the foregoing reappropriation item CAP-727, Riverfront 8997
Improvements, \$100,000 shall be used for the Spencerville Canal 8998
Improvements and \$350,000 shall be used for the Rush Creek and 8999
Upper Hocking Project. 9000

LOCAL PARKS PROJECTS 9001

The following projects shall be funded from the foregoing 9002
reappropriation item CAP-748, Local Parks Projects: \$12,500 for 9003
Big Prairie/Lakeville Park Improvements; \$6,500 for Crossroads 9004
Park Improvements; \$1,500,000 for the Cleveland Lakefront Park 9005
Improvements; \$500,000 for Colerain Township Park Improvements; 9006
\$50,000 for Smith Field Park Improvements; \$50,000 for St. 9007
Clairsville Park Improvements; \$50,000 for Mt. Orab Park 9008
Improvements; \$50,000 for Liberty Township Playground; \$100,000 9009
for Gallipolis City Park; \$20,000 for Junction City Park 9010
Improvements; \$200,000 for the Goll Woods Nature Preserve; \$15,000 9011
for Ryan Park Improvements; and \$15,000 for Circleville Park 9012
Improvements. 9013

STATEWIDE TRAILS PROGRAM 9014

Of the foregoing reappropriation item CAP-876, Statewide 9015
Trails Program, \$30,000 shall be used for Fairfield Heritage 9016
Trails and \$100,000 shall be used for the Upper Sandusky Bike 9017
Path. 9018

FEDERAL REIMBURSEMENT 9019

All reimbursements received from the federal government for 9020
any expenditures made pursuant to Sections 28 and 28.01 of this 9021
act shall be deposited in the state treasury to the credit of the 9022
Parks and Recreation Improvement Fund. 9023

Section 27.02. (A) No capital improvement appropriations made 9024
in Section 25 of this act shall be released for planning or for 9025
improvement, renovation, construction, or acquisition of capital 9026
facilities if a governmental agency, as defined in section 154.01 9027
of the Revised Code, does not own the real property that 9028
constitutes the capital facilities or on which the capital 9029
facilities are or will be located. This restriction does not apply 9030
in any of the following circumstances: 9031

(1) The governmental agency has a long-term (at least fifteen years) lease of, or other interest (such as an easement) in, the real property.

(2) In the case of an appropriation for capital facilities for parks and recreation that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization and made available to the governmental agency for its use, the nonprofit organization either owns or has a long-term (at least fifteen years) lease of the real property or other capital facility to be improved, renovated, constructed, or acquired and has entered into a joint or cooperative use agreement, approved by the Department of Natural Resources, with the governmental agency for that agency's use of and right to use the capital facilities to be financed and, if applicable, improved, the value of such use or right to use being, as determined by the parties, reasonably related to the amount of the appropriation.

(B) In the case of capital facilities referred to in division (A)(2) of this section, the joint or cooperative use agreement shall include, as a minimum, provisions that:

(1) Specify the extent and nature of that joint or cooperative use, extending for not fewer than fifteen years, with the value of such use or right to use to be, as determined by the parties and approved by the applicable department, reasonably related to the amount of the appropriation;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use by a governmental agency be terminated; and

(3) Provide that procedures to be followed during the capital improvement process will comply with appropriate applicable state laws and rules, including provisions of this act.

Section 28. All items set forth in this section are hereby 9063
appropriated out of any moneys in the state treasury to the credit 9064
of the State Capital Improvements Fund (Fund 038) that are not 9065
otherwise appropriated: 9066

Reappropriations

PWC PUBLIC WORKS COMMISSION 9067

Ohio Small Government Capital Improvement Commission 9068

CAP-150	Local Public Infrastructure	\$	6,012,256	9069
CIF-000	Ohio Small Government Capital Improvement	\$	28,663,238	9070
CIF-001	Infrastructure - District 1	\$	38,838,365	9071
CIF-002	Infrastructure - District 2	\$	15,959,512	9072
CIF-003	Infrastructure - District 3	\$	25,971,425	9073
CIF-004	Infrastructure - District 4	\$	10,770,680	9074
CIF-005	Infrastructure - District 5	\$	9,844,776	9075
CIF-006	Infrastructure - District 6	\$	10,014,525	9076
CIF-007	Infrastructure - District 7	\$	11,202,068	9077
CIF-008	Infrastructure - District 8	\$	16,715,668	9078
CIF-009	Infrastructure - District 9	\$	7,843,466	9079
CIF-010	Infrastructure - District 10	\$	17,810,902	9080
CIF-011	Infrastructure - District 11	\$	13,088,231	9081
CIF-012	Infrastructure - District 12	\$	11,302,331	9082
CIF-013	Infrastructure - District 13	\$	7,319,679	9083
CIF-014	Infrastructure - District 14	\$	7,650,077	9084
CIF-015	Infrastructure - District 15	\$	8,599,690	9085
CIF-016	Infrastructure - District 16	\$	12,055,292	9086
CIF-017	Infrastructure - District 17	\$	7,821,687	9087
CIF-018	Infrastructure - District 18	\$	7,187,679	9088
CIF-019	Infrastructure - District 19	\$	10,134,118	9089
CIF-020	Infrastructure - District 20	\$	5,332,876	9090
CIF-021	Infrastructure - District 21	\$	388,034	9091
Total Public Works Commission		\$	290,546,575	9092

TOTAL State Capital Improvement Fund \$ 290,546,575 9093

The appropriations in this section shall be used in 9094
accordance with sections 164.01 to 164.12 of the Revised Code. All 9095
expenditures made from these appropriations shall be approved by 9096
the Director of the Public Works Commission. The Director of the 9097
Public Works Commission shall not allocate funds in amounts 9098
greater than those amounts appropriated by the General Assembly. 9099

Section 29. All items set forth in this section are hereby 9100
appropriated out of any moneys in the state treasury to the credit 9101
of the State Capital Improvements Revolving Loan Fund (Fund 040) 9102
and derived from repayments of loans made to local subdivisions 9103
for capital improvements, investment earnings on moneys in the 9104
fund, and moneys obtained from federal or private grants or from 9105
other sources for the purpose of making loans for the purpose of 9106
financing or assisting in the financing of the cost of capital 9107
improvement projects of local subdivisions: 9108

Reappropriations

PWC PUBLIC WORKS COMMISSION			9109
CAP-151	Revolving Loan	\$ 7,995,595	9110
RLF-001	Revolving Loan Fund-District 1	\$ 6,925,816	9111
RLF-002	Revolving Loan Fund-District 2	\$ 5,365,318	9112
RLF-003	Revolving Loan Fund-District 3	\$ 5,352,452	9113
RLF-004	Revolving Loan Fund-District 4	\$ 3,032,167	9114
RLF-005	Revolving Loan Fund-District 5	\$ 1,973,026	9115
RLF-006	Revolving Loan Fund-District 6	\$ 1,743,529	9116
RLF-007	Revolving Loan Fund-District 7	\$ 3,277,638	9117
RLF-008	Revolving Loan Fund-District 8	\$ 1,971,732	9118
RLF-009	Revolving Loan Fund-District 9	\$ 1,868,591	9119
RLF-010	Revolving Loan Fund-District 10	\$ 3,875,201	9120
RLF-011	Revolving Loan Fund-District 11	\$ 1,908,555	9121
RLF-012	Revolving Loan Fund-District 12	\$ 5,337,940	9122
RLF-013	Revolving Loan Fund-District 13	\$ 1,169,315	9123

RLF-014	Revolving Loan Fund-District 14	\$	1,380,861	9124
RLF-015	Revolving Loan Fund-District 15	\$	948,611	9125
RLF-016	Revolving Loan Fund-District 16	\$	1,753,105	9126
RLF-017	Revolving Loan Fund-District 17	\$	1,834,153	9127
RLF-018	Revolving Loan Fund-District 18	\$	2,071,737	9128
RLF-019	Revolving Loan Fund-District 19	\$	1,158,219	9129
RLF-020	Revolving Loan Fund-District 20	\$	1,402,306	9130
RLF-021	Revolving Loan Fund-District 21	\$	307,232	9131
Total Public Works Commission		\$	62,653,099	9132
TOTAL State Capital Improvements Revolving Loan Fund			62,653,099	9133

The appropriations in this section shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. All expenditures made from these appropriations shall be approved by the Director of the Public Works Commission. The Director of the Public Works Commission shall not allocate funds in amounts greater than those amounts appropriated by the General Assembly.

Section 30. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Clean Ohio Conservation Fund (Fund 056) that are not otherwise appropriated:

			Reappropriations	
PWC PUBLIC WORKS COMMISSION				9144
COF-001	Clean Ohio-District 1	\$	6,763,703	9145
COF-002	Clean Ohio-District 2	\$	2,936,190	9146
COF-003	Clean Ohio-District 3	\$	3,668,434	9147
COF-004	Clean Ohio-District 4	\$	2,011,171	9148
COF-005	Clean Ohio-District 5	\$	1,383,772	9149
COF-006	Clean Ohio-District 6	\$	1,171,944	9150
COF-007	Clean Ohio-District 7	\$	1,377,683	9151
COF-008	Clean Ohio-District 8	\$	2,508,162	9152
COF-009	Clean Ohio-District 9	\$	381,213	9153

COF-010	Clean Ohio-District 10	\$	3,009,510	9154
COF-011	Clean Ohio-District 11	\$	3,493,667	9155
COF-012	Clean Ohio-District 12	\$	1,561,788	9156
COF-013	Clean Ohio-District 13	\$	2,399,270	9157
COF-014	Clean Ohio-District 14	\$	3,179,867	9158
COF-015	Clean Ohio-District 15	\$	942,242	9159
COF-016	Clean Ohio-District 16	\$	3,545,729	9160
COF-017	Clean Ohio-District 17	\$	2,631,843	9161
COF-018	Clean Ohio-District 18	\$	2,403,861	9162
COF-019	Clean Ohio-District 19	\$	1,161,016	9163
Total Public Works Commission		\$	46,531,065	9164
TOTAL Clean Ohio Conservation Fund		\$	46,531,065	9165

Section 31. All items set forth in this section are hereby 9167
appropriated out of any moneys in the state treasury to the credit 9168
of the Clean Ohio Agricultural Easement Fund (Fund 057) that are 9169
not otherwise appropriated: 9170

Reappropriations

AGR DEPARTMENT OF AGRICULTURE 9171

CAP-047	Clean Ohio Agricultural Easement	\$	6,256,886	9172
Total Department of Agriculture		\$	6,256,886	9173
TOTAL Clean Ohio Agricultural Easement Fund		\$	6,256,886	9174

AGRICULTURAL EASEMENT PURCHASE 9175

The foregoing appropriation item CAP-047, Clean Ohio 9176
Agricultural Easement, shall be used in accordance with sections 9177
901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code. 9178

Section 32. All items set forth in this section are hereby 9179
appropriated out of any moneys in the state treasury to the credit 9180
of the Clean Ohio Trail Fund (Fund 061) that are not otherwise 9181
appropriated: 9182

DNR DEPARTMENT OF NATURAL RESOURCES 9183

	Reappropriations	
CAP-014 Clean Trail Ohio	\$ 6,250,000	9184
Total Department of Natural Resources	\$ 6,250,000	9185
TOTAL Clean Ohio Trail Fund	\$ 6,250,000	9186

Section 33. All items set forth in this section are hereby 9188
appropriated out of any moneys in the state treasury to the credit 9189
of the School Building Program Assistance Fund (Fund 032) that are 9190
not otherwise appropriated: 9191

	Appropriations	
SFC SCHOOL FACILITIES COMMISSION		9192
CAP-770 School Facilities Program Assistance	\$ 522,600,000	9193
Total School Facilities Commission	\$ 522,600,000	9194
TOTAL School Building Program Assistance Fund	\$ 522,600,000	9195

Section 33.01. The Ohio Public Facilities Commission is 9197
hereby authorized to issue and sell, in accordance with Section 2n 9198
of Article VIII, Ohio Constitution, and Chapter 151. of the 9199
Revised Code and particularly sections 151.01 and 151.03 of the 9200
Revised Code, original obligations in an aggregate principal 9201
amount not to exceed \$522,000,000, in addition to the original 9202
issuance of obligations heretofore authorized by prior acts of the 9203
General Assembly. The authorized obligations shall be issued, 9204
subject to applicable constitutional and statutory limitations, to 9205
pay the costs to the state of constructing classroom facilities 9206
pursuant to sections 3318.01 to 3318.35 of the Revised Code. 9207

Section 34. All items set forth in this section are hereby 9208
appropriated out of any moneys in the state treasury to the credit 9209
of the Higher Education Improvement Fund (Fund 034) that are not 9210
otherwise appropriated. The appropriations made in this act are in 9211
addition to any other capital appropriations made for the 9212
2005-2006 biennium. 9213

		Appropriations	
BOR BOARD OF REGENTS			9214
Higher Education Improvement Fund			9215
CAP-068	Third Frontier Project	\$ 50,000,000	9216
Total Board of Regents		\$ 50,000,000	9217
TOTAL Higher Education Improvement Fund		\$ 50,000,000	9218

Section 34.01. THIRD FRONTIER PROJECT 9220

The foregoing appropriation item CAP-068, Third Frontier 9221
 Project, shall be used to acquire, renovate, or construct 9222
 facilities and purchase equipment for research programs, 9223
 technology development, product development, and commercialization 9224
 programs at or involving state-supported and state-assisted 9225
 institutions of higher education. The funds shall be used to make 9226
 grants awarded on a competitive basis, and shall be administered 9227
 by the Third Frontier Commission. Expenditure of the funds shall 9228
 comply with Section 2n of Article VIII, Ohio Constitution, and 9229
 sections 151.01 and 151.04 of the Revised Code for the period 9230
 beginning July 1, 2004, and ending June 30, 2006. 9231

The Third Frontier Commission shall develop guidelines 9232
 relative to the application for and selection of projects funded 9233
 from appropriation item CAP-068, Third Frontier Project. The 9234
 commission may develop the guidelines in consultation with other 9235
 interested parties. The Board of Regents and all state-assisted 9236
 and state-supported institutions of higher education shall take 9237
 all actions necessary to implement grants awarded by the Third 9238
 Frontier Commission. 9239

The foregoing appropriation item CAP-068, Third Frontier 9240
 Project, for which an appropriation is made from the Higher 9241
 Education Improvement Fund (Fund 034), is determined to consist of 9242
 capital improvements and capital facilities for state-supported 9243

and state-assisted institutions of higher education, and is 9244
designated for the capital facilities to which proceeds of 9245
obligations in the Higher Education Improvement Fund (Fund 034) 9246
are to be applied. 9247

Section 34.02. The Ohio Public Facilities Commission is 9248
hereby authorized to issue and sell, in accordance with Section 2n 9249
of Article VIII, Ohio Constitution, and Chapter 151. and 9250
particularly sections 151.01 and 151.04 of the Revised Code, 9251
original obligations in an aggregate principal amount not to 9252
exceed \$50,000,000, in addition to the original issuance of 9253
obligations heretofore authorized by prior acts of the General 9254
Assembly. The authorized obligations shall be issued, subject to 9255
applicable constitutional and statutory limitations, to pay costs 9256
of capital facilities as defined in sections 151.01 and 151.04 of 9257
the Revised Code for state-supported and state-assisted 9258
institutions of higher education. 9259

Section 34.03. The foregoing appropriation item CAP-068, 9260
Third Frontier Project, is subject to Sections 26.49, 26.52, 9261
26.53, 26.54, 26.55, and 26.56 of this act. 9262

Section 35. All items set forth in this section are hereby 9263
appropriated out of any moneys in the state treasury to the credit 9264
of the State Capital Improvements Fund (Fund 038) that are not 9265
otherwise appropriated: 9266

	Appropriations	
PWC PUBLIC WORKS COMMISSION		9267
CAP-150 Local Public Infrastructure	\$ 120,000,000	9268
Total Public Works Commission	\$ 120,000,000	9269
TOTAL State Capital Improvements Fund	\$ 120,000,000	9270

The foregoing appropriation item CAP-150, Local Public 9271
Infrastructure, shall be used in accordance with sections 164.01 9272

to 164.12 of the Revised Code. The Director of the Public Works 9273
Commission may certify to the Director of Budget and Management 9274
that a need exists to appropriate investment earnings to be used 9275
in accordance with sections 164.01 to 164.12 of the Revised Code. 9276
If the Director of Budget and Management determines pursuant to 9277
division (D) of section 164.08 and section 164.12 of the Revised 9278
Code that investment earnings are available to support additional 9279
appropriations, such amounts are hereby appropriated. 9280

Section 36. The Treasurer of State is hereby authorized 9281
pursuant to section 164.09 of the Revised Code to issue and sell, 9282
in accordance with Section 2m of Article VIII, Ohio Constitution, 9283
and sections 164.01 to 164.12 of the Revised Code, original 9284
obligations of the state, in an aggregate principal amount not to 9285
exceed \$120,000,000, in addition to the original obligations 9286
heretofore authorized by prior acts of the General Assembly. These 9287
authorized obligations shall be issued and sold from time to time 9288
and in amounts necessary to ensure sufficient moneys to the credit 9289
of the State Capital Improvements Fund (Fund 038) to pay costs 9290
charged to that fund, as estimated by the Director of Budget and 9291
Management. 9292

Section 37. All items set forth in this section are hereby 9293
appropriated out of any moneys in the state treasury to the credit 9294
of the State Capital Improvements Revolving Loan Fund (Fund 040). 9295
Revenues to the State Capital Improvements Revolving Loan Fund 9296
shall consist of all repayments of loans made to local 9297
subdivisions for capital improvements, investment earnings on 9298
moneys in the fund, and moneys obtained from federal or private 9299
grants or from other sources for the purpose of making loans for 9300
the purpose of financing or assisting in the financing of the cost 9301
of capital improvement projects of local subdivisions. 9302

	Appropriations	
CAP-151 Revolving Loan	\$ 16,750,000	9304
Total Public Works Commission	\$ 16,750,000	9305
TOTAL State Capital Improvements Revolving		9306
Loan Fund	\$ 16,750,000	9307

The foregoing appropriation item CAP-151, Revolving Loan, 9308
shall be used in accordance with sections 164.01 to 164.12 of the 9309
Revised Code. 9310

Section 38. CERTIFICATION OF AVAILABILITY OF MONEYS 9311

No moneys that require release shall be expended from any 9312
appropriation contained in this act without certification of the 9313
Director of Budget and Management that there are sufficient moneys 9314
in the state treasury in the fund from which the appropriation is 9315
made. Such certification made by the Office of Budget and 9316
Management shall be based on estimates of revenue, receipts, and 9317
expenses. Nothing herein shall be construed as a limitation on the 9318
authority of the Director of Budget and Management as granted in 9319
section 126.07 of the Revised Code. 9320

Section 39. LIMITATION ON USE OF CAPITAL APPROPRIATIONS 9321

The appropriations made in this act, excluding those made to 9322
the State Capital Improvement Fund (Fund 038) and the State 9323
Capital Improvements Revolving Loan Fund (Fund 040) for buildings 9324
or structures, including remodeling and renovations, are limited 9325
to: 9326

(A) Acquisition of real property or interest in real 9327
property; 9328

(B) Buildings and structures, which includes construction, 9329
demolition, complete heating, lighting, and lighting fixtures, and 9330
all necessary utilities, ventilating, plumbing, sprinkling, and 9331
sewer systems, when such systems are authorized or necessary; 9332

(C) Architectural, engineering, and professional services expenses directly related to the projects;	9333 9334
(D) Machinery that is a part of structures at the time of initial acquisition or construction;	9335 9336
(E) Acquisition, development, and deployment of new computer systems, including the redevelopment or integration of existing and new computer systems, but excluding regular or ongoing maintenance or support agreements;	9337 9338 9339 9340
(F) Equipment that meets all the following criteria:	9341
(1) The equipment is essential in bringing the facility up to its intended use.	9342 9343
(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more.	9344 9345
(3) The equipment has a useful life of five years or more.	9346
(4) The equipment is necessary for the functioning of the particular facility or project.	9347 9348
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.	9349 9350 9351 9352 9353
Section 40. CONTINGENCY RESERVE REQUIREMENT	9354
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	9355 9356 9357 9358 9359 9360 9361

from the encumbrance for a contractor's contract as an assessment 9362
for liquidated damages shall be added to the encumbrance for the 9363
contingency reserve. Contingency reserve funds shall be used to 9364
pay costs resulting from unanticipated job conditions, to comply 9365
with rulings regarding building and other codes, to pay costs 9366
related to errors or omissions in contract documents, to pay costs 9367
associated with changes in the scope of work, and to pay the cost 9368
of settlements and judgments related to the project. 9369

Any funds remaining upon completion of a project, may, upon 9370
approval of the Controlling Board, be released for the use of the 9371
institution to which the appropriation was made for another 9372
capital facilities project or projects. 9373

Section 41. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 9374
PROJECTS 9375

Notwithstanding sections 123.01 and 123.15 of the Revised 9376
Code, the Director of Administrative Services may authorize the 9377
Departments of Mental Health, Mental Retardation and Developmental 9378
Disabilities, Alcohol and Drug Addiction Services, Agriculture, 9379
Jobs and Family Services, Rehabilitation and Correction, Youth 9380
Services, Public Safety, and Transportation, the Ohio Veterans' 9381
Home, and the Rehabilitation Services Commission to administer any 9382
capital facilities projects when the estimated cost, including 9383
design fees, construction, equipment, and contingency amounts, is 9384
less than \$1,500,000. Requests for authorization to administer 9385
capital facilities projects shall be made in writing to the 9386
Director of Administrative Services by the respective state agency 9387
within sixty days after the effective date of the act in which the 9388
General Assembly initially makes an appropriation for the project. 9389
Upon the release of funds for such projects by the Controlling 9390
Board or the Director of Budget and Management, the agency may 9391
administer the capital project or projects for which agency 9392

administration has been authorized without the supervision, 9393
control, or approval of the Director of Administrative Services. 9394

The state agency authorized by the Director of Administrative 9395
Services to administer capital facilities projects pursuant to 9396
this section shall comply with the applicable procedures and 9397
guidelines established in Chapter 153. of the Revised Code. 9398

Section 42. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST 9399
THE STATE 9400

Except as otherwise provided in this section, an 9401
appropriation contained in this act or any other act may be used 9402
for the purpose of satisfying judgments, settlements, or 9403
administrative awards ordered or approved by the Court of Claims 9404
or by any other court of competent jurisdiction in connection with 9405
civil actions against the state. This authorization shall not 9406
apply to appropriations to be applied to or used for payment of 9407
guarantees by or on behalf of the state or for payments under 9408
lease agreements relating to or debt service on bonds, notes, or 9409
other obligations of the state. Notwithstanding any other section 9410
of law to the contrary, this authorization includes appropriations 9411
from funds into which proceeds or direct obligations of the state 9412
are deposited only to the extent that the judgment, settlement, or 9413
administrative award is for or represents capital costs for which 9414
the appropriation may otherwise be used and is consistent with the 9415
purpose for which any related bonds were issued. Nothing contained 9416
in this section is intended to subject the state to suit in any 9417
forum in which it is not otherwise subject to suit, nor is it 9418
intended to waive or compromise any defense or right available to 9419
the state in any suit against it. 9420

Section 43. Notwithstanding section 126.14 of the Revised 9421
Code, appropriations for appropriation items CAP-002, Local Jails, 9422

and CAP-003, Community-Based Correctional Facilities, appropriated 9423
from the Adult Correctional Building Fund (Fund 027) to the 9424
Department of Rehabilitation and Correction shall be released upon 9425
the written approval of the Director of Budget and Management. The 9426
appropriations from the Public School Building Fund (Fund 021), 9427
the Education Facilities Trust Fund (Fund N87), and the School 9428
Building Program Assistance Fund (Fund 032) to the School 9429
Facilities Commission, from the Transportation Building Fund (Fund 9430
029) to the Department of Transportation, from the Clean Ohio 9431
Conservation Fund (Fund 056) to the Public Works Commission, and 9432
appropriations from the State Capital Improvement Fund (Fund 038) 9433
and the State Capital Improvements Revolving Loan Fund (Fund 040) 9434
to the Public Works Commission shall be released upon presentation 9435
of a request to release the funds, by the agency to which the 9436
appropriation has been made, to the Director of Budget and 9437
Management. 9438

Section 44. Except as provided in section 4115.04 of the 9439
Revised Code, no moneys appropriated or reappropriated by the 9440
125th General Assembly shall be used for the construction of 9441
public improvements, as defined in section 4115.03 of the Revised 9442
Code, unless the mechanics, laborers, or workers engaged therein 9443
are paid the prevailing rate of wages as prescribed in section 9444
4115.04 of the Revised Code. Nothing in this section shall affect 9445
the wages and salaries established for state employees under the 9446
provisions of Chapter 124. of the Revised Code, or collective 9447
bargaining agreements entered into by the state pursuant to 9448
Chapter 4117. of the Revised Code, while engaged on force account 9449
work, nor shall this section interfere with the use of inmate and 9450
patient labor by the state. 9451

Section 45. CAPITAL FACILITIES LEASES 9452

Capital facilities for which appropriations are made from the 9453

Administrative Building Fund (Fund 026), the Adult Correctional 9454
Building Fund (Fund 027), the Juvenile Correctional Building Fund 9455
(Fund 028), and the Arts Facilities Building Fund (Fund 030) may 9456
be leased by the Ohio Building Authority to the Department of 9457
Youth Services, the Arts and Sports Facilities Commission, the 9458
Department of Administrative Services, and the Department of 9459
Rehabilitation and Correction, and other agreements may be made by 9460
the Ohio Building Authority and the departments with respect to 9461
the use or purchase of such capital facilities, or subject to the 9462
approval of the director of the department or the commission, the 9463
Ohio Building Authority may lease such capital facilities to, and 9464
make other agreements with respect to the use or purchase thereof 9465
with, any governmental agency or nonprofit corporation having 9466
authority under law to own, lease, or operate such capital 9467
facilities. The director of the department or the commission may 9468
sublease such capital facilities to, and make other agreements 9469
with respect to the use or purchase thereof with, any such 9470
governmental agency or nonprofit corporation, which may include 9471
provisions for transmittal of receipts of that agency or nonprofit 9472
corporation of any charges for the use of such facilities, all 9473
upon such terms and conditions as the parties may agree upon and 9474
any other provision of law affecting the leasing, acquisition, or 9475
disposition of capital facilities by such parties. 9476

Section 46. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 9477
MANAGEMENT 9478

The Director of Budget and Management shall authorize both of 9479
the following: 9480

(A) The initial release of moneys for projects from the funds 9481
into which proceeds of direct obligations of the state are 9482
deposited. 9483

(B) The expenditure or encumbrance of moneys from funds into 9484

which proceeds of direct obligations are deposited, only after 9485
determining to the director's satisfaction that either of the 9486
following apply: 9487

(1) The application of such moneys to the particular project 9488
will not negatively affect any exemption or exclusion from federal 9489
income tax of the interest or interest equivalent on obligations, 9490
issued to provide moneys to the particular fund. 9491

(2) Moneys for the project will come from the proceeds of 9492
obligations, the interest on which is not so excluded or exempt 9493
and which have been authorized as "taxable obligations" by the 9494
issuing authority. 9495

The director shall report any nonrelease of moneys pursuant 9496
to this section to the Governor, the presiding officer of each 9497
house of the General Assembly, and the agency for the use of which 9498
the project is intended. 9499

Section 47. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 9500

The Ohio Administrative Knowledge System (OAKS) shall be an 9501
enterprise resource planning system that replaces the state's 9502
central services infrastructure systems, including, but not 9503
limited to, the central accounting system, the human 9504
resources/payroll system, the capital improvements projects 9505
tracking system, the fixed assets management system, and the 9506
procurement system. The Department of Administrative Services, in 9507
conjunction with the Office of Budget and Management, may acquire 9508
the system, including, but not limited to, the enterprise resource 9509
planning software and installation and implementation thereof 9510
pursuant to Chapter 125. of the Revised Code. Any lease-purchase 9511
arrangement utilized under Chapter 125. of the Revised Code, 9512
including any fractionalized interest therein as defined in 9513
division (N) of section 133.01 of the Revised Code, shall provide 9514
at the end of the lease periods that OAKS becomes the property of 9515

the state. 9516

Section 48. SCHOOL FACILITIES ENCUMBRANCES AND 9517
REAPPROPRIATION 9518

At the request of the Executive Director of the Ohio School 9519
Facilities Commission, the Director of Budget and Management may 9520
cancel encumbrances for school district projects from a previous 9521
biennium if the district has not raised its local share of project 9522
costs within one year of receiving Controlling Board approval in 9523
accordance with section 3318.05 of the Revised Code. The Executive 9524
Director of the Ohio School Facilities Commission shall certify 9525
the amounts of these canceled encumbrances to the Director of 9526
Budget and Management on a quarterly basis. The amounts of the 9527
canceled encumbrances are hereby appropriated. 9528

Section 49. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES 9529
OF CAPITAL APPROPRIATIONS 9530

(A) An unexpended balance of a capital appropriation or 9531
reappropriation that a state agency has lawfully encumbered prior 9532
to the close of a capital biennium is hereby reappropriated for 9533
the following capital biennium from the fund from which it was 9534
originally appropriated or was reappropriated and shall be used 9535
only for the purpose of discharging the encumbrance in the 9536
following capital biennium. For those encumbered appropriations or 9537
reappropriations, any Controlling Board approval previously 9538
granted and referenced by the encumbering document remains in 9539
effect until the encumbrance is discharged in the following 9540
capital biennium or until the encumbrance expires at the end of 9541
the following capital biennium. 9542

(B) At the end of the reappropriation period provided for by 9543
division (A) of this section, an unexpended balance of a capital 9544
appropriation or reappropriation that remains encumbered at the 9545

end of that period is hereby reappropriated for the next capital 9546
biennium from the fund from which it was originally appropriated 9547
or was reappropriated and shall be used only for the purpose of 9548
discharging the encumbrance in the next capital biennium. For 9549
those encumbered appropriations or reappropriations, any 9550
Controlling Board approval previously granted and referenced by 9551
the encumbering document remains in effect until the encumbrance 9552
is discharged in the next capital biennium or until the 9553
encumbrance expires at the end of the next capital biennium. 9554

(C) At the end of the reappropriation period provided for by 9555
division (B) of this section, a reappropriation made pursuant to 9556
division (B) of this section shall lapse, and the encumbrance 9557
shall expire. 9558

(D) If an encumbrance expired pursuant to division (C) of 9559
this section, the Director of Budget and Management may 9560
re-establish the encumbrance as provided in this division. If a 9561
reappropriation for a project is made by the General Assembly for 9562
the biennium immediately following the biennium in which an 9563
encumbrance for that project expired, the Director of Budget and 9564
Management may re-establish the encumbrance in an amount not to 9565
exceed the amount of the expired encumbrance, in the name of the 9566
contractor named in the expired encumbrance, and for the same 9567
purpose specified in the expired encumbrance. The encumbrance 9568
shall be charged against the reappropriation for the project. The 9569
amount re-encumbered shall be used only for the purpose of 9570
discharging the encumbrance in the capital biennium for which the 9571
reappropriation was made. For those re-encumbered 9572
reappropriations, any Controlling Board approval previously 9573
granted and referenced by the expired encumbering document remains 9574
in effect until the encumbrance is discharged or expires at the 9575
end of the capital biennium for which the reappropriation was 9576
made. If any portion of the amount re-encumbered by the Director 9577

of Budget and Management under this division is not expended prior 9578
to the close of the capital biennium for which the reappropriation 9579
was made, that amount is hereby reappropriated for the following 9580
capital biennium as provided for in division (A) of this section 9581
and subject to the provisions of division (A) of this section. 9582

Section 50. Capital reappropriations in this act that have 9583
been released by the Controlling Board or the Director of Budget 9584
and Management between June 30, 2002, and July 1, 2004, do not 9585
require further approval or release prior to being encumbered. 9586
Funds reappropriated in excess of such prior releases shall be 9587
released in accordance with applicable provisions of this act. 9588

Section 51. Unless otherwise specified, the reappropriations 9589
made in this act represent the unencumbered and unallotted 9590
balances of prior years' capital improvements appropriations 9591
estimated to be available on June 30, 2004. The actual balances on 9592
June 30, 2004, for the appropriation items in this act are hereby 9593
reappropriated. Additionally, there is hereby reappropriated the 9594
unencumbered and unallotted balances on June 30, 2004, of any 9595
appropriation items either reappropriated in Am. Sub. H.B. 524 of 9596
the 124th General Assembly or appropriated in H.B. 675 of the 9597
124th General Assembly, or created by the Controlling Board 9598
pursuant to section 127.15 of the Revised Code from appropriation 9599
items in Am. Sub. H.B. 524 and H.B. 675, both of the 124th General 9600
Assembly, and this act, if the Director of Budget and Management 9601
determines that such balances are needed to complete the projects 9602
for which they were reappropriated or appropriated. The 9603
appropriation items and amounts that are reappropriated by this 9604
act shall be reported to the Controlling Board within 30 days 9605
after the effective date of this section. 9606

Section 52. No appropriation for a health care facility 9607

authorized under this act may be released until the requirements 9608
of sections 3702.51 to 3702.68 of the Revised Code have been met. 9609

Section 53. All proceeds received by the state as a result of 9610
litigation, judgments, settlements, or claims, filed by or on 9611
behalf of any state agency as defined by section 1.60 of the 9612
Revised Code or any state-supported or state-assisted institution 9613
of higher education, for damages or costs resulting from the use, 9614
removal, or hazard abatement of asbestos materials shall be 9615
deposited in the Asbestos Abatement Distribution Fund (Fund 674). 9616
All funds deposited into the Asbestos Abatement Distribution Fund 9617
are hereby appropriated to the Attorney General. To the extent 9618
practicable, the proceeds placed in the Asbestos Abatement 9619
Distribution Fund shall be divided among the state agencies and 9620
state-supported or state-assisted institutions of higher education 9621
in accordance with the general provisions of the litigation 9622
regarding the percentage of recovery. Distribution of the proceeds 9623
to each state agency or state-supported or state-assisted 9624
institution of higher education shall be made in accordance with 9625
the Asbestos Abatement Distribution Plan to be developed by the 9626
Attorney General, the Division of Public Works within the 9627
Department of Administrative Services, and the Office of Budget 9628
and Management. 9629

In those circumstances where asbestos litigation proceeds are 9630
for reimbursement of expenditures made with funds outside the 9631
state treasury or damages to buildings not constructed with state 9632
appropriations, direct payments shall be made to the affected 9633
institutions of higher education. Any proceeds received for 9634
reimbursement of expenditures made with funds within the state 9635
treasury or damages to buildings occupied by state agencies shall 9636
be distributed to the affected agencies with an intrastate 9637
transfer voucher to the funds identified in the Asbestos Abatement 9638
Distribution Plan. 9639

Such proceeds shall be used for additional asbestos abatement 9640
or encapsulation projects, or for other capital improvements, 9641
except that proceeds distributed to the General Revenue Fund and 9642
other funds that are not bond improvement funds may be used for 9643
any purpose. The Controlling Board may, for bond improvement 9644
funds, create appropriation items or increase appropriation 9645
authority in existing appropriation items equaling the amount of 9646
such proceeds. Such amounts approved by the Controlling Board are 9647
hereby appropriated. Such proceeds deposited in bond improvement 9648
funds shall not be expended until released by the Controlling 9649
Board, which shall require certification by the Director of Budget 9650
and Management that such proceeds are sufficient and available to 9651
fund the additional anticipated expenditures. 9652

Section 54. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 9653
REVISED CODE 9654

The capital improvements for which appropriations are made in 9655
this act from the Ohio Parks and Natural Resources Fund (Fund 9656
031), the School Building Program Assistance Fund (Fund 032), the 9657
Higher Education Improvement Fund (Fund 034), the Clean Ohio 9658
Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement 9659
Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are 9660
determined to be capital improvements and capital facilities for 9661
natural resources, a statewide system of common schools, 9662
state-supported and state-assisted institutions of higher 9663
education, and conservation purposes (under the Clean Ohio 9664
Program) and are designated as capital facilities to which 9665
proceeds of obligations issued under Chapter 151. of the Revised 9666
Code are to be applied. 9667

Section 55. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 9668
REVISED CODE 9669

The capital improvements for which appropriations are made in 9670
this act from the Sports Facilities Building Fund (Fund 024), the 9671
Highway Safety Building Fund (Fund 025), the Administrative 9672
Building Fund (Fund 026), the Adult Correctional Building Fund 9673
(Fund 027), the Juvenile Correctional Building Fund (Fund 028), 9674
the Transportation Building Fund (Fund 029), and the Arts 9675
Facilities Building Fund (Fund 030) are determined to be capital 9676
improvements and capital facilities for housing state agencies and 9677
branches of state government and are designated as capital 9678
facilities to which proceeds of obligations issued under Chapter 9679
152. of the Revised Code are to be applied. 9680

Section 56. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 9681
REVISED CODE 9682

The capital improvements for which appropriations are made in 9683
this act from the Mental Health Facilities Improvement Fund (Fund 9684
033) and the Parks and Recreation Improvement Fund (Fund 035) are 9685
determined to be capital improvements and capital facilities for 9686
mental hygiene and retardation and parks and recreation and are 9687
designated as capital facilities to which proceeds of obligations 9688
issued under Chapter 154. of the Revised Code are to be applied. 9689

Section 57. Upon the request of the agency to which a capital 9690
project appropriation item is appropriated, the Director of Budget 9691
and Management may transfer open encumbrance amounts between 9692
separate encumbrances for the project appropriation item to the 9693
extent that any reductions in encumbrances are agreed to by the 9694
contracting vendor and the agency. 9695

Section 58. Any proceeds received by the state as the result 9696
of litigation or a settlement agreement related to any liability 9697
for the planning, design, engineering, construction, or 9698
constructed management of such facilities operated by the 9699

Department of Administrative Services shall be deposited into the 9700
Administrative Building Fund (Fund 026). 9701

Section 59. Sections 3 to 58 of this act shall remain in full 9702
force and effect commencing on July 1, 2004, and terminating on 9703
June 30, 2006, for the purpose of drawing money from the state 9704
treasury in payment of liabilities lawfully incurred hereunder, 9705
and on June 30, 2006, and not before, the moneys hereby 9706
appropriated shall lapse into the funds from which they are 9707
severally appropriated. If, under Section 1c of Article II, Ohio 9708
Constitution, Section 1c, Sections 3 to 58 of this act do not take 9709
effect until after July 1, 2004, Sections 3 to 58 of this act 9710
shall be and remain in full force and effect commencing on that 9711
later effective date. 9712

Section 60. (A) As used in this section, "design-build 9713
construction method" means a construction method that has both of 9714
the following characteristics: 9715

(1) An architecture firm and a contractor form a single 9716
entity that files a bid to construct a project and that, if 9717
awarded the contract to construct the project, agrees to a project 9718
price and completion date. 9719

(2) The entity described in division (A)(1) of this section 9720
assumes all of the financial risk if the project is delayed or 9721
exceeds the project price, and receives bonuses if the cost it 9722
incurs is less than the project price and it meets the 9723
construction target dates. 9724

(B) The Board of County Commissioners of Ashtabula County may 9725
construct, as a pilot project, a lodge and conference center at 9726
Geneva State Park on land leased from the Department of Natural 9727
Resources. 9728

Section 61. That Section 11.04 of Am. Sub. H.B. 87 of the 125th General Assembly, as amended by Am. Sub. H.B. 95 of the 125th General Assembly, be amended to read as follows:

Sec. 11.04. PUBLIC ACCESS ROADS FOR STATE FACILITIES

Of the foregoing appropriation item 772-421, Highway Construction - State, \$3,145,500 is to be used each fiscal year during the 2003-2005 biennium by the Department of Transportation for the construction, reconstruction, or maintenance of public access roads, including support features, to and within state 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 9759

The Director of Budget and Management shall cancel any 9760
encumbrances or parts of encumbrances against appropriation item, 9761
776-665, Railroad Crossing Safety Devices, and reestablish them 9762
against appropriation item 870-614, Grade Crossing Protection 9763
Devices-State, to be used by the Public Utilities Commission of 9764
Ohio (PUCO) for the Grade Crossing Profile and Safety Improvement 9765
Program, which is hereby created. The amounts of the reestablished 9766
encumbrances are hereby appropriated. A local matching grant of 9767
\$25,000 or less may be awarded to political subdivisions to pay 9768
for profile improvements at crossings that meet all the following 9769
criteria: have a daily train count of at least ten trains, have a 9770
daily traffic count of at least 100 motor vehicles, are currently 9771
not equipped with automatic gates or lights, and are currently 9772
ranked in the bottom two-thirds of the hazard index as determined 9773
by the PUCO Accident Prediction Formula. In addition, grants up to 9774
\$5,000 may be awarded to any political subdivision to fund 9775
non-profile improvement safety devices such as rumble strips, 9776
vegetation removal, and lighting, at crossings. 9777

The PUCO and the Ohio Department of Transportation shall 9778
notify each county with jurisdiction over a crossing of the 9779
requirements of this section and that funding is available for 9780
rail crossing safety improvements through the Grade Crossing 9781
Profile and Safety Improvement Program. 9782

The PUCO shall issue a report on or before June 30, 2005, 9783
describing the activities carried out by the PUCO to comply with 9784
this section. The report shall include the number and location of 9785
crossings that received safety improvements and the cost of each 9786
improvement to date. 9787

All appropriations in Fund 4A3 remaining unencumbered on June 9788
30, 2005, are hereby reappropriated for the same purpose in fiscal 9789

year 2006. 9790

Section 62. That existing Section 11.04 of Am. Sub. H.B. 87 9791
of the 125th General Assembly, as amended by Am. Sub. H.B. 95 of 9792
the 125th General Assembly, is hereby repealed. 9793

Section 63. The amendment by this act of Section 11.04 of Am. 9794
Sub. H.B. 87 of the 125th General Assembly, and the items of which 9795
the amendment is composed, are not subject to the referendum. 9796
Therefore, under Ohio Constitution, Article II, Section 1d and 9797
section 1.471 of the Revised Code, the amendment, and the items of 9798
which it is composed, go into immediate effect when this act 9799
becomes law. 9800

Section 64. That Sections 8.04, 12, 38.12, 41.06, 41.13, 55, 9801
59, 59.29, 66, 89, 89.04, 89.05, 89.08, 89.11, and 145 of Am. Sub. 9802
H.B. 95 of the 125th General Assembly be amended to read as 9803
follows: 9804

Sec. 8.04. CENTRAL SERVICE AGENCY FUND 9805

The Director of Budget and Management may transfer up to 9806
\$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 9807
2005 from the Occupational Licensing and Regulatory Fund (Fund 9808
4K9) to the Central Service Agency Fund (Fund 115). The Director 9809
of Budget and Management may transfer up to \$40,700 in fiscal year 9810
2004 and up to \$41,200 in fiscal year 2005 from the State Medical 9811
Board Operating Fund (Fund 5C6) to the Central Service Agency Fund 9812
(Fund 115). The Director of Budget and Management may transfer up 9813
to \$1,210 in fiscal year 2004 and up to \$1,340 in fiscal year 2005 9814
from the Motor Vehicle Collision Repair Registration Fund (Fund 9815
5H9) to the Central Service Agency Fund (Fund 115). The 9816
appropriation item 100-632, Central Service Agency, shall be used 9817
to purchase the necessary equipment, products, and services to 9818

maintain a local area network for the professional licensing 9819
boards, and to support their licensing applications in fiscal 9820
years 2004 and 2005. The amount of the cash transfer is 9821
appropriated to appropriation item 100-632, Central Service 9822
Agency. 9823

Sec. 12. AGR DEPARTMENT OF AGRICULTURE 9824

General Revenue Fund 9825

GRF 700-321	Operating Expenses	\$	2,737,665	\$	2,771,628	9826
GRF 700-401	Animal Disease Control	\$	4,121,815	\$	4,121,815	9827
GRF 700-402	Amusement Ride Safety	\$	278,767	\$	275,943	9828
GRF 700-403	Dairy Division	\$	1,494,597	\$	1,494,153	9829
GRF 700-404	Ohio Proud	\$	197,727	\$	197,229	9830
GRF 700-405	Animal Damage Control	\$	94,954	\$	94,954	9831
GRF 700-406	Consumer Analytical	\$	819,281	\$	872,241	9832
	Lab					
GRF 700-407	Food Safety	\$	999,042	\$	999,042	9833
GRF 700-409	Farmland Preservation	\$	256,993	\$	256,993	9834
GRF 700-410	Plant Industry	\$	1,109,867	\$	1,107,677	9835
GRF 700-411	International Trade	\$	621,049	\$	517,524	9836
	and Market Development					
GRF 700-412	Weights and Measures	\$	914,137	\$	909,120	9837
GRF 700-413	Gypsy Moth Prevention	\$	546,118	\$	576,299	9838
GRF 700-414	Concentrated Animal	\$	16,521	\$	16,086	9839
	Feeding Facilities					
	Advisory Committee					
GRF 700-415	Poultry Inspection	\$	270,645	\$	267,743	9840
GRF 700-418	Livestock Regulation	\$	1,306,911	\$	1,306,911	9841
	Program					
GRF 700-424	Livestock Testing and	\$	123,347	\$	123,347	9842
	Inspections					
GRF 700-499	Meat Inspection	\$	4,651,611	\$	4,696,889	9843
	Program - State Share					

GRF 700-501	County Agricultural Societies	\$	381,091	\$	381,091	9844
TOTAL GRF	General Revenue Fund	\$	20,942,138	\$	20,986,685	9845
Federal Special Revenue Fund Group						9846
3J4 700-607	Indirect Cost	\$	938,785	\$	949,877	9847
3R2 700-614	Federal Plant Industry	\$	1,400,000	\$	1,425,000	9848
326 700-618	Meat Inspection Service - Federal Share	\$	4,876,904	\$	4,951,291	9849
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	9850
382 700-601	Cooperative Contracts	\$	2,400,000	\$	2,500,000	9851
			<u>2,460,000</u>		<u>2,560,000</u>	9852
TOTAL FED	Federal Special Revenue Fund Group	\$	9,797,463	\$	10,007,942	9853
			<u>9,857,463</u>		<u>10,067,942</u>	9854
State Special Revenue Fund Group						9855
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	986,765	\$	1,008,541	9856
4D2 700-609	Auction Education	\$	30,476	\$	30,476	9857
4E4 700-606	Utility Radiological Safety	\$	73,059	\$	73,059	9858
4P7 700-610	Food Safety Inspection	\$	575,797	\$	582,711	9859
4R0 700-636	Ohio Proud Marketing	\$	40,300	\$	38,300	9860
4R2 700-637	Dairy Inspection Fund	\$	1,157,603	\$	1,184,183	9861
4T6 700-611	Poultry and Meat Inspection	\$	46,162	\$	47,294	9862
4T7 700-613	International Trade and Market Development Rotary	\$	41,238	\$	42,000	9863
4V5 700-615	Animal Industry Lab Fees	\$	711,944	\$	711,944	9864

494	700-612	Agricultural Commodity Marketing Program	\$	170,077	\$	170,220	9866
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,099	9867
497	700-627	Commodity Handlers Regulatory Program	\$	664,118	\$	664,118	9868
498	700-628	Commodity Indemnity Fund	\$	250,000	\$	250,000	9869
5B8	700-629	Auctioneers	\$	291,672	\$	365,390	9870
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849	9871
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	9872
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000	9873
579	700-630	Scale Certification	\$	168,785	\$	171,677	9874
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447	9875
669	700-635	Pesticide Program	\$	2,243,232	\$	2,243,232	9876
TOTAL SSR State Special Revenue Fund Group							9877
			\$	10,418,650	\$	10,584,540	9878
Clean Ohio Fund Group							9879
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000	9880
TOTAL CLR Clean Ohio Fund Group							9881
			\$	149,000	\$	149,000	9881
Holding Account Redistribution Fund Group							9882
XXX	700-XXX	Farm Service Electronic Filing	\$	60,000	\$	60,000	9883
TOTAL 090 Holding Account Redistribution Fund Group							9884
			\$	60,000	\$	60,000	9884
TOTAL ALL BUDGET FUND GROUPS							9885
			\$	41,367,251	\$	41,788,167	9885
ANIMAL DAMAGE CONTROL							9886
Of the foregoing appropriation item 700-405, Animal Damage Control, \$50,000 shall be used in each fiscal year for coyote and black vulture indemnification.							9887
							9888
							9889

INTERNATIONAL TRADE AND MARKET DEVELOPMENT 9890

Of the foregoing appropriation item 700-411, International 9891
Trade and Market Development, \$100,000 shall be used in fiscal 9892
year 2004 for the Ohio-Israel Agricultural Initiative. 9893

FAMILY FARM LOAN PROGRAM 9894

Notwithstanding Chapter 166. of the Revised Code, up to 9895
\$1,500,000 in each fiscal year shall be transferred from moneys in 9896
the Facilities Establishment Fund (Fund 037) to the Family Farm 9897
Loan Fund (Fund 5H1) in the Department of Development. These 9898
moneys shall be used for loan guarantees. The transfer is subject 9899
to Controlling Board approval. 9900

Financial assistance from the Family Farm Loan Fund (Fund 9901
5H1) shall be repaid to Fund 5H1. This fund is established in 9902
accordance with sections 166.031, 901.80, 901.81, 901.82, and 9903
901.83 of the Revised Code. 9904

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 9905
all outstanding balances, all loan repayments, and any other 9906
outstanding obligations shall revert to the Facilities 9907
Establishment Fund (Fund 037). 9908

CLEAN OHIO AGRICULTURAL EASEMENT 9909

The foregoing appropriation item 700-632, Clean Ohio 9910
Agricultural Easement, shall be used by the Department of 9911
Agriculture in administering sections 901.21, 901.22, and 5301.67 9912
to 5301.70 of the Revised Code. 9913

~~FARM SERVICE ELECTRONIC FILING 9914~~

~~As soon as possible on or after July 1, 2003, the Director of 9915
Budget and Management shall make a one time cash transfer of 9916
\$60,000 from Fund 382, Cooperative Contracts, to Fund XXX, Farm 9917
Service Electronic Filing Fund, in fiscal year 2004. The Farm 9918
Service Electronic Filing Fund shall be administered by the 9919~~

Department of Agriculture.	9920
<u>COOPERATIVE CONTRACTS</u>	9921
<u>The Director of Budget and Management shall transfer the cash</u>	9922
<u>balance as of the effective date of this amendment from Fund 5Y7,</u>	9923
<u>Farm Service Agency Electronic Filing Fund, to Fund 382,</u>	9924
<u>Cooperative Contracts. Encumbrances from appropriation item</u>	9925
<u>700-XXX, Farm Service Electronic Filing, shall be canceled and</u>	9926
<u>re-established in appropriation item 700-601, Cooperative</u>	9927
<u>Contracts. Those amounts are hereby appropriated. Fund 5Y7, Farm</u>	9928
<u>Service Agency Electronic Filing Fund, is hereby closed. The</u>	9929
<u>definition of Fund 382 is hereby expanded to include revenue from</u>	9930
<u>the United States Farm Service Agency. The use of the money is</u>	9931
<u>hereby expanded to include fees charged in advance by the</u>	9932
<u>Secretary of State for electronic filing related to Farm Service</u>	9933
<u>Agency agricultural loans.</u>	9934
Sec. 38.12. SHOVEL READY SITES	9935
The foregoing appropriation item 195-516, Shovel Ready Sites,	9936
shall be used for the Shovel Ready Sites Program.	9937
The Director of Development shall contract <u>make grants</u> for	9938
pilot projects with <u>to</u> three port authorities <u>or development</u>	9939
<u>entities approved by the Director</u> , two of which shall be from	9940
urban counties with populations of at least 200,000 but not more	9941
than 600,000 residents, and one of which shall be from a rural	9942
county. <u>Fiscal year 2004 grant funds shall be advanced to the port</u>	9943
<u>authorities or development entities and shall be available for</u>	9944
<u>immediate use on the pilot projects. At any time after July 1,</u>	9945
<u>2004, and upon documentation of expenditure of at least 90 per</u>	9946
<u>cent of the fiscal year 2004 funds, fiscal year 2005 funds shall</u>	9947
<u>be advanced and shall be available for immediate use on the pilot</u>	9948
<u>projects.</u> The appropriation shall be used to leverage federal	9949
funds, local funds, or both, to provide <u>as</u> grants for the	9950

preparation of sites ~~for immediate construction for~~, including the 9951
costs related to the acquisition of property, including options; 9952
site preparation, including brownfield cleanup activities; the 9953
construction of road, water, telecommunication, and utility 9954
infrastructure; and professional fees related to the pilot 9955
projects in the state. Professional fees shall not exceed 20 per 9956
cent of the grant amount. The port authorities or development 9957
entities shall enter into an agreement with the Director, in a 9958
format determined by the Director, governing the use of the funds. 9959

Sec. 41.06. EDUCATION MANAGEMENT INFORMATION SYSTEM 9960

The foregoing appropriation item 200-446, Education 9961
Management Information System, shall be used by the Department of 9962
Education to improve the Education Management Information System 9963
(EMIS). 9964

Of the foregoing appropriation item 200-446, Education 9965
Management Information System, up to \$1,295,857 in each fiscal 9966
year shall be distributed to designated data acquisition sites for 9967
costs relating to processing, storing, and transferring data for 9968
the effective operation of the EMIS. These costs may include, but 9969
are not limited to, personnel, hardware, software development, 9970
communications connectivity, professional development, and support 9971
services, and to provide services to participate in the State 9972
Education Technology Plan pursuant to section 3301.07 of the 9973
Revised Code. 9974

Of the foregoing appropriation item 200-446, Education 9975
Management Information System, up to \$8,055,189 in each fiscal 9976
year shall be distributed on a per-pupil basis to school 9977
districts, community schools established under Chapter 3314. of 9978
the Revised Code, education service centers, joint vocational 9979
school districts, and any other education entity that reports data 9980
through EMIS. From this funding, each school district or community 9981

school established under Chapter 3314. of the Revised Code with 9982
enrollment greater than 100 students and each vocational school 9983
district shall receive a minimum of \$5,000 in each fiscal year. 9984
Each school district or community school established under Chapter 9985
3314. of the Revised Code with enrollment between one and one 9986
hundred and each education service center and each county board of 9987
MR/DD that submits data through EMIS shall receive \$3,000 in each 9988
fiscal year. This subsidy shall be used for costs relating to 9989
reporting, processing, storing, transferring, and exchanging data 9990
necessary to meet requirements of the Department of Education's 9991
data system. 9992

Of the foregoing appropriation item 200-446, Education 9993
Management Information System, \$782,500 in each fiscal year shall 9994
be used by the Department of Education, in consultation with an 9995
advisory group of school districts, community schools, and other 9996
education-related entities, for the development and implementation 9997
of a common core of Education Management Information System data 9998
definitions and data format standards. Once these definitions and 9999
standards have been developed, they shall be approved by the 10000
Education Data Advisory Council. Once the standards are approved 10001
by the Education Data Advisory Council, any software meeting the 10002
standards shall be designated as an approved vendor and may enter 10003
into contracts with local school districts, community schools, 10004
data acquisition centers, or other educational entities for the 10005
purpose of collecting and managing data required under Ohio's 10006
education management information system (EMIS) laws. On an annual 10007
basis, the Department of Education shall convene an advisory group 10008
of school districts, community schools, and other 10009
education-related entities to review the Education Management 10010
Information System data definitions and data format standards. The 10011
advisory group shall recommend changes and enhancements based upon 10012
surveys of its members, education agencies in other states, and 10013
current industry practices, to reflect best practices, align with 10014

federal initiatives, and meet the needs of school districts. 10015

School districts and community schools shall implement a 10016
common and uniform set of data definitions and data format 10017
standards for Education Management Information System purposes by 10018
July 1, 2004. The Department of Education shall work with data 10019
acquisition sites and their member school districts and community 10020
schools to implement those uniform standards. School districts and 10021
community schools that do not adopt and implement the uniform data 10022
definitions and standards by July 1, 2004, as jointly determined 10023
by the Department of Education software development team and the 10024
advisory group shall have all EMIS funding withheld until they are 10025
in compliance. 10026

GED TESTING/ADULT HIGH SCHOOL 10027

The foregoing appropriation item 200-447, GED Testing/Adult 10028
High School, shall be used to provide General Educational 10029
Development (GED) testing at no cost to applicants, pursuant to 10030
rules adopted by the State Board of Education. The Department of 10031
Education shall reimburse school districts and community schools, 10032
created in accordance with Chapter 3314. of the Revised Code, for 10033
a portion of the costs incurred in providing summer instructional 10034
or intervention services to students who have not graduated due to 10035
their inability to pass one or more parts of the state's ninth 10036
grade proficiency test. School districts shall also provide such 10037
services to students who are residents of the district pursuant to 10038
section 3313.64 of the Revised Code, but who are enrolled in 10039
chartered, nonpublic schools. The services shall be provided in 10040
the public school, in nonpublic schools, in public centers, or in 10041
mobile units located on or off the nonpublic school premises. No 10042
school district shall provide summer instructional or intervention 10043
services to nonpublic school students as authorized by this 10044
section unless such services are available to students attending 10045
the public schools within the district. No school district shall 10046

provide services for use in religious courses, devotional 10047
exercises, religious training, or any other religious activity. 10048
Chartered, nonpublic schools shall pay for any unreimbursed costs 10049
incurred by school districts for providing summer instruction or 10050
intervention services to students enrolled in chartered, nonpublic 10051
schools. School districts may provide these services to students 10052
directly or contract with postsecondary or nonprofit 10053
community-based institutions in providing instruction. The 10054
appropriation also shall be used for state reimbursement to school 10055
districts for adult high school continuing education programs 10056
pursuant to section 3313.531 of the Revised Code or for costs 10057
associated with awarding adult high school diplomas under section 10058
3313.611 of the Revised Code. 10059

EDUCATOR PREPARATION 10060

The foregoing appropriation item 200-448, Educator 10061
Preparation, shall be used by the Ohio Teacher Education and 10062
Licensure Advisory Commission to carry out the responsibilities of 10063
the 21-member Ohio Teacher Education and Licensure Advisory 10064
Commission. The advisory commission is charged by the State Board 10065
of Education with considering all matters related to educator 10066
preparation and licensure, including standards for educator 10067
preparation and licensure, approval of institutions and programs, 10068
and recommending decisions to the State Board of Education. 10069

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP 10070

The foregoing appropriation item 200-449, Head Start/Head 10071
Start Plus Start Up, shall be used to provide start up grants for 10072
Title IV-A reimbursable funding for the provision of services to 10073
children eligible for Title IV-A services. In fiscal year 2004, 10074
these grants shall be provided to Title IV-A Head Start agencies. 10075
In fiscal year 2005, these grants shall be provided to Title IV-A 10076
Head Start agencies and Title IV-A Head Start Plus agencies. The 10077
amount of each grant shall be determined by the Department of 10078

Education. In fiscal year 2005, up to \$100,000 may be used by the 10079
Department of Education to provide associated program support and 10080
technical assistance. Funds appropriated for this purpose shall be 10081
reimbursed to the General Revenue Fund when the Title IV-A Head 10082
Start or Title IV-A Head Start Plus programs cease or are no 10083
longer funded from Title IV-A. If one program ceases or is no 10084
longer funded with Title IV-A funds, the General Revenue Fund will 10085
be reimbursed for that program. 10086

If a Title IV-A Head Start agency or Title IV-A Head Start 10087
Plus agency chooses not to participate in the program or if the 10088
Department ~~or~~ of Education suspends or terminates part or all of 10089
its funding, reimbursement owed to the grantee shall be held by 10090
the Department of Education up to the amount of the grant owed by 10091
the grantee. If insufficient reimbursement is available to recover 10092
the amount owed by the grantee, the grantee shall return the 10093
remaining balance within 60 days of the date of the decision not 10094
to participate, the suspension, or the termination. Funding 10095
recovered from such grantees shall be used by the Department of 10096
Education for supplying grants to new grantees for Title IV-A 10097
reimbursable funding for provision of services to children 10098
eligible for Title IV-A services. Any funding remaining when the 10099
Title IV-A Head Start and the Title IV-A Head Start Plus programs 10100
cease or are no longer funded with Title IV-A funds shall be 10101
returned to the General Revenue Fund. 10102

The Title IV-A Head Start Plus agency that is receiving funds 10103
to operate a Head Start program in accordance with section 3301.35 10104
of the Revised Code shall provide the program through contracts 10105
with child care providers licensed or certified in accordance with 10106
Chapter 5104. of the Revised Code. If a licensed or certified 10107
child care provider is not in operation or willing to participate 10108
and if eligible families are in need of full-day and full-year 10109
Head Start and child care services, the Title IV-A Head Start Plus 10110

agency may be the sole source provider. 10111

TEACHING SUCCESS COMMISSION INITIATIVES 10112

The foregoing appropriation item 200-452, Teaching Success 10113
Commission Initiatives, shall be used by the Department of 10114
Education to support initiatives recommended by the Governor's 10115
Commission on Teaching Success. 10116

COMMUNITY SCHOOLS 10117

Of the foregoing appropriation item 200-455, Community 10118
Schools, up to \$1,308,661 in each fiscal year may be used by the 10119
Department of Education for additional services and 10120
responsibilities under section 3314.11 of the Revised Code. 10121

Of the foregoing appropriation item 200-455, Community 10122
Schools, up to \$250,000 in each fiscal year may be used by the 10123
Department of Education for developing and conducting training 10124
sessions for sponsors and prospective sponsors of community 10125
schools as prescribed in division (A)(1) of section 3314.015 of 10126
the Revised Code. In developing such training sessions, the 10127
Department shall collect and disseminate examples of best 10128
practices used by sponsors of independent charter schools in Ohio 10129
and other states. 10130

The remaining appropriation may be used by the Department of 10131
Education to make grants of up to \$50,000 to each proposing group 10132
with a preliminary agreement obtained under division (C)(2) of 10133
section 3314.02 of the Revised Code in order to defray planning 10134
and initial start-up costs. In the first year of operation of a 10135
community school, the Department of Education may make a grant of 10136
not more than \$100,000 to the governing authority of the school to 10137
partially defray additional start-up costs. The amount of the 10138
grant shall be based on a thorough examination of the needs of the 10139
community school. The Department of Education shall not utilize 10140
moneys received under this section for any other purpose other 10141

than those specified under this section. 10142

A community school awarded start-up grants from appropriation 10143
item 200-613, Public Charter Schools (Fund 3T4), shall not be 10144
eligible for grants under this section. 10145

Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS 10146

Of the foregoing appropriation item 200-540, Special 10147
Education Enhancements, up to \$44,204,000 in fiscal year 2004 and 10148
up to \$45,441,712 in fiscal year 2005 shall be used to fund 10149
special education and related services at county boards of mental 10150
retardation and developmental disabilities for eligible students 10151
under section 3317.20 of the Revised Code. Up to \$2,452,125 shall 10152
be used in each fiscal year to fund special education classroom 10153
and related services units at institutions. 10154

Of the foregoing appropriation item 200-540, Special 10155
Education Enhancements, up to \$2,906,875 in each fiscal year shall 10156
be used for home instruction for children with disabilities; up to 10157
\$1,462,500 in each fiscal year shall be used for parent mentoring 10158
programs; and up to \$2,783,396 in each fiscal year may be used for 10159
school psychology interns. 10160

Of the foregoing appropriation item 200-540, Special 10161
Education Enhancements, \$3,406,090 in each fiscal year shall be 10162
used by the Department of Education to assist school districts in 10163
funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 10164
3301-51-04 of the Administrative Code. 10165

Of the foregoing appropriation item 200-540, Special 10166
Education Enhancements, \$78,384,498 in each fiscal year shall be 10167
distributed by the Department of Education to county boards of 10168
mental retardation and developmental disabilities, educational 10169
service centers, and school districts for preschool special 10170
education units and preschool supervisory units in accordance with 10171

section 3317.161 of the Revised Code. The ~~department~~ Department 10172
may reimburse county boards of mental retardation and 10173
developmental disabilities, educational service centers, and 10174
school districts for related services as defined in rule 10175
~~3301-31-05~~ 3301-51-11 of the Administrative Code, for preschool 10176
occupational and physical therapy services provided by a physical 10177
therapy assistant and certified occupational therapy assistant, 10178
and for an instructional assistant. To the greatest extent 10179
possible, the Department of Education shall allocate these units 10180
to school districts and educational service centers. The 10181
Controlling Board may approve the transfer of unallocated funds 10182
from appropriation item 200-501, Base Cost Funding, to 10183
appropriation item 200-540, Special Education Enhancements, to 10184
fully fund existing units as necessary or to fully fund additional 10185
units. The Controlling Board may approve the transfer of 10186
unallocated funds from appropriation item 200-540, Special 10187
Education Enhancements, to appropriation item 200-501, Base Cost 10188
Funding, to fully fund the special education weight cost funding. 10189

The Department of Education shall require school districts, 10190
educational service centers, and county MR/DD boards serving 10191
preschool children with disabilities to document child progress 10192
using research-based indicators prescribed by the Department and 10193
report results annually. The reporting dates and methodology shall 10194
be determined by the Department. 10195

Of the foregoing appropriation item 200-540, Special 10196
Education Enhancements, \$315,000 in each fiscal year shall be 10197
expended to conduct a demonstration project involving language and 10198
literacy intervention teams supporting student acquisition of 10199
language and literacy skills. The demonstration project shall 10200
demonstrate improvement of language and literacy skills of at-risk 10201
learners under the instruction of certified speech pathologists 10202
and educators. Baseline data shall be collected and comparison 10203

data for fiscal year 2004 and fiscal year 2005 shall be collected 10204
and reported to the Governor, ~~Ohio Reads~~ OhioReads Council, 10205
Department of Education, and the General Assembly. 10206

Of the foregoing appropriation item 200-540, Special 10207
Education Enhancements, up to \$500,000 in each fiscal year shall 10208
be used for the Research-Based Reading Mentoring Program. 10209

Of the foregoing appropriation item 200-540, Special 10210
Education Enhancements, \$600,000 in each fiscal year shall be used 10211
to support the Bellefaire Jewish Children's Bureau. 10212

Sec. 55. OHS OHIO HISTORICAL SOCIETY 10213

General Revenue Fund 10214

GRF 360-403	Adena - Worthington	\$	200,000	\$	150,000	10215
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Home

GRF 360-501	Operating Subsidy	\$	3,389,973	\$	3,389,973	10216
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GRF 360-502	Site Operations	\$	8,240,438	\$	8,240,438	10217
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GRF 360-503	Ohio Bicentennial	\$	1,847,239	\$	58,164	10218
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Commission

GRF 360-504	Ohio Preservation	\$	289,733	\$	289,733	10219
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Office

GRF 360-505	Afro-American Museum	\$	778,231	\$	778,231	10220
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GRF 360-506	Hayes Presidential	\$	524,981	\$	524,981	10221
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Center

GRF 360-508	Historical Grants	\$	2,200,000	\$	1,550,000	10222
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			<u>2,400,000</u>		<u>1,750,000</u>	
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TOTAL GRF General Revenue Fund	\$	17,470,595	\$	14,981,520	10223
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			<u>17,670,595</u>		<u>15,181,520</u>	
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TOTAL ALL BUDGET FUND GROUPS	\$	17,470,595	\$	14,981,520	10224
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			<u>17,670,595</u>		<u>15,181,520</u>	
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SUBSIDY APPROPRIATION 10225

Upon approval by the Director of Budget and Management, the 10226

foregoing appropriation items shall be released to the Ohio 10227
Historical Society in quarterly amounts that in total do not 10228
exceed the annual appropriations. The funds and fiscal records of 10229
the society for fiscal years 2004 and 2005 shall be examined by 10230
independent certified public accountants approved by the Auditor 10231
of State, and a copy of the audited financial statements shall be 10232
filed with the Office of Budget and Management. The society shall 10233
prepare and submit to the Office of Budget and Management the 10234
following: 10235

(A) An estimated operating budget for each fiscal year of the 10236
biennium. The operating budget shall be submitted at or near the 10237
beginning of each year. 10238

(B) Financial reports, indicating actual receipts and 10239
expenditures for the fiscal year to date. These reports shall be 10240
filed at least semiannually during the fiscal biennium. 10241

The foregoing appropriations shall be considered to be the 10242
contractual consideration provided by the state to support the 10243
state's offer to contract with the Ohio Historical Society under 10244
section 149.30 of the Revised Code. If the Ohio Historical Society 10245
accepts this contractual offer, the society may not, during fiscal 10246
year 2004 or 2005, close any of the sites operated by the society 10247
as of the effective date of this section. 10248

Not later than May 15, 2004, the Ohio Historical Society 10249
shall submit to the Controlling Board a plan for the 10250
implementation of the recommendations of the Select Committee to 10251
Study the Effectiveness of Ohio's Historical Programs and 10252
Partnerships. No appropriations to the society for fiscal year 10253
2005 may be expended without prior approval of the implementation 10254
plan by the Controlling Board. 10255

HAYES PRESIDENTIAL CENTER 10256

If a United States government agency, including, but not 10257

limited to, the National Park Service, chooses to take over the 10258
operations or maintenance of the Hayes Presidential Center, in 10259
whole or in part, the Ohio Historical Society shall make 10260
arrangements with the National Park Service or other United States 10261
government agency for the efficient transfer of operations or 10262
maintenance. 10263

HISTORICAL GRANTS 10264

Of the foregoing appropriation item 360-508, Historical 10265
Grants, ~~\$91,667~~ \$100,000 in each fiscal year ~~2004~~ and ~~\$88,571~~ in 10266
~~fiscal year 2005~~ shall be distributed to the Hebrew Union College 10267
in Cincinnati for the Center for Holocaust and Humanity Education, 10268
~~\$137,500~~ \$150,000 in fiscal year 2004 shall be distributed to the 10269
National Underground Railroad Freedom Center in Cincinnati, 10270
~~\$229,167~~ \$250,000 in each fiscal year ~~2004~~ and ~~\$221,430~~ in ~~fiscal~~ 10271
~~year 2005~~ shall be distributed to the Great Lakes Historical 10272
Society in Vermilion, ~~\$733,333~~ \$800,000 in each fiscal year ~~2004~~ 10273
and ~~\$708,571~~ in ~~fiscal year 2005~~ shall be distributed to the 10274
Western Reserve Historical Society in Cleveland, ~~\$458,333~~ \$500,000 10275
in fiscal year 2004 shall be distributed to the Village of 10276
Dennison for the Historical Center Street District, ~~\$91,667~~ 10277
\$100,000 in each fiscal year ~~2004~~ and ~~\$88,571~~ in ~~fiscal year 2005~~ 10278
shall be distributed to the Harbor Heritage Society Steamship 10279
Mather in Cleveland, and ~~\$458,333~~ \$500,000 in each fiscal year 10280
~~2004~~ and ~~\$442,857~~ in ~~fiscal year 2005~~ shall be distributed to the 10281
Cincinnati Museum Center. 10282

OHIO BICENTENNIAL COMMISSION ROYALTIES 10283

Notwithstanding any previous arrangement to the contrary, the 10284
Ohio Bicentennial Commission shall keep the first \$100,000 in 10285
earned royalties associated with the Ohio Bicentennial logo during 10286
the 2004-2005 biennium. This \$100,000 shall be used to cover the 10287
operating expenses of the Ohio Bicentennial Commission in fiscal 10288
year 2005. The remaining moneys collected from royalties 10289

associated with the Ohio Bicentennial logo shall be deposited into 10290
the General Revenue Fund, of which \$350,000 shall be distributed 10291
to the Ohio Historical Society for use in appropriation item 10292
360-403, Adena - Worthington Home. 10293

Sec. 59. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 10294

General Revenue Fund 10295

GRF 600-321 Support Services 10296

State \$ 62,361,047 \$ 58,611,047 10297

Federal \$ 7,176,249 \$ 7,125,883 10298

Support Services Total \$ 69,537,296 \$ 65,736,930 10299

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 10300

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 10301

Match/Maintenance of
Effort

GRF 600-416 Computer Projects 10302

State \$ 120,000,000 \$ 120,000,000 10303

Federal \$ 31,095,442 \$ 31,400,454 10304

Computer Projects \$ 151,095,442 \$ 151,400,454 10305

Total

GRF 600-420 Child Support \$ 5,091,446 \$ 5,091,446 10306

Administration

GRF 600-421 Office of Family \$ 4,864,932 \$ 4,864,932 10307

Stability

GRF 600-422 Local Operations \$ 2,305,232 \$ 2,305,232 10308

GRF 600-423 Office of Children and \$ 5,000,000 \$ 5,000,000 10309

Families

GRF 600-424 Office of Workforce \$ 877,971 \$ 877,971 10310

Development

GRF 600-425 Office of Ohio Health 10311

Plans

State \$ 21,944,901 \$ 22,603,740 10312

Federal \$ 21,848,555 \$ 22,495,502 10313

	Office of Ohio Health	\$	43,793,456	\$	45,099,242	10314
	Plans Total					
GRF 600-435	Unemployment	\$	3,188,473	\$	3,188,473	10315
	Compensation Review					
	Commission					
GRF 600-439	Commission to Reform	\$	125,000	\$	125,000	10316
	Medicaid					
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	10317
GRF 600-511	Disability Financial	\$	22,839,371	\$	22,839,371	10318
	Assistance					
GRF 600-521	Family Stability	\$	55,206,401	\$	55,206,401	10319
	Subsidy					
GRF 600-523	Children and Families	\$	69,846,563	\$	69,846,563	10320
	Subsidy					
GRF 600-525	Health Care/Medicaid					10321
	State	\$	3,651,294,321	\$	3,842,465,911	10322
	Federal	\$	5,188,691,539	\$	5,463,149,039	10323
			<u>5,189,580,735</u>		<u>5,493,159,762</u>	
	Health Care Total	\$	8,839,985,860	\$	9,305,614,950	10324
			<u>8,840,875,056</u>		<u>9,335,625,673</u>	
GRF 600-528	Adoption Services					10325
	State	\$	33,395,955	\$	36,017,981	10326
	Federal	\$	37,368,248	\$	41,115,000	10327
	Adoption Services	\$	70,764,203	\$	77,132,981	10328
	Total					
TOTAL GRF	General Revenue Fund					10329
	State	\$	4,428,706,900	\$	4,619,409,355	10330
	Federal	\$	5,286,180,033	\$	5,565,285,878	10331
			<u>5,287,069,229</u>		<u>5,595,387,601</u>	
	GRF Total	\$	9,718,075,406	\$	10,187,883,706	10332
			<u>9,718,964,602</u>		<u>10,217,894,429</u>	
	General Services Fund Group					10333
4A8 600-658	Child Support	\$	27,255,646	\$	26,680,794	10334

Collections						
4R4	600-665	BCII Services/Fees	\$	136,974	\$ 136,974	10335
5C9	600-671	Medicaid Program	\$	54,686,270	\$ 55,137,078	10336
Support						
5N1	600-677	County Technologies	\$	5,000,000	\$ 5,000,000	10337
613	600-645	Training Activities	\$	135,000	\$ 135,000	10338
TOTAL GSF General Services						10339
Fund Group			\$	87,213,890	\$ 87,089,846	10340
Federal Special Revenue Fund Group						10341
3A2	600-641	Emergency Food	\$	2,083,500	\$ 2,187,675	10342
Distribution						
3D3	600-648	Children's Trust Fund	\$	2,040,524	\$ 2,040,524	10343
Federal						
3F0	600-623	Health Care Federal	\$	391,658,105	\$ 394,221,409	10344
3F0	600-650	Hospital Care	\$	298,128,308	\$ 305,879,644	10345
Assurance Match						
3G5	600-655	Interagency	\$	1,180,523,642	\$ 1,245,244,536	10346
Reimbursement						
3H7	600-617	Child Care Federal	\$	224,539,425	\$ 235,045,596	10347
3N0	600-628	IV-E Foster Care	\$	173,963,142	\$ 173,963,142	10348
Maintenance						
3S5	600-622	Child Support Projects	\$	534,050	\$ 534,050	10349
3V0	600-662	WIA Ohio Option #7	\$	87,407,014	\$ 89,352,850	10350
3V0	600-688	Workforce Investment	\$	93,636,390	\$ 94,932,750	10351
Act						
3V4	600-678	Federal Unemployment	\$	153,690,682	\$ 154,111,608	10352
Programs						
3V4	600-679	Unemployment	\$	3,097,320	\$ 2,860,297	10353
Compensation Review						
Commission - Federal						
3V6	600-689	TANF Block Grant	\$	786,095,609	\$ 845,909,688	10354
3W3	600-659	TANF/Title XX	\$	88,994,049	\$ 93,498,158	10355
316	600-602	State and Local	\$	11,212,594	\$ 11,249,282	10356

		Training				
327	600-606	Child Welfare	\$	29,119,408	\$	28,665,728 10357
331	600-686	Federal Operating	\$	48,237,185	\$	47,340,081 10358
365	600-681	JOB Training Program	\$	5,000,000	\$	0 10359
384	600-610	Food Stamps and State	\$	134,560,572	\$	135,141,694 10360
		Administration				
385	600-614	Refugee Services	\$	5,793,656	\$	5,841,407 10361
395	600-616	Special	\$	3,975,821	\$	3,975,821 10362
		Activities/Child and Family Services				
396	600-620	Social Services Block	\$	74,969,767	\$	74,986,134 10363
		Grant				
397	600-626	Child Support	\$	304,157,939	\$	307,468,576 10364
398	600-627	Adoption Maintenance/ Administration	\$	339,957,978	\$	340,104,370 10365
TOTAL FED	Federal Special Revenue					10366
Fund Group			\$	4,443,376,680	\$	4,594,555,020 10367
State Special Revenue Fund Group						10368
198	600-647	Children's Trust Fund	\$	4,336,109	\$	4,336,109 10369
4A9	600-607	Unemployment	\$	8,001,000	\$	8,001,000 10370
		Compensation Admin Fund				
4E3	600-605	Nursing Home	\$	4,759,913	\$	4,759,914 10371
		Assessments				
4E7	600-604	Child and Family	\$	300,000	\$	300,000 10372
		Services Collections				
4F1	600-609	Foundation	\$	119,310	\$	119,310 10373
		Grants/Child and Family Services				
4J5	600-613	Nursing Facility Bed	\$	35,060,013	\$	35,064,238 10374
		Assessments				
4J5	600-618	Residential State	\$	15,700,000	\$	15,700,000 10375
		Supplement Payments				

4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$	20,428,726	10376
4R3	600-687	Banking Fees	\$	892,000	\$	892,000	10377
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	10378
5A5	600-685	Unemployment Benefit	\$	14,000,000	\$	0	10379
		Automation					
5P5	600-692	Health Care Services	\$	492,932,514	\$	515,947,439	10380
5Q9	600-619	Supplemental Inpatient	\$	30,797,539	\$	30,797,539	10381
		Hospital Payments					
5R2	600-608	Medicaid-Nursing	\$	113,754,184	\$	113,754,184	10382
		Facilities					
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960	10383
		Administration and					
		Oversight					
5T2	600-652	Child Support Special	\$	1,500,000	\$	750,000	10384
		Payment					
5U3	600-654	Health Care Services	\$	7,576,322	\$	6,119,127	10385
		Administration					
5U6	600-663	Children and Family	\$	4,929,718	\$	4,929,718	10386
		Support					
651	600-649	Hospital Care	\$	208,634,072	\$	214,058,558	10387
		Assurance Program Fund					
TOTAL SSR		State Special Revenue					10388
Fund Group			\$	975,380,704	\$	987,578,822	10389
Agency Fund Group							10390
192	600-646	Support Intercept -	\$	136,500,000	\$	136,500,000	10391
		Federal					
5B6	600-601	Food Stamp Intercept	\$	5,000,000	\$	5,000,000	10392
583	600-642	Support Intercept -	\$	20,565,582	\$	20,565,582	10393
		State					
TOTAL AGY		Agency Fund Group	\$	162,065,582	\$	162,065,582	10394
Holding Account Redistribution Fund Group							10395
R12	600-643	Refunds and Audit	\$	5,343,906	\$	5,343,906	10396

Settlements

R13 600-644 Forgery Collections	\$	700,000	\$	700,000	10397
TOTAL 090 Holding Account	\$	6,043,906	\$	6,043,906	10398
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS		\$15,392,156,168		\$16,025,216,882	10399
		<u>15,393,045,364</u>		<u>16,055,227,605</u>	

Sec. 59.29. OHIO COMMISSION TO REFORM MEDICAID 10401

There is hereby established the Ohio Commission to Reform 10402
Medicaid, which shall consist of nine members: three appointed by 10403
the Governor, three appointed by the Speaker of the House of 10404
Representatives, and three appointed by the President of the 10405
Senate. Appointments shall be made not later than ninety days 10406
after ~~the effective date of this section~~ June 26, 2003. All 10407
members shall serve at the pleasure of the appointing authority. 10408
~~Members shall serve without compensation.~~ Vacancies shall be 10409
filled in the manner of original appointments. 10410

The members of the Commission shall serve without 10411
compensation but shall be reimbursed in accordance with rules 10412
adopted under section 126.31 of the Revised Code for all actual 10413
and necessary expenses incurred on or after the effective date of 10414
this amendment in the performance of their official duties on the 10415
Commission. 10416

A member of the Commission shall be considered present at a 10417
Commission meeting even though the member's participation is 10418
through a telephone conference call if the meeting's purpose is to 10419
gather information, no votes are taken at the meeting, and a room 10420
is made available for the public to observe the meeting. 10421

The Commission shall conduct a complete review of the state 10422
Medicaid program and shall make recommendations for comprehensive 10423
reform and cost containment. The Commission shall submit a report 10424
of its findings and recommendations to the Governor, Speaker, and 10425

Senate President not later than January 1, 2005.				10426
The Commission may hire a staff director and additional employees to provide technical support.				10427 10428
The Director of Job and Family Services shall, on behalf of the Commission, seek federal financial participation for the administrative costs of the Commission.				10429 10430 10431
Sec. 66. LIB STATE LIBRARY BOARD				10432
General Revenue Fund				10433
GRF 350-321 Operating Expenses	\$	6,700,721	\$ 6,700,721	10434
GRF 350-400 Ohio Public Library	\$	0	\$ 5,000,000	10435
Information Network				
GRF 350-401 Ohioana Rental	\$	124,816	\$ 124,816	10436
Payments				
GRF 350-501 Cincinnati Public Library	\$	584,414	\$ 569,803	10437
GRF 350-502 Regional Library	\$	1,194,374	\$ 1,194,374	10438
Systems				
GRF 350-503 Cleveland Public Library	\$	879,042	\$ 857,066	10439
TOTAL GRF General Revenue Fund	\$	9,483,367	\$ 14,446,780	10440
General Services Fund Group				10441
139 350-602 Intra-Agency Service	\$	9,000	\$ 9,000	10442
Charges				
4S4 350-604 OPLIN Technology	\$	6,450,000	\$ 1,000,000	10443
459 350-602 Interlibrary Service	\$	2,759,661	\$ 2,809,661	10444
Charges				
TOTAL GSF General Services				10445
Fund Group	\$	9,218,661	\$ 3,818,661	10446
Federal Special Revenue Fund Group				10447
313 350-601 LSTA Federal	\$	5,541,647	\$ 5,541,647	10448

TOTAL FED Federal Special Revenue				10449	
Fund Group	\$	5,541,647	\$	5,541,647	10450
TOTAL ALL BUDGET FUND GROUPS	\$	24,243,675	\$	23,807,088	10451
OHIOANA RENTAL PAYMENTS				10452	
The foregoing appropriation item 350-401, Ohioana Rental				10453	
Payments, shall be used to pay the rental expenses of the Martha				10454	
Kinney Cooper Ohioana Library Association pursuant to section				10455	
3375.61 of the Revised Code.				10456	
CINCINNATI PUBLIC LIBRARY				10457	
The foregoing appropriation item 350-501, Cincinnati Public				10458	
Library, shall be used for the Talking Book program, which assists				10459	
the blind and disabled.				10460	
REGIONAL LIBRARY SYSTEMS				10461	
The foregoing appropriation item 350-502, Regional Library				10462	
Systems, shall be used to support regional library systems				10463	
eligible for funding under section <u>sections 3375.83 and 3375.90</u> of				10464	
the Revised Code.				10465	
CLEVELAND PUBLIC LIBRARY				10466	
The foregoing appropriation item 350-503, Cleveland Public				10467	
Library, shall be used for the Talking Book program, which assists				10468	
the blind and disabled.				10469	
OHIO PUBLIC LIBRARY INFORMATION NETWORK				10470	
The foregoing appropriation items 350-604, OPLIN Technology,				10471	
and, in fiscal year 2005, 350-400, Ohio Public Library Information				10472	
Network, shall be used for an information telecommunications				10473	
network linking public libraries in the state and such others as				10474	
may be certified as participants by the Ohio Public Library				10475	
Information Network Board.				10476	
The Ohio Public Library Information Network Board shall				10477	
consist of eleven members appointed by the State Library Board				10478	

from among the staff of public libraries and past and present 10479
members of boards of trustees of public libraries, based on the 10480
recommendations of the Ohio library community. The Ohio Public 10481
Library Information Network Board, in consultation with the State 10482
Library, shall develop a plan of operations for the network. The 10483
board may make decisions regarding use of the foregoing OPLIN 10484
appropriation items 350-400 and 350-604 and may receive and expend 10485
grants to carry out the operations of the network in accordance 10486
with state law and the authority to appoint and fix the 10487
compensation of a director and necessary staff. The State Library 10488
shall be the fiscal agent for the network and shall have fiscal 10489
accountability for the expenditure of funds. The Ohio Public 10490
Library Information Network Board members shall be reimbursed for 10491
actual travel and necessary expenses incurred in carrying out 10492
their responsibilities. 10493

In order to limit access to obscene and illegal materials 10494
through internet use at Ohio Public Library Information Network 10495
(OPLIN) terminals, local libraries with OPLIN computer terminals 10496
shall adopt policies that control access to obscene and illegal 10497
materials. These policies may include use of technological systems 10498
to select or block certain internet access. The OPLIN shall 10499
condition provision of its funds, goods, and services on 10500
compliance with these policies. The OPLIN Board shall also adopt 10501
and communicate specific recommendations to local libraries on 10502
methods to control such improper usage. These methods may include 10503
each library implementing a written policy controlling such 10504
improper use of library terminals and requirements for parental 10505
involvement or written authorization for juvenile internet usage. 10506

The OPLIN Board shall research and assist or advise local 10507
libraries with regard to emerging technologies and methods that 10508
may be effective means to control access to obscene and illegal 10509
materials. The OPLIN Executive Director shall biannually provide 10510

written reports to the Governor, the Speaker and Minority Leader 10511
of the House of Representatives, and the President and Minority 10512
Leader of the Senate on any steps being taken by OPLIN and public 10513
libraries in the state to limit and control such improper usage as 10514
well as information on technological, legal, and law enforcement 10515
trends nationally and internationally affecting this area of 10516
public access and service. 10517

The Ohio Public Library Information Network, InfoOhio, and 10518
OhioLink shall, to the extent feasible, coordinate and cooperate 10519
in their purchase or other acquisition of the use of electronic 10520
databases for their respective users and shall contribute funds in 10521
an equitable manner to such effort. 10522

TRANSFER TO OPLIN TECHNOLOGY FUND 10523

Notwithstanding sections 5747.03 and 5747.47 of the Revised 10524
Code and any other provision of law to the contrary, in accordance 10525
with a schedule established by the Director of Budget and 10526
Management, the Director of Budget and Management shall transfer 10527
up to \$5,000,000 in fiscal year 2004 from the Library and Local 10528
Government Support Fund (Fund 065) to the OPLIN Technology Fund 10529
(Fund 4S4). 10530

Sec. 89. BOR BOARD OF REGENTS 10531

General Revenue Fund 10532

GRF 235-321	Operating Expenses	\$	3,336,284	\$	2,767,219	10533
GRF 235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400	10534
GRF 235-402	Sea Grants	\$	274,895	\$	274,895	10535
GRF 235-403	Math/Science Teaching	\$	1,757,614	\$	1,757,614	10536
	Improvement					
GRF 235-404	College Readiness	\$	3,152,603	\$	3,401,759	10537
	Initiatives					
GRF 235-406	Articulation and	\$	733,200	\$	733,200	10538
	Transfer					

GRF 235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500	10539
GRF 235-409	Information System	\$	1,185,879	\$	1,154,671	10540
GRF 235-414	State Grants and Scholarship Administration	\$	1,219,719	\$	1,211,373	10541
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	10542
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720	10543
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622	10544
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077	10545
GRF 235-428	Appalachian New Economy Partnership	\$	1,179,893	\$	1,147,895	10546
GRF 235-451	Eminent Scholars	\$	0	\$	1,462,500	10547
GRF 235-454	Research Challenge	\$	18,330,000	\$	18,330,000	10548
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$	1,465,650	10549
GRF 235-474	Area Health Education Centers Program Support	\$	1,722,226	\$	1,676,670	10550
GRF 235-477	Access Improvement Projects	\$	1,048,664	\$	1,080,124	10551
GRF 235-501	State Share of Instruction	\$	1,534,189,277	\$	1,559,096,031	10552
GRF 235-502	Student Support Services	\$	870,675	\$	848,908	10553
GRF 235-503	Ohio Instructional Grants	\$	111,966,343	\$	115,325,333	10554
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$	4,672,321	10555
GRF 235-507	OhioLINK	\$	7,028,392	\$	7,028,392	10556
GRF 235-508	Air Force Institute of Technology	\$	2,096,523	\$	2,053,860	10557
GRF 235-509	Displaced Homemakers	\$	204,865	\$	199,743	10558
GRF 235-510	Ohio Supercomputer	\$	4,208,472	\$	4,103,260	10559

	Center				
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863 10560
GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$	305,178 10561
GRF 235-514	Central State Supplement	\$	11,039,203	\$	11,039,203 10562
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$	3,212,271 10563
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$	245,000 10564
GRF 235-519	Family Practice	\$	5,529,432	\$	5,391,196 10565
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$	2,082,289 10566
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$	305,178 10567
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819 10568
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179 10569
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$	2,661,762 10570
GRF 235-527	Ohio Aerospace Institute	\$	1,933,607	\$	1,882,767 10571
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 10572
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646 10573
GRF 235-534	Student Workforce Development Grants	\$	2,437,500	\$	2,437,500 10574
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$	35,830,188 10575
GRF 235-536	The Ohio State	\$	13,565,885	\$	13,565,885 10576

	University Clinical Teaching				
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 10577
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 10578
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 10579
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540 10580
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945 10581
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	424,033	\$	424,033 10582
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996 10583
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721 10584
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936 10585
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937 10586
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779 10587
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080 10588
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289 10589
GRF 235-558	Long-term Care	\$	230,906	\$	225,134 10590

	Research				
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546 10591
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259 10592
GRF 235-583	Urban University Programs	\$	5,692,236	\$	5,553,506 10593
GRF 235-585	Ohio University Innovation Center	\$	41,596	\$	40,556 10594
GRF 235-587	Rural University Projects	\$	1,224,510	\$	1,224,510 10595
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	853,262	\$	853,262 10596
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918 10597
GRF 235-596	Hazardous Materials Program	\$	339,647	\$	331,156 10598
GRF 235-599	National Guard Scholarship Program	\$	13,252,916 <u>14,752,916</u>	\$	14,578,208 <u>16,078,208</u> 10599
GRF 235-909	Higher Education General Obligation Debt Service	\$	97,668,000	\$	130,967,600 10600
TOTAL GRF General Revenue Fund		\$	2,443,493,342 <u>2,444,993,342</u>	\$	2,482,236,601 <u>2,483,736,601</u> 10601
	General Services Fund Group				10602
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000 10603
456 235-603	Sales and Services	\$	500,002	\$	500,003 10604
TOTAL GSF General Services					10605

Fund Group		\$	900,002	\$	900,003	10606
Federal Special Revenue Fund Group						10607
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	10608
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	10609
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	10610
312 235-609	Tech Prep	\$	183,850	\$	183,850	10611
312 235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691	10612
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	10613
312 235-615	Professional Development	\$	523,129	\$	523,129	10614
312 235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000	10615
312 235-631	Federal Grants	\$	3,444,949	\$	3,150,590	10616
TOTAL FED	Federal Special Revenue Fund Group	\$	10,439,814	\$	10,037,901	10617 10618
State Special Revenue Fund Group						10619
4E8 235-602	Higher Educational Facility Commission Administration	\$	20,000	\$	20,000	10620
4P4 235-604	Physician Loan Repayment	\$	476,870	\$	476,870	10621
649 235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	10622
682 235-606	Nursing Loan Program	\$	893,000	\$	893,000	10623
TOTAL SSR	State Special Revenue					10624

Fund Group	\$	2,149,870	\$	2,149,870	10625
TOTAL ALL BUDGET FUND GROUPS	\$	2,456,983,028	\$	2,495,324,375	10626
		<u>2,458,483,028</u>		<u>2,496,824,375</u>	

Sec. 89.04. STATE SHARE OF INSTRUCTION 10628

As soon as practicable during each fiscal year of the 10629
2003-2005 biennium in accordance with instructions of the Board of 10630
Regents, each state-assisted institution of higher education shall 10631
report its actual enrollment to the Board of Regents. 10632

The Board of Regents shall establish procedures required by 10633
the system of formulas set out below and for the assignment of 10634
individual institutions to categories described in the formulas. 10635
The system of formulas establishes the manner in which aggregate 10636
expenditure requirements shall be determined for each of the three 10637
components of institutional operations. In addition to other 10638
adjustments and calculations described below, the subsidy 10639
entitlement of an institution shall be determined by subtracting 10640
from the institution's aggregate expenditure requirements income 10641
to be derived from the local contributions assumed in calculating 10642
the subsidy entitlements. The local contributions for purposes of 10643
determining subsidy support shall not limit the authority of the 10644
individual boards of trustees to establish fee levels. 10645

The General Studies and Technical models shall be adjusted by 10646
the Board of Regents so that the share of state subsidy earned by 10647
those models is not altered by changes in the overall local share. 10648
A lower-division fee differential shall be used to maintain the 10649
relationship that would have occurred between these models and the 10650
baccalaureate models had an assumed share of 37 per cent been 10651
funded. 10652

In defining the number of full-time equivalent (FTE) students 10653
for state subsidy purposes, the Board of Regents shall exclude all 10654
undergraduate students who are not residents of Ohio, except those 10655

charged in-state fees in accordance with reciprocity agreements 10656
made pursuant to section 3333.17 of the Revised Code or employer 10657
contracts entered into pursuant to section 3333.32 of the Revised 10658
Code. 10659

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 10660

(1) INSTRUCTION AND SUPPORT SERVICES 10661

MODEL	FY 2004	FY 2005	
General Studies I	\$ 4,947	\$ 4,983	10662
General Studies II	\$ 5,323	\$ 5,336	10663
General Studies III	\$ 6,883	\$ 7,120	10664
Technical I	\$ 5,913	\$ 6,137	10665
Technical III	\$ 9,522	\$ 10,026	10666
Baccalaureate I	\$ 7,623	\$ 7,721	10667
Baccalaureate II	\$ 8,584	\$ 8,864	10668
Baccalaureate III	\$ 12,559	\$ 12,932	10669
Masters and Professional I	\$ 15,867	\$ 18,000	10670
Masters and Professional II	\$ 20,861	\$ 22,141	10671
Masters and Professional III	\$ 27,376	\$ 28,190	10672
Medical I	\$ 30,867	\$ 31,819	10673
Medical II	\$ 41,495	\$ 41,960	10674
MPD I	\$ 14,938	\$ 14,966	10675

(2) STUDENT SERVICES 10676

For this purpose, FTE counts shall be weighted to reflect 10677
differences among institutions in the numbers of students enrolled 10678
on a part-time basis. The student services subsidy per FTE shall 10679
be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all 10680
models. 10681
10682

(B) PLANT OPERATION AND MAINTENANCE (POM) 10683

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 10684

Space undergoing renovation shall be funded at the rate 10685
allowed for storage space. 10686

In the calculation of square footage for each campus, square
footage shall be weighted to reflect differences in space
utilization.

The space inventories for each campus shall be those
determined in the fiscal year 2003 state share of instruction
calculation, adjusted for changes attributable to the construction
or renovation of facilities for which state appropriations were
made or local commitments were made prior to January 1, 1995.

Only 50 per cent of the space permanently taken out of
operation in fiscal year 2004 or fiscal year 2005 that is not
otherwise replaced by a campus shall be deleted from the plant
operation and maintenance space inventory.

The square-foot-based plant operation and maintenance subsidy
for each campus shall be determined as follows:

(a) For each standard room type category shown below, the
subsidy-eligible net assignable square feet (NASF) for each campus
shall be multiplied by the following rates, and the amounts summed
for each campus to determine the total gross square-foot-based POM
expenditure requirement:

	FY 2004	FY 2005	
Classrooms	\$5.80	\$6.04	
Laboratories	\$7.22	\$7.53	
Offices	\$5.80	\$6.04	
Audio Visual Data Processing	\$7.22	\$7.53	
Storage	\$2.57	\$2.68	
Circulation	\$7.31	\$7.62	
Other	\$5.80	\$6.04	

(b) The total gross square-foot POM expenditure requirement
shall be allocated to models in proportion to ~~FTE enrollments as~~
~~reported in enrollment data~~ each campus's activity-based POM
weight multiplied by the two- or five-year average

subsidy-eligible FTEs for all models ~~except Doctoral I and~~ 10718
~~Doctoral II.~~ 10719

(c) The amounts allocated to models in division (B)(1)(b) of 10720
this section shall be multiplied by the ratio of subsidy-eligible 10721
FTE students to total FTE students reported in each model, and the 10722
amounts summed for all models. To this total amount shall be added 10723
an amount to support roads and grounds expenditures, which shall 10724
also be multiplied by the ratio of subsidy-eligible FTE students 10725
to total FTEs reported for each model. From this total amount, the 10726
amounts for Doctoral I and Doctoral II shall be subtracted to 10727
produce the ~~total~~ square-foot-based POM subsidy. 10728

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY 10729

(a) The number of subsidy-eligible FTE students in each model 10730
shall be multiplied by the following rates for each campus for 10731
each fiscal year. 10732

	FY 2004	FY 2005	
General Studies I	\$ 552	\$ 560	10734
General Studies II	\$ 696	\$ 705	10735
General Studies III	\$1,608	\$1,651	10736
Technical I	\$ 777	\$ 806	10737
Technical III	\$1,501	\$1,570	10738
Baccalaureate I	\$ 700	\$ 706	10739
Baccalaureate II	\$1,250	\$1,232	10740
Baccalaureate III	\$1,520	\$1,458	10741
Masters and Professional I	\$1,258	\$1,301	10742
Masters and Professional II	\$2,817	\$2,688	10743
Masters and Professional III	\$3,832	\$3,712	10744
Medical I	\$2,663	\$2,669	10745
Medical II	\$3,837	\$4,110	10746
MPD I	\$1,213	\$1,233	10747

(b) The sum of the products for each campus determined in 10748
division (B)(2)(a) of this section for all models except Doctoral 10749

I and Doctoral II for each fiscal year shall be weighted by a 10750
factor to reflect sponsored research activity and job 10751
training-related public services expenditures to determine the 10752
total activity-based POM subsidy. 10753

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS 10754

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS 10755

The calculation of the core subsidy entitlement shall consist 10756
of the following components: 10757

(a) For each campus and for each fiscal year, the core 10758
subsidy entitlement shall be determined by multiplying the amounts 10759
listed above in divisions (A)(1) and (2) and (B)(2) of this 10760
section less assumed local contributions, by (i) average 10761
subsidy-eligible FTEs for the two-year period ending in the prior 10762
year for all models except Doctoral I and Doctoral II; and (ii) 10763
average subsidy-eligible FTEs for the five-year period ending in 10764
the prior year for all models except Doctoral I and Doctoral II. 10765

(b) In calculating the core subsidy entitlements for Medical 10766
II models only, the Board of Regents shall use the following count 10767
of FTE students: 10768

(i) For those medical schools whose current year enrollment, 10769
including students repeating terms, is below the base enrollment, 10770
the Medical II FTE enrollment shall equal: 65 per cent of the base 10771
enrollment plus 35 per cent of the current year enrollment 10772
including students repeating terms, where the base enrollment is: 10773

The Ohio State University	1010	10774
University of Cincinnati	833	10775
Medical College of Ohio at Toledo	650	10776
Wright State University	433	10777
Ohio University	433	10778
Northeastern Ohio Universities College of Medicine	433	10779

(ii) For those medical schools whose current year enrollment, 10780
excluding students repeating terms, is equal to or greater than 10781
the base enrollment, the Medical II FTE enrollment shall equal the 10782
base enrollment plus the FTE for repeating students. 10783

(iii) Students repeating terms may be no more than five per 10784
cent of current year enrollment. 10785

(c) The Board of Regents shall compute the sum of the two 10786
calculations listed in division (C)(1)(a) of this section and use 10787
the greater sum as the core subsidy entitlement. 10788

The POM subsidy for each campus shall equal the greater of 10789
the square-foot-based subsidy or the activity-based POM subsidy 10790
component of the core subsidy entitlement. 10791

(d) The state share of instruction provided for doctoral 10792
students shall be based on a fixed percentage of the total 10793
appropriation. In each fiscal year of the biennium not more than 10794
10.34 per cent of the total state share of instruction shall be 10795
reserved to implement the recommendations of the Graduate Funding 10796
Commission. It is the intent of the General Assembly that the 10797
doctoral reserve not exceed 10.34 per cent of the total state 10798
share of instruction to implement the recommendations of the 10799
Graduate Funding Commission. The Board of Regents may reallocate 10800
up to two per cent in each fiscal year of the reserve among the 10801
state-assisted universities on the basis of a quality review as 10802
specified in the recommendations of the Graduate Funding 10803
Commission. No such reallocation shall occur unless the Board of 10804
Regents, in consultation with representatives of state-assisted 10805
universities, determines that sufficient funds are available for 10806
this purpose. 10807

The amount so reserved shall be allocated to universities in 10808
proportion to their share of the total number of Doctoral I 10809
equivalent FTEs as calculated on an institutional basis using the 10810

greater of the two-year or five-year FTEs for the period fiscal 10811
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 10812
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 10813
adjusted to reflect the effects of doctoral review and subsequent 10814
changes in Doctoral I equivalent enrollments. For the purposes of 10815
this calculation, Doctoral I equivalent FTEs shall equal the sum 10816
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 10817

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE 10818

In addition to and after the other adjustment noted above, in 10819
fiscal year 2004, no campus shall receive a state share of 10820
instruction allocation that is less than 100 per cent of the prior 10821
year's state share of instruction amount. In fiscal year 2005, no 10822
campus shall receive a state share of instruction allocation that 10823
is less than 99 per cent of what that campus' state share of 10824
instruction would have been had the allocation in fiscal year 2004 10825
been not less than 99 per cent, rather than 100 per cent, of the 10826
prior year's state share of instruction amount. 10827

(3) CAPITAL COMPONENT DEDUCTION 10828

After all other adjustments have been made, state share of 10829
instruction earnings shall be reduced for each campus by the 10830
amount, if any, by which debt service charged in Am. H.B. No. 748 10831
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd 10832
General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, 10833
and H.B. No. 675 of the 124th General Assembly for that campus 10834
exceeds that campus's capital component earnings. The sum of the 10835
amounts deducted shall be transferred to appropriation item 10836
235-552, Capital Component, in each fiscal year. 10837

(D) REDUCTIONS IN EARNINGS 10838

If the total state share of instruction earnings in any 10839
fiscal year exceed the total appropriations available for such 10840
purposes, the Board of Regents shall proportionately reduce the 10841

state share of instruction earnings for all campuses by a uniform 10842
percentage so that the system wide sum equals available 10843
appropriations. 10844

(E) EXCEPTIONAL CIRCUMSTANCES 10845

Adjustments may be made to the state share of instruction 10846
payments and other subsidies distributed by the Board of Regents 10847
to state-assisted colleges and universities for exceptional 10848
circumstances. No adjustments for exceptional circumstances may be 10849
made without the recommendation of the Chancellor and the approval 10850
of the Controlling Board. 10851

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 10852
INSTRUCTION 10853

The standard provisions of the state share of instruction 10854
calculation as described in the preceding sections of temporary 10855
law shall apply to any reductions made to appropriation line item 10856
235-501, State Share of Instruction, before the Board of Regents 10857
has formally approved the final allocation of the state share of 10858
instruction funds for any fiscal year. 10859

Any reductions made to appropriation line item 235-501, State 10860
Share of Instruction, after the Board of Regents has formally 10861
approved the final allocation of the state share of instruction 10862
funds for any fiscal year, shall be uniformly applied to each 10863
campus in proportion to its share of the final allocation. 10864

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 10865

The state share of instruction payments to the institutions 10866
shall be in substantially equal monthly amounts during the fiscal 10867
year, unless otherwise determined by the Director of Budget and 10868
Management pursuant to section 126.09 of the Revised Code. 10869
Payments during the first six months of the fiscal year shall be 10870
based upon the state share of instruction appropriation estimates 10871
made for the various institutions of higher education according to 10872

Board of Regents enrollment estimates. Payments during the last 10873
six months of the fiscal year shall be distributed after approval 10874
of the Controlling Board upon the request of the Board of Regents. 10875

(H) LAW SCHOOL SUBSIDY 10876

The state share of instruction to state-supported 10877
universities for students enrolled in law schools in fiscal year 10878
2004 and fiscal year 2005 shall be calculated by using the number 10879
of subsidy-eligible FTE law school students funded by state 10880
subsidy in fiscal year 1995 or the actual number of 10881
subsidy-eligible FTE law school students at the institution in the 10882
fiscal year, whichever is less. 10883

Sec. 89.05. HIGHER EDUCATION - BOARD OF TRUSTEES 10884

Funds appropriated for instructional subsidies at colleges 10885
and universities may be used to provide such branch or other 10886
off-campus undergraduate courses of study and such master's degree 10887
courses of study as may be approved by the Board of Regents. 10888

In providing instructional and other services to students, 10889
boards of trustees of state-assisted institutions of higher 10890
education shall supplement state subsidies by income from charges 10891
to students. Each board shall establish the fees to be charged to 10892
all students, including an instructional fee for educational and 10893
associated operational support of the institution and a general 10894
fee for noninstructional services, including locally financed 10895
student services facilities used for the benefit of enrolled 10896
students. The instructional fee and the general fee shall 10897
encompass all charges for services assessed uniformly to all 10898
enrolled students. Each board may also establish special purpose 10899
fees, service charges, and fines as required; such special purpose 10900
fees and service charges shall be for services or benefits 10901
furnished individual students or specific categories of students 10902
and shall not be applied uniformly to all enrolled students. 10903

Except for the board of trustees of Miami University, in 10904
implementing the pilot tuition restructuring plan recognized by 10905
~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly, a tuition 10906
surcharge shall be paid by all students who are not residents of 10907
Ohio. 10908

The boards of trustees of individual state-assisted 10909
universities, university branch campuses, community colleges, 10910
state community colleges, and technical colleges shall limit 10911
in-state undergraduate instructional and general fee increases for 10912
an academic year over the amounts charged in the prior academic 10913
year to no more than six per cent. In addition to the six per cent 10914
main campus in-state undergraduate instructional and general fee 10915
increase limit established in this section, the Board of Trustees 10916
of The Ohio State University may authorize an additional 10917
university main campus in-state undergraduate instructional and 10918
general fee increase of three per cent for academic years 10919
2003-2004 and 2004-2005. Except for the board of trustees of ~~the~~ 10920
The Ohio State University, the boards of trustees of individual 10921
state-assisted universities, university branch campuses, community 10922
colleges, state community colleges, and technical colleges shall 10923
not authorize combined instructional and general fee increases of 10924
more than six per cent in a single vote. The board of trustees of 10925
The Ohio State University shall not authorize combined 10926
instructional and general fee increases of more than nine per cent 10927
in a single vote. The boards of trustees of individual 10928
state-assisted universities, university branch campuses, community 10929
colleges, state community colleges, and technical colleges may 10930
authorize an additional 3.9 per cent increase in in-state 10931
undergraduate instructional and general fees in a separate vote. 10932
The additional increase shall only be used for providing 10933
scholarships to low-income students, to be known as Access 10934
Scholarship Grants, or to provide additional or improved 10935
technology services to students. These fee increase limitations 10936

apply even if an institutional board of trustees has, prior to the 10937
effective date of this section, voted to assess a higher fee for 10938
the 2003-2004 academic year. These limitations shall not apply to 10939
increases required to comply with institutional covenants related 10940
to their obligations or to meet unfunded legal mandates or legally 10941
binding obligations incurred or commitments made prior to the 10942
effective date of ~~this act~~ Am. Sub. H.B. 95 of the 125th General 10943
Assembly with respect to which the institution had identified such 10944
fee increases as the source of funds. Any increase required by 10945
such covenants and any such mandates, obligations, or commitments 10946
shall be reported by the Board of Regents to the Controlling 10947
Board. These limitations may also be modified by the Board of 10948
Regents, with the approval of the Controlling Board, to respond to 10949
exceptional circumstances as identified by the Board of Regents. 10950

The board of trustees of a state-assisted institution of 10951
higher education shall not authorize a waiver or nonpayment of 10952
instructional fees or general fees for any particular student or 10953
any class of students other than waivers specifically authorized 10954
by law or approved by the Chancellor. This prohibition is not 10955
intended to limit the authority of boards of trustees to provide 10956
for payments to students for services rendered the institution, 10957
nor to prohibit the budgeting of income for staff benefits or for 10958
student assistance in the form of payment of such instructional 10959
and general fees. This prohibition is not intended to limit the 10960
authority of the board of trustees of Miami University in 10961
providing financial assistance to students in implementing the 10962
pilot tuition restructuring plan recognized by ~~this act~~ Am. Sub. 10963
H.B. 95 of the 125th General Assembly. 10964

Except for Miami University, in implementing the pilot 10965
tuition restructuring plan recognized by ~~this act~~ Am. Sub. H.B. 95 10966
of the 125th General Assembly, each state-assisted institution of 10967
higher education in its statement of charges to students shall 10968

separately identify the instructional fee, the general fee, the 10969
tuition charge, and the tuition surcharge. Fee charges to students 10970
for instruction shall not be considered to be a price of service 10971
but shall be considered to be an integral part of the state 10972
government financing program in support of higher educational 10973
opportunity for students. 10974

In providing the appropriations in support of instructional 10975
services at state-assisted institutions of higher education and 10976
the appropriations for other instruction it is the intent of the 10977
General Assembly that faculty members shall devote a proper and 10978
judicious part of their work week to the actual instruction of 10979
students. Total class credit hours of production per quarter per 10980
full-time faculty member is expected to meet the standards set 10981
forth in the budget data submitted by the Board of Regents. 10982

The authority of government vested by law in the boards of 10983
trustees of state-assisted institutions of higher education shall 10984
in fact be exercised by those boards. Boards of trustees may 10985
consult extensively with appropriate student and faculty groups. 10986
Administrative decisions about the utilization of available 10987
resources, about organizational structure, about disciplinary 10988
procedure, about the operation and staffing of all auxiliary 10989
facilities, and about administrative personnel shall be the 10990
exclusive prerogative of boards of trustees. Any delegation of 10991
authority by a board of trustees in other areas of responsibility 10992
shall be accompanied by appropriate standards of guidance 10993
concerning expected objectives in the exercise of such delegated 10994
authority and shall be accompanied by periodic review of the 10995
exercise of this delegated authority to the end that the public 10996
interest, in contrast to any institutional or special interest, 10997
shall be served. 10998

The General Assembly recognizes the pilot tuition 10999
restructuring plan of the board of trustees of Miami University 11000

for undergraduate students enrolled at the Oxford campus. The 11001
purpose of this plan is to make higher education more affordable 11002
for moderate income Ohioans, encourage high-achieving Ohio 11003
students to stay in Ohio rather than attending colleges in other 11004
states, and provide incentives for Ohio students to major in areas 11005
crucial to Ohio's priorities and future economic development. 11006

Notwithstanding any limit on in-state undergraduate 11007
instructional and general fees imposed by ~~this act~~ Am. Sub. H.B. 11008
95 of the 125th General Assembly, the General Assembly recognizes 11009
that the plan will provide that all undergraduate students 11010
enrolled at the Oxford campus will be charged combined 11011
instructional and general fees in an amount equal to the 11012
nonresident instructional and general fees and tuition surcharge. 11013
For both resident ~~student~~ students first enrolling on or after the 11014
summer term of 2003 and resident students who enrolled prior to 11015
this date, any increases in fees approved thereafter by the board 11016
of trustees are subject to any instructional and general fee caps 11017
imposed by the General Assembly. 11018

The General Assembly recognizes that the plan provides that 11019
all students who are residents of Ohio will receive student 11020
financial assistance in an amount to be determined by the 11021
University. 11022

The General Assembly recognizes that the plan provides that, 11023
for any resident student who enrolls at the Miami University 11024
Oxford campus prior to August 2004, the plan will have no direct 11025
financial impact except for paper changes on invoices so that such 11026
a student would only pay instructional and general fees in an 11027
amount equivalent to what the student was charged in the preceding 11028
year in addition to any increases in fees approved by the board of 11029
trustees. 11030

Sec. 89.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 11031

MEDICINE	11032
The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements entered into as provided for by section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.	11033 11034 11035 11036 11037 11038 11039
<u>CAPITAL SCHOLARSHIP PROGRAM</u>	11040
<u>The foregoing appropriation item 235-518, Capital Scholarship Program, shall be used by the Board of Regents to provide scholarships to undergraduates of Ohio's four-year public and private institutions of higher education participating in the Washington Center Internship Program. A scholarship of \$1,800 shall be awarded to students enrolled in an institution operating on a quarter system, and a scholarship of \$2,300 shall be awarded to students enrolled in an institution operating on a semester system. The number of scholarships awarded shall be limited by the amounts appropriated in fiscal years 2004 and 2005. The Washington Center shall match the scholarships awarded to students as follows: \$1,200 for students enrolled in an institution operating on a quarter system, and \$1,700 for students enrolled in an institution operating on a semester system.</u>	11041 11042 11043 11044 11045 11046 11047 11048 11049 11050 11051 11052 11053 11054
FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE RESIDENCIES	11055 11056
The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation items 235-519, Family Practice, 235-525, Geriatric Medicine, and 235-526, Primary Care Residencies.	11057 11058 11059 11060 11061
SHAWNEE STATE SUPPLEMENT	11062

The foregoing appropriation item 235-520, Shawnee State Supplement, shall be used by Shawnee State University as detailed by both of the following:

(A) To allow Shawnee State University to keep its undergraduate fees below the statewide average, consistent with its mission of service to an economically depressed Appalachian region;

(B) To allow Shawnee State University to employ new faculty to develop and teach in new degree programs that meet the needs of Appalachians.

POLICE AND FIRE PROTECTION

The foregoing appropriation item 235-524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), 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	11094
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.	11095 11096 11097
ACADEMIC SCHOLARSHIPS	11098
The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.	11099 11100 11101
STUDENT CHOICE GRANTS	11102
The foregoing appropriation item 235-531, Student Choice Grants, shall be used to support the Student Choice Grant Program created by section 3333.27 of the Revised Code. The unencumbered balance of appropriation item 235-531, Student Choice Grants, at the end of fiscal year 2004 shall be transferred to fiscal year 2005 for use under the same appropriation item to maintain grant award amounts in fiscal year 2005 equal to the awards provided in fiscal year 2004. The amounts transferred are hereby appropriated.	11103 11104 11105 11106 11107 11108 11109 11110
STUDENT WORKFORCE DEVELOPMENT GRANTS	11111
The foregoing appropriation item 235-534, Student Workforce Development Grants, shall be used to support the Student Workforce Development Grant Program. Of the appropriated funds available, the Board of Regents shall distribute grants to each eligible student in an academic year. The size of each grant award shall be determined by the Board of Regents based on the amount of funds available for the program.	11112 11113 11114 11115 11116 11117 11118
OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER	11119
The foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and	11120 11121 11122 11123

Management pursuant to section 126.09 of the Revised Code. The 11124
Ohio Agricultural Research and Development Center shall not be 11125
required to remit payment to The Ohio State University during the 11126
2003-2005 biennium for cost reallocation assessments. The cost 11127
reallocation assessments include, but are not limited to, any 11128
assessment on state appropriations to the center. The Ohio 11129
Agricultural Research and Development Center, in conjunction with 11130
the Third Frontier Commission, shall provide for an independently 11131
evaluated self-study of research excellence and commercial 11132
relevance in a manner to be prescribed by the Third Frontier 11133
Commission. 11134

Of the foregoing appropriation item 235-535, Ohio 11135
Agricultural Research and Development Center, \$470,164 in fiscal 11136
year 2004 and \$458,410 in fiscal year 2005 shall be used to 11137
purchase equipment. 11138

Of the foregoing appropriation item 235-535, Ohio 11139
Agricultural Research and Development Center, \$827,141 in fiscal 11140
year 2004 and \$806,463 in fiscal year 2005 shall be distributed to 11141
the Piketon Agricultural Research and Extension Center. 11142

Of the foregoing appropriation item 235-535, Ohio 11143
Agricultural Research and Development Center, \$217,669 in fiscal 11144
year 2004 and \$212,227 in fiscal year 2005 shall be distributed to 11145
the Raspberry/Strawberry-Ellagic Acid Research program at ~~the~~ The 11146
Ohio State University Medical College in cooperation with ~~the~~ The 11147
Ohio State University College of Agriculture. 11148

Of the foregoing appropriation item 235-535, Ohio 11149
Agricultural Research and Development Center, \$43,534 in fiscal 11150
year 2004 and \$42,445 in fiscal year 2005 shall be used to support 11151
the Ohio Berry Administrator. 11152

Of the foregoing appropriation item 235-535, Ohio 11153
Agricultural Research and Development Center, \$87,067 in fiscal 11154

year 2004 and \$84,890 in fiscal year 2005 shall be used for the 11155
development of agricultural crops and products not currently in 11156
widespread production in Ohio, in order to increase the income and 11157
viability of family farmers. 11158

STATE UNIVERSITY CLINICAL TEACHING 11159

The foregoing appropriation items 235-536, The Ohio State 11160
University Clinical Teaching; 235-537, University of Cincinnati 11161
Clinical Teaching; 235-538, Medical College of Ohio at Toledo 11162
Clinical Teaching; 235-539, Wright State University Clinical 11163
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 11164
Northeastern Ohio Universities College of Medicine Clinical 11165
Teaching, shall be distributed through the Board of Regents. 11166

Of the foregoing appropriation item 235-539, Wright State 11167
University Clinical Teaching, \$124,644 in each fiscal year of the 11168
biennium shall be for the use of Wright State University's Ellis 11169
Institute for Clinical Teaching Studies to operate the clinical 11170
facility to serve the Greater Dayton area. 11171

SCHOOL OF INTERNATIONAL BUSINESS 11172

Of the foregoing appropriation item 235-547, School of 11173
International Business, \$901,975 in fiscal year 2004 and \$879,426 11174
in fiscal year 2005 shall be used for the continued development 11175
and support of the School of International Business of the state 11176
universities of northeast Ohio. The money shall go to the 11177
University of Akron. These funds shall be used by the university 11178
to establish a School of International Business located at the 11179
University of Akron. It may confer with Kent State University, 11180
Youngstown State University, and Cleveland State University as to 11181
the curriculum and other matters regarding the school. 11182

Of the foregoing appropriation item 235-547, School of 11183
International Business, \$181,318 in fiscal year 2004 and \$176,785 11184
in fiscal year 2005 shall be used by the University of Toledo 11185

College of Business for expansion of its international business programs. 11186
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Of the foregoing appropriation item 235-547, School of International Business, \$181,318 in fiscal year 2004 and \$176,785 in fiscal year 2005 shall be used to support ~~the~~ The Ohio State University BioMEMS program. 11188
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PART-TIME STUDENT INSTRUCTIONAL GRANTS 11192

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. 11193
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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. 11197
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Sec. 89.11. OHIO RESOURCE CENTER FOR MATHEMATICS, SCIENCE, AND READING 11211
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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 11213
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be located at a state-assisted university for the purpose of 11216
identifying best educational practices in primary and secondary 11217
schools and establishing methods for communicating them to 11218
colleges of education and school districts. The Ohio Resource 11219
Center for Mathematics, Science, and Reading shall not make 11220
available resources that are inconsistent with the K-12 science 11221
standards and policies as adopted by the State Board of Education. 11222

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT 11223

The foregoing appropriation item 235-595, International 11224
Center for Water Resources Development, shall be used to support 11225
the International Center for Water Resources Development at 11226
Central State University. The center shall develop methods to 11227
improve the management of water resources for Ohio and for 11228
emerging nations. 11229

HAZARDOUS MATERIALS PROGRAM 11230

The foregoing appropriation item 235-596, Hazardous Materials 11231
Program, shall be disbursed to Cleveland State University for the 11232
operation of a program to certify firefighters for the handling of 11233
hazardous materials. Training shall be available to all Ohio 11234
firefighters. 11235

Of the foregoing appropriation item 235-596, Hazardous 11236
Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in 11237
fiscal year 2005 shall be used to support the Center for the 11238
Interdisciplinary Study of Education and Leadership in Public 11239
Service at Cleveland State University. These funds shall be 11240
distributed by the Board of Regents and shall be used by the 11241
center targeted toward increasing the role of special populations 11242
in public service and not-for-profit organizations. The primary 11243
purpose of the center is to study issues in public service and to 11244
guide strategies for attracting new communities into public 11245
service occupations by bringing together a cadre of researchers, 11246

scholars, and professionals representing the public	11247
administration, social behavioral, and education disciplines.	11248
NATIONAL GUARD SCHOLARSHIP PROGRAM	11249
<u>The foregoing appropriation item 235-599, National Guard</u>	11250
<u>Scholarship Program, shall be used to fund program costs,</u>	11251
<u>including summer session, under division (D)(1) of section 5919.34</u>	11252
<u>of the Revised Code.</u> The Board of Regents shall disburse funds	11253
from appropriation item 235-599, National Guard Scholarship	11254
Program, at the direction of the Adjutant General. <u>The</u>	11255
<u>unencumbered and unused balance of appropriation item 235-599,</u>	11256
<u>National Guard Scholarship Program, at the end of fiscal year 2004</u>	11257
<u>is transferred to fiscal year 2005 for use under the same</u>	11258
<u>appropriation item.</u>	11259
* PLEDGE OF FEES	11260
Any new pledge of fees, or new agreement for adjustment of	11261
fees, made in the 2003-2005 biennium to secure bonds or notes of a	11262
state-assisted institution of higher education for a project for	11263
which bonds or notes were not outstanding on the effective date of	11264
this section <u>September 26, 2003,</u> shall be effective only after	11265
approval by the Board of Regents, unless approved in a previous	11266
biennium.	11267
HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE	11268
The foregoing appropriation item 235-909, Higher Education	11269
General Obligation Debt Service, shall be used to pay all debt	11270
service and related financing costs at the times they are required	11271
to be made pursuant to sections 151.01 and 151.04 of the Revised	11272
Code during the period from July 1, 2003, to June 30, 2005. The	11273
Office of the Sinking Fund or the Director of Budget and	11274
Management shall effectuate the required payments by an intrastate	11275
transfer voucher.	11276

Sec. 145. FEDERAL JOBS AND GROWTH TAX RELIEF RECONCILIATION	11277
ACT OF 2003	11278
(A) The enhanced federal medical assistance percentage (FMAP) rate is authorized pursuant to the Federal Jobs and Growth Relief Reconciliation Act of 2003 for the third and fourth calendar quarters of federal fiscal year 2003 and the first, second, and third calendar quarters of federal fiscal year 2004. During this period, the reimbursement rate for all Medicaid service expenditures paid by state or local entities shall be the non-enhanced rate.	11279 11280 11281 11282 11283 11284 11285 11286
(B) During the quarters that the enhanced FMAP rate is authorized pursuant to the Federal Jobs and Growth Relief Reconciliation Act of 2003, when drawing FMAP to the state treasury for Medicaid services paid by the Department of Job and Family Services or other state or local entities, the Department of Job and Family Services shall deposit the amount of federal revenue attributable to the enhanced FMAP that is being made available to the Federal Fiscal Relief Fund, which is hereby created in the state treasury. The disposition of cash from this fund shall occur as follows:	11287 11288 11289 11290 11291 11292 11293 11294 11295 11296
(1) On a schedule to be determined by the Office of Budget and Management, the Director of Budget and Management shall make cash transfers to the Medicaid Reserve Fund, which is hereby created in the state treasury. The total amount transferred shall be <u>up to</u> \$18,611,156 in state fiscal year 2004 and <u>up to</u> \$90,851,972 in state fiscal year 2005. The Director of Job and Family Services shall make requests to the Director of Budget and Management as necessary to increase the appropriation in appropriation item 600-525, Health Care/Medicaid. The Director of Budget and Management shall transfer the state share of such amounts from the Medicaid Reserve Fund to the General Revenue	11297 11298 11299 11300 11301 11302 11303 11304 11305 11306 11307

Fund. The transferred amount plus the federal share associated 11308
with this amount is hereby appropriated. The Department of Job and 11309
Family Services shall use this appropriation authority to pay 11310
claims for Medicaid services. 11311

(2) ~~After the amounts in division (B)(1) of this section have~~ 11312
~~been transferred,~~ The Director of Budget and Management shall 11313
determine the amount of enhanced reimbursement that is 11314
attributable to Medicaid expenditures for which the state share 11315
was paid by one of the following entities: county boards of mental 11316
retardation and developmental disabilities; boards of mental 11317
health; boards of alcohol, drug addiction, and mental health 11318
services; boards of alcohol and drug addiction services; and any 11319
other entity that qualifies under the Federal Jobs and Growth Tax 11320
Relief Reconciliation Act of 2003. On a schedule to be determined 11321
by the Office of Budget and Management, the Director of Budget and 11322
Management shall make cash transfers of these amounts from the 11323
Federal Fiscal Relief Fund to the Interagency Reimbursement Fund. 11324
The appropriation in appropriation item 600-655, Interagency 11325
Reimbursement, is hereby increased by these amounts in order to 11326
transfer the enhanced reimbursement to other agencies. If 11327
necessary, the Office of Budget and Management shall seek 11328
Controlling Board approval to increase appropriations in federal 11329
appropriation items used by the Department of Mental Retardation 11330
and Developmental Disabilities, the Department of Mental Health, 11331
and the Department of Alcohol and Drug Addiction Services in order 11332
for these departments to pass the enhanced federal share to the 11333
aforementioned local entities. The Department of Mental 11334
Retardation and Developmental Disabilities, the Department of 11335
Mental Health, and the Department of Alcohol and Drug Addiction 11336
Services shall distribute such amounts to the boards or entities 11337
as listed in this section based on the direction of the Office of 11338
Budget and Management. 11339

(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.

Section 66. (A) Except as otherwise provided in division (B) of this section, the amendment by this act of sections of Am. Sub. H.B. 95 of the 125th General Assembly, and the items of which the amendments are composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendments of those sections, and the items of which the amendments are composed, go into immediate effect when this act becomes law.

(B) The amendment by this act of Section 12 of Am. Sub. H.B. 95 of the 125th General Assembly, and the items of which the amendment is composed, are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the amendment, and the items of which the amendment is composed, take effect on the ninety-first day after this act is filed with the Secretary of State. However, if a referendum petition is filed against the amendment, or an item of which it is composed, the amendment, or item, unless rejected at the referendum, takes effect at the earliest time permitted by law.

Section 67. That Section 41.33 of Am. Sub. H.B. 95 of the

125th General Assembly be amended to read as follows: 11370

Sec. 41.33. (A) As used in this section: 11371

(1) "Entitled to attend school" means entitled to attend 11372
school in a school district under section 3313.64 and 3313.65 of 11373
the Revised Code. 11374

(2) "Formula ADM" and "category six special education ADM" 11375
have the same meanings as in section 3317.02 of the Revised Code. 11376

(3) "Individualized education program" has the same meaning 11377
as in section 3323.01 of the Revised Code. 11378

(4) "Parent" has the same meaning as in section 3313.64 of 11379
the Revised Code. 11380

(5) "Qualified special education child" is a child for whom 11381
all of the following conditions apply: 11382

(a) The school district in which the child is entitled to 11383
attend school has identified the child as autistic; 11384

(b) The school district in which the child is entitled to 11385
attend school has developed an individualized education program 11386
under Chapter 3323. of the Revised Code for the child; 11387

(c) The child either: 11388

(i) Was enrolled in the school district in which the child is 11389
entitled to attend school in any grade from preschool through 11390
twelve in the school year prior to the year in which a scholarship 11391
under this section is first sought for the child; 11392

(ii) Is eligible to enter school in any grade preschool 11393
through twelve in the school district in which the child is 11394
entitled to attend school in the school year in which a 11395
scholarship under this section is first sought for the child. 11396

(6) "Registered private provider" means a nonpublic school or 11397
other nonpublic entity that has been approved by the Department of 11398

Education to participate in the program established under this 11399
section. 11400

(B) There is hereby established the Pilot Project Special 11401
Education Scholarship Program. Under the program, in fiscal years 11402
2004 and 2005, the Department of Education shall pay a scholarship 11403
to the parent of each qualified special education child upon 11404
application of that parent pursuant to procedures and deadlines 11405
established by rule of the State Board of Education. Each 11406
scholarship shall be used only to pay tuition for the child on 11407
whose behalf the scholarship is awarded to attend a special 11408
education program that implements the child's individualized 11409
education program and that is operated by a school district other 11410
than the school district in which the child is entitled to attend 11411
school ~~or~~, by another public entity, ~~to either of which under law~~ 11412
~~the parent is required to pay tuition on behalf of the child, or~~ 11413
by a registered private provider. Each scholarship shall be in an 11414
amount not to exceed the lesser of the tuition charged for the 11415
child by the special education program or fifteen thousand 11416
dollars. The purpose of the scholarship is to permit the parent of 11417
a qualified special education child the choice to send the child 11418
to a special education program, instead of, ~~or in addition to,~~ 11419
one operated by or for the school district in which the child is 11420
entitled to attend school, to receive the services prescribed in 11421
the child's individualized education program once the 11422
individualized education program is finalized. A scholarship under 11423
this section shall not be awarded to the parent of a child while 11424
the child's individualized education program is being developed by 11425
the school district in which the child is entitled to attend 11426
school, or while any administrative or judicial mediation or 11427
proceedings with respect to the content of the child's 11428
individualized education program are pending. A scholarship under 11429
this section shall not be ~~awarded to the parent of a child who~~ 11430
attends used for a child to attend a public special education 11431

program that operates under a contract, compact, or other 11432
bilateral agreement between the school district in which the child 11433
is entitled to attend school and another school district or other 11434
public provider, or for a child to the parent of a child who 11435
attends attend a community school established under Chapter 3314. 11436
of the Revised Code. However, nothing in this section or in any 11437
rule adopted by the State Board of Education shall prohibit a 11438
parent whose child attends a public special education program 11439
under a contract, compact, or other bilateral agreement, or a 11440
parent whose child attends a community school, from applying for 11441
and accepting a scholarship under this section so that the parent 11442
may withdraw the child from that program or community school and 11443
use the scholarship for the child to attend a special education 11444
program for which the parent is required to pay for services for 11445
the child. A child attending a special education program with a 11446
scholarship under this section shall continue to be entitled to 11447
transportation to and from that program in the manner prescribed 11448
by law. 11449

(C)(1) Notwithstanding anything to the contrary in the 11450
Revised Code, a child for whom a scholarship is awarded under this 11451
section shall be counted in the formula ADM and the category six 11452
special education ADM of the district in which the child is 11453
entitled to attend school and not in the formula ADM and the 11454
category six special education ADM of any other school district. 11455

(2) In each fiscal year, the Department shall deduct from the 11456
amounts paid to each school district under Chapter 3317. of the 11457
Revised Code, and, if necessary, sections 321.24 and 323.156 of 11458
the Revised Code, the aggregate amount of scholarships awarded 11459
under this section for qualified special education children 11460
included in the formula ADM and category six special education ADM 11461
of that school district as provided in division (C)(1) of this 11462
section. The scholarships deducted shall be considered as an 11463

approved special education and related services expense for the 11464
purpose of the school district's compliance with division (C)(5) 11465
of section 3317.022 of the Revised Code. 11466

(3) From time to time, the Department shall make a payment to 11467
the parent of each qualified special education child for whom a 11468
scholarship has been awarded under this section. The scholarship 11469
amount shall be proportionately reduced in the case of any such 11470
child who is not enrolled in the special education program for 11471
which a scholarship was awarded under this section for the entire 11472
school year. The Department shall make no payments to the parent 11473
of a child while any administrative or judicial mediation or 11474
proceedings with respect to the content of the child's 11475
individualized education program are pending. 11476

(D) A scholarship shall not be paid to a parent for payment 11477
of tuition owed to a nonpublic entity unless that entity is a 11478
registered private provider. The Department shall approve entities 11479
that meet the standards established by rule of the State Board for 11480
the program established under this section. 11481

(E) The State Board shall adopt rules in accordance with 11482
Chapter 119. of the Revised Code prescribing procedures necessary 11483
to implement this section, including, but not limited to, 11484
procedures and deadlines for parents to apply for scholarships, 11485
standards for registered private providers, and procedures for 11486
approval of entities as registered private providers. The Board 11487
shall adopt the rules so that the program established under this 11488
section is operational by January 1, 2004. 11489

(F) The Legislative Office of Education Oversight shall 11490
conduct a formative evaluation of the program established under 11491
this section and shall report its findings to the General Assembly 11492
not later than March 1, 2005. In conducting the evaluation, the 11493
Office shall to the extent possible gather comments from parents 11494
who have been awarded scholarships under the program, school 11495

district officials, representatives of registered private 11496
providers, educators, and representatives of educational 11497
organizations for inclusion in the report required under this 11498
section. 11499

Section 68. That existing Section 41.33 of Am. Sub. H.B. 95 11500
of the 125th General Assembly is hereby repealed. 11501

Section 69. The amendment by this act of Section 41.33 of Am. 11502
Sub. H.B. 95 of the 125th General Assembly, and the items of which 11503
the amendment is composed, are not subject to the referendum. 11504
Therefore, under Ohio Constitution, Article II, Section 1d and 11505
section 1.471 of the Revised Code, the amendment of that section, 11506
and the items of which that amendment is composed, go into 11507
immediate effect when this act becomes law. 11508

Section 70. Notwithstanding section 3302.03 of the Revised 11509
Code, no school district shall receive a performance rating, as 11510
designated pursuant to division (B) of that section, for the 11511
2003-2004 school year that is lower than the performance rating 11512
the district received for the 2002-2003 school year if both of the 11513
following apply to the district: 11514

(A) The district's performance index score for the 2003-2004 11515
school year is higher than its performance index score for the 11516
2002-2003 school year; 11517

(B) The district achieves at least the same number of 11518
performance indicators created by the State Board of Education 11519
under section 3302.02 of the Revised Code for the 2003-2004 school 11520
year that it achieved for the 2002-2003 school year from among 11521
those indicators based on student performance on the fourth and 11522
sixth grade proficiency tests and on the cumulative results 11523
through tenth grade of student performance on the ninth grade 11524
proficiency tests. 11525

Section 71. (A) This section shall apply only to a local school district that ceded part of its territory to one or more new local school districts created by resolution of an educational service center pursuant to either former section 3311.26 of the Revised Code, as it existed prior to September 26, 2003, or the second to last paragraph of the version of that section in effect on and after that date.

(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. 11556

Section 72. TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY 11557
ASSISTANCE FUND (FUND 5H3) 11558

Notwithstanding any provision of law to the contrary, upon 11559
the request of the Superintendent of Public Instruction, the 11560
Director of Budget and Management may make transfers of cash to 11561
the School District Solvency Assistance Fund (Fund 5H3) from any 11562
Department of Education administered fund or the General Revenue 11563
Fund to maintain sufficient cash balances in the School District 11564
Solvency Assistance Fund (Fund 5H3) in fiscal years 2004 and 2005 11565
for providing assistance and grants to school districts to enable 11566
them to remain solvent and to pay unforeseeable expenses of a 11567
temporary or emergency nature that they are unable to pay from 11568
existing resources. The Director of Budget and Management shall 11569
notify the members of the Controlling Board of any such transfers. 11570

This section is not subject to the referendum. Therefore, 11571
under Ohio Constitution, Article II, Section 1d and section 1.471 11572
of the Revised Code, this section goes into immediate effect when 11573
this act becomes law. 11574

Section 73. The Sports Facilities Building Fund (Fund 024) 11575
previously created by section 3383.09 of the Revised Code shall be 11576
closed and any unexpended balance or earnings shall be transferred 11577
and credited to the Arts and Sports Facilities Building Fund (Fund 11578
030) created by section 3383.09 of the Revised Code, as amended by 11579
this act, and segregated within the Arts and Sports Facilities 11580
Building Fund and used, with any investment earnings on such 11581
amounts, to pay costs of Ohio sports facilities. 11582

Any unencumbered and unallotted appropriations set forth in 11583
Section 9.01 of H.B. 675 and Section 14 of Am. Sub. H.B. 524 of 11584
the 124th General Assembly that were appropriated out of any money 11585

in the state treasury to the credit of the Sports Facilities 11586
Building Fund are hereby transferred to the Arts and Sports 11587
Facilities Building Fund, subject to the conditions specified in 11588
those sections. Any encumbrances on the Sports Facilities Building 11589
Fund are hereby cancelled and re-established in the Arts and 11590
Sports Facilities Building Fund. 11591

Any heretofore unutilized amounts of separate authorizations 11592
to issue and sell obligations granted to the Ohio Building 11593
Authority by prior acts of the General Assembly pursuant to 11594
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. 11595
and any other applicable provisions of the Revised Code, to pay 11596
costs of capital facilities or improvements for Ohio arts 11597
facilities and for Ohio sports facilities are hereby combined into 11598
a common authorization. The Ohio Building Authority is hereby 11599
authorized to issue and sell those obligations, in accordance with 11600
and subject to the applicable limitations in Section 2i of Article 11601
VIII, Ohio Constitution, and Chapter 152. and other applicable 11602
provisions of the Revised Code, to pay the costs of capital 11603
facilities consisting of Ohio arts facilities and Ohio sports 11604
facilities, as defined in section 3383.01 of the Revised Code. 11605

Section 74. Not later than June 30, 2005, the Director of 11606
Mental Health shall revise rule 5122-29-06 of the Administrative 11607
Code regarding the certification standards for the 11608
partial-hospitalization community mental health service. As part 11609
of the revision, the Director shall address client eligibility 11610
criteria. 11611

Section 75. JOB AND FAMILY SERVICES - CHILDREN AND FAMILY 11612
SUBSIDY 11613

In fiscal year 2004, appropriation item 600-523, Children and 11614
Family Subsidy, shall be increased by \$4,524,074 to pay for foster 11615

care training that occurred in a prior fiscal year. This amount is 11616
hereby appropriated. 11617

This section is not subject to the referendum. Therefore, 11618
under Ohio Constitution, Article II, Section 1d and section 1.471 11619
of the Revised Code, this section goes into immediate effect when 11620
this act becomes law. 11621

Section 76. ADJ ADJUTANT GENERAL - OUTER TACTICAL VESTS WITH 11622
CERAMIC INSERTS 11623

In fiscal years 2004 and 2005, if the Adjutant General 11624
determines that state funding is needed to purchase outer tactical 11625
vests with ceramic inserts for any member of the Ohio National 11626
Guard who is sent into "Operation Iraqi Freedom," "Operation 11627
Enduring Freedom," or any other combat zone, the Adjutant General, 11628
in consultation with the Director of Budget and Management, may 11629
seek approval of the Controlling Board for such funding from funds 11630
appropriated to General Revenue Fund appropriation item 911-401, 11631
Emergency Purposes/Contingencies, of the Controlling Board. 11632

As used in this section, "Operation Iraqi Freedom" means the 11633
period of conflict that began March 20, 2003, and ends on a date 11634
declared by the President of the United States or the Congress. 11635

As used in this section, "Operation Enduring Freedom" means 11636
the period of conflict that began October 7, 2001, and ends on a 11637
date declared by the President of the United States or the 11638
Congress. 11639

As used in this section, "combat zone" means an area that the 11640
President of the United States by executive order designates, for 11641
purposes of 26 U.S.C. 112, as an area in which armed forces of the 11642
United States are or have engaged in combat. 11643

Section 77. The amendment by this act of section 6301.03 of 11644
the Revised Code applies on and after July 1, 2004. Local areas 11645

and sub-recipients of a local area may continue to use the public 11646
assistance fund to facilitate close out of workforce development 11647
activities conducted pursuant to the "Workforce Investment Act of 11648
1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or Chapter 11649
6301. of the Revised Code that occurred prior to July 1, 2004. 11650

Section 78. Except as otherwise specifically provided in this 11651
act, the codified and uncodified sections of law amended or 11652
enacted by this act, and the items of law of which the codified 11653
and uncodified sections of law amended or enacted by this act are 11654
composed, are subject to the referendum. Therefore, under section 11655
1c of Article II, Ohio Constitution and section 1.471 of the 11656
Revised Code, the codified and uncodified sections of law amended 11657
or enacted by this act, and the items of law of which the codified 11658
and uncodified sections amended or enacted by this act are 11659
composed, take effect on the ninety-first day after this act is 11660
filed with the Secretary of State. If, however, a referendum 11661
petition is filed against any such codified or uncodified section 11662
of law as amended or enacted by this act, or against any item of 11663
law of which any such codified or uncodified section of law as 11664
amended or enacted by this act is composed, the codified or 11665
uncodified section of law as amended or enacted, or item of law, 11666
unless rejected at the referendum, takes effect at the earliest 11667
time permitted by law. 11668

Section 79. The repeal by this act of sections 152.101 and 11669
901.85 of the Revised Code is subject to the referendum. 11670
Therefore, under Ohio Constitution, Article II, Section 1c and 11671
section 1.471 of the Revised Code, the repeals take effect on the 11672
ninety-first day after this act is filed with the Secretary of 11673
State. However, if a referendum petition is filed against either 11674
of the repeals, the repeal, unless rejected at the referendum, 11675
takes effect at the earliest time permitted by law. 11676

Section 80. The amendment by this act of sections 124.15, 11677
124.152, 124.181, 124.183, 124.382, 126.32, 175.21, 3311.059, 11678
4701.03, and 5111.022 of the Revised Code, and the items of which 11679
the amendments are composed, are not subject to the referendum. 11680
Therefore, under Ohio Constitution, Article II, Section 1d and 11681
section 1.471 of the Revised Code, the amendment by this act of 11682
those sections, and the items of which the amendments are 11683
composed, go into immediate effect when this act becomes law. 11684

Section 81. If any item of law that constitutes the whole or 11685
part of a codified or uncodified section of law contained in this 11686
act, or if any application of any item of law that constitutes the 11687
whole or part of a codified or uncodified section of law contained 11688
in this act, is held invalid, the invalidity does not affect other 11689
items of law or applications of items of law that can be given 11690
effect without the invalid item of law or application. To this 11691
end, the items of law of which the codified and uncodified 11692
sections of law contained in this act are composed, and their 11693
applications, are independent and severable. 11694