

AN ACT

To amend sections 9.24, 102.02, 123.01, 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 and to repeal sections 152.101 and 901.85 of the Revised Code and to amend Section 11.04 of Am. Sub. H.B. 87 of the 125th General Assembly, as subsequently amended; to amend 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; and to amend Section 41.33 of Am. Sub. H.B. 95 of the 125th General Assembly to make capital reappropriations for the biennium ending June 30, 2006, to make certain supplemental and capital appropriations, and to provide authorization and conditions for the operation of state programs.

?

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9.24, 102.02, 123.01, 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 of the Revised Code be amended to read as

follows:

Sec. 9.24. (A) ~~Not~~ Except as may be allowed under division (F) of this section, no state agency and no political subdivision shall award a contract as described in division (G)(1) of this section for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state on and after January 1, 2001, if the finding for recovery is unresolved.

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

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

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

(2) The debtor has entered into a repayment plan that is approved by the attorney general and the state agency or political subdivision to whom the money identified in the finding for recovery is owed. A repayment plan may include a provision permitting a state agency or political subdivision to withhold payment to a debtor for goods, services, or construction provided to or for the state agency or political subdivision pursuant to a contract that is entered into with the debtor after the date the finding for recovery was issued.

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

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

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

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

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

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

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

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

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

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

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

(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.

(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.

(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.

(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.

(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.

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

(b) The aggregate cost for the goods, services, or construction provided under multiple contracts entered into by the particular state agency and a single person or the particular political subdivision and a single person within the fiscal year preceding the fiscal year within which a contract is being entered into by that same state agency and the same single person or the same political subdivision and the same single person, exceeded fifty thousand dollars.

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

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

(H) As used in this section:

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

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

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

~~(3)~~(4) "Debtor" means a person against whom a finding for recovery has

been issued.

(5) "Person" means the person named in the finding for recovery.

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

Sec. 102.02. (A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, ~~or the office of member of the United States congress,~~ and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the chief executive officer of each state retirement system; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of 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 business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents as defined in section 101.70 of the Revised Code. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent, as defined in section 101.70 of the Revised Code, 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. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons

certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

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

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

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

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

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

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding

calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(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 the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division

(A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

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

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

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

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

Except for disclosure statements filed by members of the board of

trustees and the executive director of the tobacco use prevention and control foundation and members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

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

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

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

(2) The statement required by division (A) of this section shall be

accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education	\$65
For office of member of United States congress or member of general assembly	\$40
For county office	\$40
For city office	\$25
For office of member of the state board of education	\$25
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$20
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$20

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

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

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

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

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and

all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

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

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

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

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

(3) To make contracts for and supervise the construction of any projects and improvements or the construction and repair of buildings under the control of a state agency, except contracts for the repair of buildings under the management and control of the departments of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the bureau of workers' compensation, the rehabilitation services commission, and boards of trustees of educational and benevolent institutions. These contracts shall

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

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

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

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

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

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

(9) To lease or grant easements or licenses for unproductive and unused lands or other property under the control of a state agency. Such leases, easements, or licenses shall be granted for a period not to exceed fifteen years and shall be executed for the state by the director of administrative services and the governor and shall be approved as to form by the attorney general, provided that leases, easements, or licenses may be granted to any county, township, municipal corporation, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, conservancy district, or other political subdivision or taxing district, or any agency of the United States government, for the exclusive use of that agency, political subdivision, or taxing district, without any right of sublease or assignment, for a period not to exceed fifteen years, and provided that the director shall grant leases, easements, or licenses of university land for periods not to exceed twenty-five years for purposes approved by the respective university's board of trustees wherein the uses are compatible with the uses and needs of the university and may grant leases of university land for periods not to exceed forty years for purposes approved by the respective university's board of trustees pursuant to section 123.77 of the Revised Code.

(10) To lease office space in buildings for the use of a state agency;
(11) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;

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

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

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

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

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

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

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

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

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

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

used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease agreement to the builder who has submitted the lowest and best bid and who has been certified by the bureau and secretary of state as required by this section. If bidding for the lease agreement has been conducted upon the basis of basic plans, specifications, bills of materials, and estimates of costs, upon the award to the builder the department, or the builder with the approval of the department, shall appoint an architect or engineer licensed in this state to prepare such further detailed plans, specifications, and bills of materials as are required to construct the building, structure, or improvement. The department shall adopt such rules as are necessary to give effect to this section. The department may reject any bid. Where there is reason to believe there is collusion or combination among bidders, the bids of those concerned therein shall be rejected.

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

125th general assembly;

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

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

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

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

(b) The development plans are satisfactory;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The power of the director of public safety and the registrar of motor vehicles to purchase or lease real property and buildings to be used solely as

locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

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

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

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

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

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

(B) There is hereby created in the state treasury the state architect's fund which shall consist of money received by the department of administrative services under division (A) of this section, transfers of money to the fund authorized by the general assembly, and such ~~percentage~~ amount of the investment earnings of the administrative building fund created in division

(C) of this section 152.101 of the Revised Code as the director of budget and management determines to be appropriate and in excess of the amounts required to meet estimated federal arbitrage rebate requirements. Money in the fund shall be used by the department of administrative services for the following purposes:

- (1) To pay personnel and other administrative expenses of the department;
- (2) To pay the cost of conducting evaluations of public works;
- (3) To pay the cost of building design specifications;
- (4) To pay the cost of providing project management services;
- (5) Any other purposes that the director of administrative services determines to be necessary for the department to execute its duties under this chapter.

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

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

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

Schedule B

		Pay Ranges and Step Values			
Range		Step 1	Step 2	Step 3	Step 4
23	Hourly	5.72	5.91	6.10	6.31
	Annually	11897.60	12292.80	12688.00	13124.80
		Step 5	Step 6		
	Hourly	6.52	6.75		
	Annually	13561.60	14040.00		
		Step 1	Step 2	Step 3	Step 4
24	Hourly	6.00	6.20	6.41	6.63
	Annually	12480.00	12896.00	13332.80	13790.40

		Step 5	Step 6		
	Hourly	6.87	7.10		
	Annually	14289.60	14768.00		
		Step 1	Step 2	Step 3	Step 4
25	Hourly	6.31	6.52	6.75	6.99
	Annually	13124.80	13561.60	14040.00	14539.20
		Step 5	Step 6		
	Hourly	7.23	7.41		
	Annually	15038.40	15412.80		
		Step 1	Step 2	Step 3	Step 4
26	Hourly	6.63	6.87	7.10	7.32
	Annually	13790.40	14289.60	14768.00	15225.60
		Step 5	Step 6		
	Hourly	7.53	7.77		
	Annually	15662.40	16161.60		
		Step 1	Step 2	Step 3	Step 4
27	Hourly	6.99	7.23	7.41	7.64
	Annually	14534.20	15038.40	15412.80	15891.20
		Step 5	Step 6	Step 7	
	Hourly	7.88	8.15	8.46	
	Annually	16390.40	16952.00	17596.80	
		Step 1	Step 2	Step 3	Step 4
28	Hourly	7.41	7.64	7.88	8.15
	Annually	15412.80	15891.20	16390.40	16952.00
		Step 5	Step 6	Step 7	
	Hourly	8.46	8.79	9.15	
	Annually	17596.80	18283.20	19032.00	
		Step 1	Step 2	Step 3	Step 4
29	Hourly	7.88	8.15	8.46	8.79
	Annually	16390.40	16952.00	17596.80	18283.20
		Step 5	Step 6	Step 7	
	Hourly	9.15	9.58	10.01	
	Annually	19032.00	19926.40	20820.80	
		Step 1	Step 2	Step 3	Step 4
30	Hourly	8.46	8.79	9.15	9.58
	Annually	17596.80	18283.20	19032.00	19926.40
		Step 5	Step 6	Step 7	
	Hourly	10.01	10.46	10.99	
	Annually	20820.80	21756.80	22859.20	
		Step 1	Step 2	Step 3	Step 4

31	Hourly	9.15	9.58	10.01	10.46
	Annually	19032.00	19962.40	20820.80	21756.80
		Step 5	Step 6	Step 7	
	Hourly	10.99	11.52	12.09	
	Annually	22859.20	23961.60	25147.20	
32	Hourly	10.01	10.46	10.99	11.52
	Annually	20820.80	21756.80	22859.20	23961.60
		Step 5	Step 6	Step 7	Step 8
	Hourly	12.09	12.68	13.29	13.94
	Annually	25147.20	26374.40	27643.20	28995.20
33	Hourly	10.99	11.52	12.09	12.68
	Annually	22859.20	23961.60	25147.20	26374.40
		Step 5	Step 6	Step 7	Step 8
	Hourly	13.29	13.94	14.63	15.35
	Annually	27643.20	28995.20	30430.40	31928.00
34	Hourly	12.09	12.68	13.29	13.94
	Annually	25147.20	26374.40	27643.20	28995.20
		Step 5	Step 6	Step 7	Step 8
	Hourly	14.63	15.35	16.11	16.91
	Annually	30430.40	31928.00	33508.80	35172.80
35	Hourly	13.29	13.94	14.63	15.35
	Annually	27643.20	28995.20	30430.40	31928.00
		Step 5	Step 6	Step 7	Step 8
	Hourly	16.11	16.91	17.73	18.62
	Annually	33508.80	35172.80	36878.40	38729.60
36	Hourly	14.63	15.35	16.11	16.91
	Annually	30430.40	31928.00	33508.80	35172.80
		Step 5	Step 6	Step 7	Step 8
	Hourly	17.73	18.62	19.54	20.51
	Annually	36878.40	38729.60	40643.20	42660.80

Schedule C

Pay Range and Values		
Range	Minimum	Maximum
41 Hourly	10.44	15.72
Annually	21715.20	32697.60

42 Hourly	11.51	17.35
Annually	23940.80	36088.00
43 Hourly	12.68	19.12
Annually	26374.40	39769.60
44 Hourly	13.99	20.87
Annually	29099.20	43409.60
45 Hourly	15.44	22.80
Annually	32115.20	47424.00
46 Hourly	17.01	24.90
Annually	35380.80	51792.00
47 Hourly	18.75	27.18
Annually	39000.00	56534.40
48 Hourly	20.67	29.69
Annually	42993.60	61755.20
49 Hourly	22.80	32.06
Annually	47424.00	66684.80

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

(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.

(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.

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 by those agreements should also be provided to employees who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are

listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing the review, the director of administrative services, with the approval of the director of budget and management, may provide to some or all of these employees any payment or benefit, except for salary, contained in such a collective bargaining agreement even if it is similar to a payment or benefit already provided by law to some or all of these employees. Any payment or benefit so provided shall not exceed the highest level for that payment or benefit specified in such a collective bargaining agreement. The director of administrative services shall not provide, and the director of budget and management shall not approve, any payment or benefit to such an employee under this division unless the payment or benefit is provided pursuant to a collective bargaining agreement to a state employee who is in a position with similar duties as, is supervised by, or is employed by the same appointing authority as, the employee to whom the benefit or payment is to be provided.

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

(E) New employees paid ~~under~~ in accordance with schedule B of division (A) of this section or ~~under~~ schedule E-1 of section 124.152 of the Revised Code shall be employed at the minimum rate established for the range unless otherwise provided. Employees with qualifications that are beyond the minimum normally required for the position and that are determined by the director to be exceptional may be employed in, or may be transferred or promoted to, a position at an advanced step of the range. Further, in time of a serious labor market condition when it is relatively impossible to recruit employees at the minimum rate for a particular classification, the entrance rate may be set at an advanced step in the range by the director of administrative services. This rate may be limited to geographical regions of the state. Appointments made to an advanced step under the provision regarding exceptional qualifications shall not affect the step assignment of employees already serving. However, anytime the hiring rate of an entire classification is advanced to a higher step, all incumbents of that classification being paid at a step lower than that being used for hiring, shall be advanced beginning at the start of the first pay period thereafter to the new hiring rate, and any time accrued at the lower step will be used to calculate advancement to a succeeding step. If the hiring rate of a classification is increased for only a geographical region of the state, only

incumbents who work in that geographical region shall be advanced to a higher step. When an employee in the unclassified service changes from one state position to another or is appointed to a position in the classified service, or if an employee in the classified service is appointed to a position in the unclassified service, the employee's salary or wage in the new position shall be determined in the same manner as if the employee were an employee in the classified service. When an employee in the unclassified service who is not eligible for step increases is appointed to a classification in the classified service under which step increases are provided, future step increases shall be based on the date on which the employee last received a pay increase. If the employee has not received an increase during the previous year, the date of the appointment to the classified service shall be used to determine the employee's annual step advancement eligibility date. In reassigning any employee to a classification resulting in a pay range increase or to a new pay range as a result of a promotion, an increase pay range adjustment, or other classification change resulting in a pay range increase, the director shall assign such employee to the step in the new pay range that will provide an increase of approximately four per cent if the new pay range can accommodate the increase. When an employee is being assigned to a classification or new pay range as the result of a class plan change, if the employee has completed a probationary period, the employee shall be placed in a step no lower than step two of the new pay range. If the employee has not completed a probationary period, the employee may be placed in step one of the new pay range. Such new salary or wage shall become effective on such date as the director determines.

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

(G)(1) Except as provided in division (G)(2) of this section, each state employee paid ~~under~~ in accordance with schedule B of this section or ~~under~~ schedule E-1 of section 124.152 of the Revised Code shall be eligible for

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

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

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

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

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

performance evaluation schedule.

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

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

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

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

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

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

academic year of the school where the employee is located.

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

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

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

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

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

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

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

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

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

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

(2) Annually, assign each certificated employee on the instructional staff of the superintendent's respective school to an hourly rate on the schedule that is commensurate with the employee's training, experience, and

other professional qualifications.

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

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

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

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

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

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

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

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

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

(2) Each exempt employee who holds a position in the unclassified civil

service pursuant to division (A)(26) or (30) of section 124.11 of the Revised Code may be paid a salary or wage in accordance with schedule E-1, schedule E-1 for step seven only, or schedule E-2 of division (B), (C), (D), or (E) of this section, as applicable.

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

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

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

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

Schedule E-1

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

	Annually	24336	25438	26645	27830		
5	Hourly	12.28	12.84	13.38	13.97		
	Annually	25542	26707	27830	29058		
6	Hourly	12.94	13.47	14.07	14.64		
	Annually	26915	28018	29266	30451		
7	Hourly	13.74	14.26	14.83	15.35	15.94	
	Annually	28579	29661	30846	31928	33155	
8	Hourly	14.53	15.16	15.83	16.53	17.23	
	Annually	30222	31533	32926	34382	35838	
9	Hourly	15.50	16.30	17.11	17.95	18.87	
	Annually	32240	33904	35589	37336	39250	
10	Hourly	16.72	17.63	18.58	19.65	20.70	
	Annually	34778	36670	38646	40872	43056	
11	Hourly	18.20	19.27	20.38	21.53	22.76	
	Annually	37856	40082	42390	44782	47341	
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26
	Annually	41766	44117	46488	49067	51792	54621
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90
	Annually	46030	48568	51230	53976	56992	60112
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88
	Annually	50648	53498	56368	59467	62816	66310
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06
	Annually	55619	58739	62067	65478	69098	72925
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67
	Annually	61318	64730	68307	72114	76107	80434
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58
	Annually	67579	71302	75296	79456	83886	88566
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92
	Annually	74464	78582	82992	87589	92414	97594

Schedule E-2

	Range	Minimum	Maximum
41	Hourly	16.23	32.46
	Annually	33758	67517
42	Hourly	17.89	35.86
	Annually	37211	74589
43	Hourly	19.70	39.49
	Annually	40976	82139
44	Hourly	21.73	43.13
	Annually	45198	89710
45	Hourly	24.01	47.09

	Annually	49941	97947
46	Hourly	26.43	51.46
	Annually	54974	107037
47	Hourly	29.14	56.16
	Annually	60611	116813
48	Hourly	32.14	61.29
	Annually	66851	127483
49	Hourly	35.44	66.18
	Annually	73715	137654

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

Schedule E-1

		Pay Ranges and Step Values						
	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
1	Hourly	9.13	9.53	9.94	10.37			
	Annually	18990	19822	20675	21570			
2	Hourly	11.07	11.53	12.04	12.56			
	Annually	23026	23982	25043	26125			
3	Hourly	11.59	12.12	12.65	13.20			
	Annually	24107	25210	26312	27456			
4	Hourly	12.17	12.72	13.32	13.92			
	Annually	25314	26458	27706	28954			
5	Hourly	12.77	13.35	13.92	14.53			
	Annually	26562	27768	28954	30222			
6	Hourly	13.46	14.01	14.63	15.23			
	Annually	27997	29141	30430	31678			
7	Hourly	14.29	14.83	15.42	15.96	16.58		
	Annually	29723	30846	32074	33197	34486		
8	Hourly	15.11	15.77	16.46	17.19	17.92		
	Annually	31429	32802	34237	35755	37274		
9	Hourly	16.12	16.95	17.79	18.67	19.62		
	Annually	33530	35256	37003	38834	40810		
10	Hourly	17.39	18.34	19.32	20.44	21.53		
	Annually	36171	38147	40186	42515	44782		
11	Hourly	18.93	20.04	21.20	22.39	23.67		
	Annually	39374	41683	44096	46571	49234		
12	Hourly	20.88	22.06	23.24	24.53	25.90	27.31	28.82

	Annually	43430	45885	48339	51022	53872	56805	59946
13	Hourly	23.02	24.28	25.62	26.99	28.50	30.06	31.71
	Annually	47882	50502	53290	56139	59280	62525	65957
14	Hourly	25.32	26.75	28.18	29.73	31.41	33.16	34.96
	Annually	52666	55640	58614	61838	65333	68973	72717
15	Hourly	27.81	29.37	31.03	32.74	34.55	36.46	38.46
	Annually	57845	61090	64542	68099	71864	75837	79997
16	Hourly	30.66	32.36	34.15	36.06	38.05	40.22	42.43
	Annually	63773	67309	71032	75005	79144	83658	88254
17	Hourly	33.79	35.65	37.65	39.73	41.94	44.28	46.73
	Annually	70283	74152	78312	82638	87235	92102	97198
18	Hourly	37.23	39.29	41.50	43.79	46.21	48.80	51.48
	Annually	77438	81723	86320	91083	96117	101504	107078

Schedule E-2

	Range	Minimum	Maximum
41	Hourly	16.23	33.76
	Annually	33758	70221
42	Hourly	17.89	37.29
	Annually	37211	77563
43	Hourly	19.70	41.07
	Annually	40976	85426
44	Hourly	21.73	44.86
	Annually	45198	93309
45	Hourly	24.01	48.97
	Annually	49941	101858
46	Hourly	26.43	53.52
	Annually	54974	111322
47	Hourly	29.14	58.41
	Annually	60611	121493
48	Hourly	32.14	63.74
	Annually	66851	132579
49	Hourly	35.44	68.83
	Annually	73715	143166

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

Schedule E-1 for Step Seven Only

Pay Ranges and Step Seven Values

Range

<u>12</u>	<u>Hourly</u>	<u>27.71</u>
	<u>Annually</u>	<u>57637</u>
<u>13</u>	<u>Hourly</u>	<u>30.49</u>
	<u>Annually</u>	<u>63419</u>
<u>14</u>	<u>Hourly</u>	<u>33.62</u>
	<u>Annually</u>	<u>69930</u>
<u>15</u>	<u>Hourly</u>	<u>36.98</u>
	<u>Annually</u>	<u>76918</u>
<u>16</u>	<u>Hourly</u>	<u>40.80</u>
	<u>Annually</u>	<u>84864</u>
<u>17</u>	<u>Hourly</u>	<u>44.93</u>
	<u>Annually</u>	<u>93454</u>
<u>18</u>	<u>Hourly</u>	<u>49.50</u>
	<u>Annually</u>	<u>102960</u>

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

Schedule E-1 for Step Seven Only

Pay Ranges and Step Seven Values

	<u>Range</u>	
<u>12</u>	<u>Hourly</u>	<u>28.82</u>
	<u>Annually</u>	<u>59946</u>
<u>13</u>	<u>Hourly</u>	<u>31.71</u>
	<u>Annually</u>	<u>65957</u>
<u>14</u>	<u>Hourly</u>	<u>34.96</u>
	<u>Annually</u>	<u>72717</u>
<u>15</u>	<u>Hourly</u>	<u>38.46</u>
	<u>Annually</u>	<u>79997</u>
<u>16</u>	<u>Hourly</u>	<u>42.43</u>
	<u>Annually</u>	<u>88254</u>
<u>17</u>	<u>Hourly</u>	<u>46.73</u>
	<u>Annually</u>	<u>97198</u>
<u>18</u>	<u>Hourly</u>	<u>51.48</u>
	<u>Annually</u>	<u>107078</u>

~~(E)~~(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.

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.

(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.

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

(3) 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 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.

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

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

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years

of total service with the state government or any of its political subdivisions, each employee in positions paid ~~under salary in accordance with~~ schedule B of section 124.15 of the Revised Code or ~~under salary in accordance with~~ schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent, for each additional year of qualified employment until a maximum of ten per cent of the employee's classification salary base is reached. The granting of longevity adjustments shall not be affected by promotion, demotion, or other changes in classification held by the employee, nor by any change in pay range for the employee's class or grade. Longevity pay adjustments shall become effective at the beginning of the pay period within which the employee completes the necessary length of service, except that when an employee requests credit for prior service, the effective date of the prior service credit and of any longevity adjustment shall be the first day of the pay period following approval of the credit by the director of administrative services. No employee, other than an employee who submits proof of prior service within ninety days after the date of the employee's hiring, shall receive any longevity adjustment for the period prior to the director's approval of a prior service credit. Time spent on authorized leave of absence shall be counted for this purpose.

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

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

on or before July 1, 2003.

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

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

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

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

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

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

(G) When a full-time employee whose salary or wage is paid directly by

warrant of the auditor of state and who also is eligible for overtime under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered by the appointing authority to report back to work after termination of the employee's regular work schedule and the employee reports, the employee shall be paid for such time. The employee shall be entitled to four hours at the employee's total rate of pay or overtime compensation for the actual hours worked, whichever is greater. This division does not apply to work that is a continuation of or immediately preceding an employee's regular work schedule.

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

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

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

(K) If a certain position, or positions, within a class paid ~~under~~ in accordance with schedule B of section 124.15 of the Revised Code or ~~under salary in accordance with~~ schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code are mandated by state or federal law or regulation or other regulatory agency or other certification authority to

have special technical certification, registration, or licensing to perform the functions which are under the mandate, a special professional achievement pay supplement may be granted. This special professional achievement pay supplement shall not be granted when all incumbents in all positions in a class require a license as provided in the classification description published by the department of administrative services; to licensees where no special or extensive training is required; when certification is granted upon completion of a stipulated term of in-service training; when an appointing authority has required certification; or any other condition prescribed by the director.

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

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

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

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

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

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

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

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

(6) Those employees in teaching supervisory, principal, assistant

principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

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

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

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

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

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

(B)(1) Each permanent employee paid ~~under~~ in accordance with

schedule E-1 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and ~~is~~ remains continuously on the active payroll ~~as of~~ through November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of the top step of the pay range in schedule E-1 that the employee is in on November 14, 2004.

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

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

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

(D) A part-time employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section 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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The employee accumulated the sick leave balance while employed by the school district;

(b) The employee did not receive any separation payments for the sick

leave balance;

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

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

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

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

(B) If a person is appointed to a position listed in section 121.03 of the Revised Code, to the position of chairperson of the industrial commission, adjutant general, chancellor of the Ohio board of regents, superintendent of public instruction, chairperson of the public utilities commission of Ohio, or director of the state lottery commission, to a position holding a fiduciary relationship to the governor, to a position of an appointing authority of the department of mental health, mental retardation and developmental disabilities, or rehabilitation and correction, to a position of superintendent in the department of youth services, or to a position under section 122.05 of the Revised Code, and if that appointment requires a permanent change of residence, the appropriate state agency may reimburse the person for the person's actual and necessary expenses, including the cost of in-transit storage of household goods and personal effects, of moving the person and members of the person's immediate family residing in the person's household, and of moving their household goods and personal effects, to the person's new location.

Until that person moves the person's permanent residence to the new location, but not for a period that exceeds thirty consecutive days, the state agency may reimburse the person for the person's temporary living expenses at the new location that the person has incurred on behalf of the person and members of the person's immediate family residing in the person's household. In addition, the state agency may reimburse that person for the person's travel expenses between the new location and the person's former

residence during this period for a maximum number of trips specified by rule of the director of budget and management, but the state agency shall not reimburse the person for travel expenses incurred for those trips by members of the person's immediate family. With the prior written approval of the director, the maximum thirty-day period for temporary living expenses may be extended for a person appointed to a position under section 122.05 of the Revised Code.

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

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

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

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

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

(3) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and

redemption premium, if any, required to be paid by the Ohio building authority on obligations.

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

(5) "Cost of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, altering, maintaining, equipping, furnishing, repairing, painting, decorating, managing, or operating capital facilities, and the financing thereof, including the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of participating in capital facilities pursuant to section 152.33 of the Revised Code, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the authority and lessee state agencies, cost of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, legal fees, fees and expenses of trustees, depositories, and paying agents for the obligations, cost of issuance of the obligations and financing charges and fees and expenses of financial advisers and consultants in connection therewith, interest on obligations from the date thereof to the time when interest is to be covered from sources other than proceeds of obligations, amounts that represent the portion of investment earnings to be rebated or to be paid to the federal government in order to maintain the exclusion from gross income for federal income tax purposes of interest on those obligations pursuant to section 148(f) of the Internal Revenue Code, amounts necessary to establish reserves as required by the resolutions or the obligations, trust agreements, or indentures, costs of audits, the reimbursement of all moneys advanced or applied by or borrowed from any governmental entity, whether to or by the authority or others, from whatever source provided, for the payment of any item or items of cost of the capital facilities, any share of the cost undertaken by the authority pursuant to arrangements made with governmental entities under division (J) of section 152.21 of the Revised Code, and all other expenses necessary or incident to planning or determining the feasibility or practicability with respect to

capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, alteration, maintenance, equipment, furnishing, repair, painting, decoration, management, or operation of capital facilities, the financing thereof and the placing of the same in use and operation, including any one, part of, or combination of such classes of costs and expenses.

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

(7) "Governing body" means:

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

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

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

(B) Pursuant to the powers granted to the general assembly under Section 2i of Article VIII, Ohio Constitution, to authorize the issuance of revenue obligations and other obligations, the owners or holders of which are not given the right to have excises or taxes levied by the general assembly for the payment of principal thereof or interest thereon, the Ohio

building authority may issue obligations, in accordance with Chapter 152. of the Revised Code, and shall cause the net proceeds thereof, after any deposits of accrued interest for the payment of bond service charges and after any deposit of all or such lesser portion as the authority may direct of the premium received upon the sale of those obligations for the payment of the bond service charges, to be applied to the costs of capital facilities designated by or pursuant to act of the general assembly for housing state agencies as authorized by Chapter 152. of the Revised Code. The authority shall provide by resolution for the issuance of such obligations. The bond service charges and all other payments required to be made by the trust agreement or indenture securing such obligations shall be payable solely from available receipts of the authority pledged thereto as provided in such resolution. The available receipts pledged and thereafter received by the authority are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding against all parties having claims of any kind against the authority, irrespective of whether those parties have notice thereof, and creates a perfected security interest for all purposes of Chapter 1309. of the Revised Code and a perfected lien for purposes of any real property interest, all without the necessity for separation or delivery of funds or for the filing or recording of the resolution, trust agreement, indenture, or other agreement by which such pledge is created or any certificate, statement, or other document with respect thereto; and the pledge of such available receipts is effective and the money therefrom and thereof may be applied to the purposes for which pledged. Every pledge, and every covenant and agreement made with respect to the pledge, made in the resolution may therein be extended to the benefit of the owners and holders of obligations authorized by Chapter 152. of the Revised Code, and to any trustee therefor, for the further securing of the payment of the bond service charges, and all or any rights under any agreement or lease made under this section may be assigned for such purpose. Obligations may be issued at one time or from time to time, and each issue shall be dated, shall mature at such time or times as determined by the authority not exceeding forty years from the date of issue, and may be redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as are fixed by the authority prior to the issuance of the obligations. The authority shall determine the form of the obligations, fix their denominations, establish their interest rate or rates, which may be a variable rate or rates, or the maximum interest rate, and establish within or without this state a place or places of payment of bond service charges.

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

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

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

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

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

to Section 2i of Article VIII, Ohio Constitution, to pay the cost of capital facilities for mental hygiene and retardation, parks and recreation, or state-supported or state-assisted institutions of higher education.

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

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

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

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

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

(3) Not more than seven per cent of any current year appropriation authority for the fund shall be used for the emergency shelter housing grants

program to make grants to private, nonprofit organizations and municipal corporations, counties, and townships for emergency shelter housing for the homeless. The grants shall be distributed pursuant to rules the director adopts and qualify as matching funds for funds obtained pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378.

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

(5) Of all ~~money in~~ current year appropriation authority for the fund:

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

~~(b)~~ (6) Not less than forty-five per cent of the funds awarded during any one fiscal year shall be for grants and loans to nonprofit organizations under section 175.22 of the Revised Code.

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

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

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

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

Sec. 1503.05. (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of

the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state.

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

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

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

- (1) Cash in an amount equal to the amount of the bond;
- (2) United States government securities having a par value equal to or greater than the amount of the bond;
- (3) Negotiable certificates of deposit or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

Immediately upon a deposit of cash, securities, certificates of deposit, or letters of credit, the chief shall deliver them to the treasurer of state, who shall hold them in trust for the purposes for which they have been deposited. The treasurer of state is responsible for the safekeeping of the deposits. A bidder making a deposit of cash, securities, certificates of deposit, or letters of credit may withdraw and receive from the treasurer of state, on the written order of the chief, all or any portion of the cash, securities, certificates of deposit, or letters of credit upon depositing with the treasurer of state cash, other United States government securities, or other negotiable certificates of deposit or irrevocable letters of credit issued by any bank

organized or transacting business in this state, equal in par value to the par value of the cash, securities, certificates of deposit, or letters of credit withdrawn.

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

When the chief finds that a person or governmental agency has failed to comply with the conditions of the person's or governmental agency's bond, the chief shall make a finding of that fact and declare the bond, cash, securities, certificates, or letters of credit forfeited. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the bond, cash, securities, certificates, or letters of credit.

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

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

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

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

operation of the state forests and related facilities or equipment also shall be paid into the state treasury to the credit of the state forest fund, as shall any other moneys required by law to be deposited in the fund.

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

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

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

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

Twenty-five per cent of the net value of standing timber sold from state forest lands and state forest nurseries located in a county shall be transferred from the forestry holding account redistribution fund to the state forest fund. Ten per cent of that net value shall be transferred from the forestry holding account redistribution fund to the general revenue fund. The remaining sixty-five per cent of the net value shall be transferred from the forestry holding account redistribution fund and paid to the county treasurer for the

use of the general fund of that county ~~from the amount so received as provided in this division, an amount equal to sixty five per cent of the net value of the standing timber sold from lands and nurseries located in that county.~~ The

The county auditor shall do all of the following:

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

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

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

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

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

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

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

to the territory of the educational service center in which the local school district is currently included. The resolution shall promptly be filed with the governing board of each educational service center affected by the resolution and with the superintendent of public instruction.

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

(C) Within sixty days following the date of the adoption of the resolution under division (A) of this section, the electors of the local school district may petition for a referendum vote on the resolution. The question whether to approve or disapprove the resolution shall be submitted to the electors of such school district if a number of qualified electors equal to twenty per cent of the number of electors in the school district who voted for the office of governor at the most recent general election for that office sign a petition asking that the question of whether the resolution shall be disapproved be submitted to the electors. The petition shall be filed with the board of elections of the county in which the school district is located. If the school district is located in more than one county, the petition shall be filed with the board of elections of the county in which the majority of the territory of the school district is located. The board shall certify the validity and sufficiency of the signatures on the petition.

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

The effect of the resolution shall be stayed until the board of elections certifies the validity and sufficiency of the signatures on the petition. If the board of elections determines that the petition does not contain a sufficient

number of valid signatures and sixty days have passed since the adoption of the resolution, the resolution shall become effective as provided in division (B) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3334.01. As used in this chapter:

(A) "Aggregate original principal amount" means the aggregate of the initial offering prices to the public of college savings bonds, exclusive of

accrued interest, if any. "Aggregate original principal amount" does not mean the aggregate accreted amount payable at maturity or redemption of such bonds.

(B) "Beneficiary" means:

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

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

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

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

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

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

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

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

(G) "Issuing authority" means any authority, commission, body, agency, or individual empowered by the Ohio Constitution or the Revised Code to issue bonds or any other debt obligation of the state or any agency or

department thereof. "Issuer" means the issuing authority or, if so designated under division (B) of section 3334.04 of the Revised Code, the treasurer of state.

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

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

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

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

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

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

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

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

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

redemption of an obligation.

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

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

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

(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:

(a) A person who is under final consideration for appointment or employment with a home health agency in a position as a person responsible

for the care, custody, or control of a child;

(b) A person who is under final consideration for employment with a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an older adult. 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.

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

(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:

- (a) Skilled nursing care;
- (b) Physical therapy;
- (c) Speech-language pathology;
- (d) Occupational therapy;
- (e) Medical social services;
- (f) Home health aide services.

(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:

- (a) Hands-on bathing or assistance with a tub bath or shower;
- (b) Assistance with dressing, ambulation, and toileting;
- (c) Catheter care but not insertion;
- (d) Meal preparation and feeding.

(5) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.

(6) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.

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

(8) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.

(9) "Occupational therapy" has the same meaning as in section 4755.01 of the Revised Code.

(10) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.

(11) "Social worker" means a person licensed under Chapter 4757. of

the Revised Code to practice as a social worker or independent social worker.

(12) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.

(B)(1) Except as provided in division (I) of this section, the chief administrator of a home health agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to each applicant. If the position may involve both responsibility for the care, custody, or control of a child and provision of direct care to an older adult, the chief administrator shall request that the superintendent conduct a single criminal records check for the applicant. If an applicant for whom a criminal records check request is required under this division does not present proof of having been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. Even if an applicant for whom a criminal records check request is required under this division presents proof that the applicant has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

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

(3) An applicant who receives pursuant to division (B)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide

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

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

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

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

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

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

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

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

(b)(i) A home health agency may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section in a position that involves providing direct care to an older adult or in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults prior to obtaining the results of a criminal records check regarding the individual, provided that the agency shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a home health agency may employ conditionally in a position that involves providing direct care to an older adult an applicant who has been referred to the home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section. In the circumstances described in division (I)(4) of this section, a home health agency may employ conditionally in a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults an applicant who has been referred to the home health agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

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

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

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

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

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

following:

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

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

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

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

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

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

(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;

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

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

(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)(2) 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 home health agency chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves providing direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency 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)(2) 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 promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.

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

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

(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) or (2) 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 home health agency chooses to employ the individual pursuant to division (F) of this section.

(4) The chief administrator of a home health agency is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant for a position that involves both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and may employ the applicant conditionally in a position of that nature as described in this division, if the applicant has been referred to the agency by an employment service that supplies full-time, part-time, or temporary staff for positions involving both responsibility for the care, custody, and control of a child and 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) or (2) 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 promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.

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

(1) "Applicant" means a person who is under final consideration for employment with a hospice care program in a full-time, part-time, or temporary position that involves providing direct care to an older adult. "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.

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

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

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

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

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

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

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

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

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

(2)(a) A hospice care program may employ conditionally an applicant for whom a criminal records check request is required under division (B) of this section prior to obtaining the results of a criminal records check regarding the individual, provided that the program shall request a criminal records check regarding the individual in accordance with division (B)(1) of this section not later than five business days after the individual begins conditional employment. In the circumstances described in division (I)(2) of this section, a hospice care program may employ conditionally an applicant who has been referred to the hospice care program by an employment service that supplies full-time, part-time, or temporary staff for positions

involving the direct care of older adults and for whom, pursuant to that division, a criminal records check is not required under division (B) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) If the program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the program 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 program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the program 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;

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

(I)(1) 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 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 both of the following apply:

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

Sec. 3734.02. (A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may

amend, suspend, or rescind rules having uniform application throughout the state governing solid waste facilities and the inspections of and issuance of permits and licenses for all solid waste facilities in order to ensure that the facilities will be located, maintained, and operated, and will undergo closure and post-closure care, in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, create a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 257.3-8, as amended. The rules may include, without limitation, financial assurance requirements for closure and post-closure care and corrective action and requirements for taking corrective action in the event of the surface or subsurface discharge or migration of explosive gases or leachate from a solid waste facility, or of ground water contamination resulting from the transfer or disposal of solid wastes at a facility, beyond the boundaries of any area within a facility that is operating or is undergoing closure or post-closure care where solid wastes were disposed of or are being disposed of. The rules shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating solid waste facilities. The director, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend, suspend, or rescind rules governing the issuance, modification, revocation, suspension, or denial of variances from the director's solid waste rules, including, without limitation, rules adopted under this chapter governing the management of scrap tires.

Variances shall be issued, modified, revoked, suspended, or rescinded in accordance with this division, rules adopted under it, and Chapter 3745. of the Revised Code. The director may order the person to whom a variance is issued to take such action within such time as the director may determine to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the public health or safety or the environment. Applications for variances shall contain such detail plans, specifications, and information regarding objectives, procedures, controls, and other pertinent data as the director may require. The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment. In granting any variance, the director shall state the specific provision or provisions whose terms are to be varied and also shall state specific terms or conditions imposed upon the applicant in place of the provision or provisions. The director may hold a public hearing on an application for a variance or renewal of a variance at a location in the county where the operations that

are the subject of the application for the variance are conducted. The director shall give not less than twenty days' notice of the hearing to the applicant by certified mail and shall publish at least one notice of the hearing in a newspaper with general circulation in the county where the hearing is to be held. The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances and a current schedule of pending variance hearings. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Within ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing. The director shall issue, renew, or deny an application for a variance or renewal of a variance within six months of the date upon which the director receives a complete application with all pertinent information and data required. No variance shall be issued, revoked, modified, or denied until the director has considered the relative interests of the applicant, other persons and property affected by the variance, and the general public. Any variance granted under this division shall be for a period specified by the director and may be renewed from time to time on such terms and for such periods as the director determines to be appropriate. No application shall be denied and no variance shall be revoked or modified without a written order stating the findings upon which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or variance holder by certified mail.

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

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

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

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

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

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

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

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

(1) Is owned or operated by the generator of the wastes and exclusively treats, by methods, techniques, and practices established by rules adopted under division (C)(1) or (3) of section 3734.021 of the Revised Code, wastes that are generated at any premises owned or operated by that generator regardless of whether the wastes are generated on the premises where the

generator's treatment facility is located or, if the generator is a hospital as defined in section 3727.01 of the Revised Code, infectious wastes that are described in division (A)(1)(g), (h), or (i) of section 3734.021 of the Revised Code;

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

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

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

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment that are disposed of with solid wastes from the individual's residence; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

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

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

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

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

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

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

owns the facility;

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

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

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

TYPE OF BASIC MANAGEMENT UNIT	TYPE OF FACILITY	FEE
Storage facility using:		
Containers	On-site, off-site, and satellite	\$ 500
Tanks	On-site, off-site, and satellite	500
Waste pile	On-site, off-site, and satellite	3,000
Surface impoundment	On-site and satellite	8,000
	Off-site	10,000
Disposal facility using:		
Deep well injection	On-site and satellite	15,000

	Off-site	25,000
Landfill	On-site and satellite	25,000
	Off-site	40,000
Land application	On-site and satellite	2,500
	Off-site	5,000
Surface impoundment	On-site and satellite	10,000
	Off-site	20,000
Treatment facility using:		
Tanks	On-site, off-site, and satellite	700
	On-site and satellite	8,000
Surface impoundment	Off-site	10,000
	On-site and satellite	5,000
Incinerator	Off-site	10,000
	On-site, off-site, and satellite	1,000
Other forms of treatment		

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

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

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

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other

requirements necessary to carry out this division.

(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;

(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;

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

(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;

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

(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.

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

A public utility that has main or distribution lines above or below the land surface located on an easement or right-of-way across land where a solid waste facility was operated may engage in any such activity within the easement or right-of-way without prior authorization from the director for purposes of performing emergency repair or emergency replacement of its lines; of the poles, towers, foundations, or other structures supporting or sustaining any such lines; or of the appurtenances to those structures, necessary to restore or maintain existing public utility service. A public utility may enter upon any such easement or right-of-way without prior authorization from the director for purposes of performing necessary or routine maintenance of those portions of its existing lines; of the existing poles, towers, foundations, or other structures sustaining or supporting its lines; or of the appurtenances to any such supporting or sustaining structure, located on or above the land surface on any such easement or right-of-way. Within twenty-four hours after commencing any such emergency repair, replacement, or maintenance work, the public utility shall notify the director or the director's authorized representative of those activities and shall provide such information regarding those activities as the director or the director's representative may request. Upon completion of the emergency repair, replacement, or maintenance activities, the public utility shall restore any land of the solid waste facility disturbed by those activities to the condition existing prior to the commencement of those activities.

(I) No owner or operator of a hazardous waste facility, in the operation

of the facility, shall cause, permit, or allow the emission therefrom of any particulate matter, dust, fumes, gas, mist, smoke, vapor, or odorous substance that, in the opinion of the director, unreasonably interferes with the comfortable enjoyment of life or property by persons living or working in the vicinity of the facility, or that is injurious to public health. Any such action is hereby declared to be a public nuisance.

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

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

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

- (1) The program shall be administered by the director and shall consist of a course on new solid waste and infectious waste technologies, enforcement procedures, and rules;
- (2) The course shall be offered on an annual basis;
- (3) Those persons who are required to take the course under division (L)

of this section shall do so triennially;

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

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

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

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

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

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any candidate area located in this state and identified for potential inclusion in the national park system in the edition of the "national park system plan" submitted under paragraph (b) of section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of filing of the application for the permit, unless the facility or proposed facility is or is to be used exclusively for the disposal of solid wastes generated within the park or recreation area and the director determines that the facility or proposed facility will not degrade any of the

natural or cultural resources of the park or recreation area. The director shall not issue a variance under division (A) of this section and rules adopted under it, or issue an exemption order under division (G) of this section, that would authorize any such establishment or expansion of a solid waste facility within the boundaries of any such park or recreation area, state park purchase area, or candidate area, other than a solid waste facility exclusively for the disposal of solid wastes generated within the park or recreation area when the director determines that the facility will not degrade any of the natural or cultural resources of the park or recreation area.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) For disposal facilities that are on-site or satellite facilities, ~~as defined in division (E) of section 3734.02 of the Revised Code~~, fees shall be levied at the rate of two dollars per ton for hazardous waste disposed of by deep well injection and four dollars per ton for hazardous waste disposed of by land application or landfilling. The maximum annual disposal fee for an on-site disposal facility that disposes of one hundred thousand tons or less of hazardous waste in a year is twenty-five thousand dollars. The maximum annual disposal fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by land application or landfilling is fifty thousand dollars, and the maximum annual fee for an on-site facility that disposes of more than one hundred thousand tons of hazardous waste in a year by deep well injection is one hundred thousand dollars. The maximum annual disposal fee for a satellite facility that disposes of one hundred thousand tons or less of hazardous waste in a year is thirty-seven thousand five hundred dollars, and the maximum annual

disposal fee for a satellite facility that disposes of more than one hundred thousand tons of hazardous waste in a year is seventy-five thousand dollars, except that a satellite facility defined under division ~~(E)(A)~~(3)(b) of this section 3734.02 of the Revised Code that receives hazardous waste from a single generation site is subject to the same maximum annual disposal fees as an on-site disposal facility. The owner or operator shall pay the fee to the director each year upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code or on the anniversary of the date of a permit by rule. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that it is late.

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

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

the treasurer or such other officer of the municipal corporation or to the county treasurer each year upon the anniversary of the date of issuance of the owner's or operator's installation and operation permit during the term of that permit and any renewal permit issued under division (H) of section 3734.05 of the Revised Code or on the anniversary of the date of a permit by rule or the date on which the facility became exempt from hazardous waste facility installation and operation permit requirements under rules adopted by the director. If payment is late, the owner or operator shall pay an additional ten per cent of the amount of the fee for each month that the payment is late.

Moneys received by a municipal corporation under this division shall be paid into a special fund of the municipal corporation and used exclusively for the purposes of conducting reviews of applications for hazardous waste facility installation and operation permits for new or modified hazardous waste landfills located or proposed within the municipal corporation, conducting emergency response actions with respect to releases of hazardous waste from facilities located within the municipal corporation, monitoring operation of such hazardous waste facilities, and conducting waste management planning programs within the municipal corporation through employees of the municipal corporation or pursuant to contracts entered into with persons or political subdivisions. Moneys received by a board of county commissioners under this division shall be paid into a special fund of the county and used exclusively for those purposes within the unincorporated area of the county through employees of the county or pursuant to contracts entered into with persons or political subdivisions.

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

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

The director shall deposit the moneys collected under divisions ~~(A)~~(C) and ~~(B)~~(D) of this section into one or more minority banks, as "minority bank" is defined in division (F)(1) of section 135.04 of the Revised Code, to the credit of the hazardous waste facility management fund, which is hereby

created in the state treasury, except that the director shall deposit to the credit of the underground injection control fund created in section 6111.046 of the Revised Code moneys in excess of fifty thousand dollars that are collected during a fiscal year under division ~~(A)~~(C)(2) of this section from the fee levied on the disposal of hazardous waste by deep well injection at an on-site disposal facility that disposes of more than one hundred thousand tons of hazardous waste in a year.

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

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

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

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

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

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

- (1) One dollar per ton on and after July 1, 1993;
- (2) An additional one dollar per ton on and after July 1, 2003, through June 30, 2006.

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

One-half of the moneys remitted to the director under division (A)(1) of this section shall be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code, and one-half shall be credited to the hazardous waste clean-up fund created in section 3734.28 of the Revised Code. The moneys remitted to the director under division (A)(2) of this section shall be credited to the solid waste fund, which is hereby created in the state treasury. The environmental protection agency shall use moneys in the solid waste fund only to pay the costs of administering and

enforcing the laws pertaining to solid wastes, infectious wastes, and construction and demolition debris, including, without limitation, ground water evaluations related to solid wastes, infectious wastes, and construction and demolition debris, under this chapter and Chapter 3714. of the Revised Code and rules adopted under them and to pay a share of the administrative costs of the environmental protection agency pursuant to section 3745.014 of the Revised Code.

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

(B) For the purpose of preparing, revising, and implementing the solid waste management plan of the county or joint solid waste management district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for the enforcement of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions; providing financial assistance to the county to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan; paying the costs incurred by boards of health for collecting and analyzing water samples from public or private wells on lands adjacent to solid waste facilities that are contained in the approved or amended plan of the district; paying the costs of developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan; providing financial assistance to boards of health within the district for enforcing laws prohibiting open dumping; providing financial assistance to local law enforcement agencies within the district for enforcing laws and ordinances prohibiting littering; providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code for the training and certification required for their employees responsible for solid waste enforcement by

rules adopted under division (L) of section 3734.02 of the Revised Code; providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation within their boundaries of a composting, energy or resource recovery, incineration, or recycling facility that either is owned by the district or is furnishing solid waste management facility or recycling services to the district pursuant to a contract or agreement with the board of county commissioners or directors of the district; and payment of any expenses that are agreed to, awarded, or ordered to be paid under section 3734.35 of the Revised Code and of any administrative costs incurred pursuant to that section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

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

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

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

If any such fees are levied prior to January 1, 1994, fees levied under division (B)(1) of this section always shall be equal to one-half of the fees levied under division (B)(2) of this section, and fees levied under division (B)(3) of this section, which shall be in addition to fees levied under division (B)(2) of this section, always shall be equal to fees levied under division (B)(1) of this section, except as otherwise provided in this division. The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if

the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section, except as otherwise provided in this division and notwithstanding any schedule of those fees established in the solid waste management plan of a county or joint district approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that is in effect on that date. If the fee that a district is levying under division (B)(1) of this section on that date under its approved plan or such a resolution is less than one dollar per ton, the fee shall be one dollar per ton on and after January 1, 1994, and if the fee that a district is so levying under that division exceeds two dollars per ton, the fee shall be two dollars per ton on and after that date. If the fee that a district is so levying under division (B)(2) of this section is less than two dollars per ton, the fee shall be two dollars per ton on and after that date, and if the fee that the district is so levying under that division exceeds four dollars per ton, the fee shall be four dollars per ton on and after that date. On that date, the fee levied by a district under division (B)(3) of this section shall be equal to the fee levied under division (B)(1) of this section. Except as otherwise provided in this division, the fees established by the operation of this amendment shall remain in effect until the district's resolution levying fees under this division is amended or repealed in accordance with this division to amend or abolish the schedule of fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

The solid waste management policy committee of a district levying fees under divisions (B)(1) to (3) of this section on October 29, 1993, under its solid waste management plan approved under section 3734.55 of the Revised Code or a resolution adopted and ratified under this division that

are within the ranges of rates prescribed by this amendment, by adoption of a resolution not later than December 1, 1993, and without the necessity for ratification of the resolution under this division, may amend those fees within the prescribed ranges, provided that the estimated revenues from the amended fees will not substantially exceed the estimated revenues set forth in the district's budget for calendar year 1994. Not later than seven days after the adoption of such a resolution, 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 adoption of the resolution and of the amount of the amended fees. Collection of the amended fees shall take effect on the first day of the first month following the month in which the notification is sent to the owner or operator. The fees established in such a resolution shall remain in effect until the district's resolution levying fees that was adopted and ratified under this division is amended or repealed, and the amendment or repeal of the resolution is ratified, in accordance with this division, to amend or abolish the fees, the schedule of fees is amended or abolished in an amended plan of the district approved under section 3734.521 or division (A) or (D) of section 3734.56 of the Revised Code, or the schedule of fees is amended or abolished through an amendment to the district's plan under division (E) of section 3734.56 of the Revised Code; the notification of the amendment or abolishment of the fees has been given in accordance with this division; and collection of the amended fees so established commences, or collection of the fees ceases, in accordance with this division.

Prior to the approval of the solid waste management plan of the district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the largest quantities of solid wastes, as determined by the committee, and to their local trade associations. The committee shall make good faith efforts to identify those generators within

the district and their local trade associations, but the nonprovision of notice under this division to a particular generator or local trade association does not invalidate the proceedings under this division. The publication shall occur at least thirty days before the hearing. After the hearing, the committee may make such revisions to the proposed fees as it considers appropriate and thereafter, by resolution, shall adopt the revised fee schedule. Upon adopting the revised fee schedule, the committee shall deliver a copy of the resolution doing so to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district. Within sixty days after the delivery of a copy of the resolution adopting the proposed revised fees by the policy committee, each such board and legislative authority, by ordinance or resolution, shall approve or disapprove the revised fees and deliver a copy of the ordinance or resolution to the committee. If any such board or legislative authority fails to adopt and deliver to the policy committee an ordinance or resolution approving or disapproving the revised fees within sixty days after the policy committee delivered its resolution adopting the proposed revised fees, it shall be conclusively presumed that the board or legislative authority has approved the proposed revised fees.

In the case of a county district or a joint district formed by two or three counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the district upon determining that the board of county commissioners of each county forming the district has approved the proposed revised fees and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the district comprising at least sixty per cent of the total population of the district have approved the proposed revised fees, provided that in the case of a county district, that combination shall include the municipal corporation having the largest population within the boundaries of the district, and provided further that in the case of a joint district formed by two or three counties, that combination shall include for each county forming the joint district the municipal corporation having the largest population within the boundaries of both the county in which the municipal corporation is located and the joint district. In the case of a joint district formed by four or more counties, the committee shall declare the proposed revised fees to be ratified as the fee schedule of the joint district upon determining that the boards of county commissioners of a majority of the counties forming the district have approved the proposed revised fees; that, in each of a majority of the counties forming the joint district, the proposed revised fees have been

approved by the municipal corporation having the largest population within the county and the joint district; and that the legislative authorities of a combination of municipal corporations and townships with a combined population within the joint district comprising at least sixty per cent of the total population of the joint district have approved the proposed revised fees.

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.

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

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

Not later than fourteen days after the director issues an order approving a district's plan under section 3734.55 of the Revised Code or amended plan under division (A) or (D) of section 3734.56 of the Revised Code that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section, or an amendment to the district's approved plan or amended plan abolishing the schedule of fees is ratified pursuant to division (E) of section 3734.56 of the Revised Code, as appropriate, the committee shall notify by certified mail the owner or operator of each facility that is collecting the fees of the approval of the plan or amended plan, or the amendment of the plan or amended plan, as appropriate, and the abolishment of the fees. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, that abolishes the schedule of fees levied under divisions (B)(1) to (3) of this section by a district resulting from the change, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the abolishment of the fees. Collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

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

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

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, less than forty-five days before the beginning of a calendar year, the director, on behalf of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change proceedings, shall notify by certified mail the owner or operator of each solid waste disposal facility that

is required to collect the district's fees that the change is to take effect on the first day of January immediately following the mailing of the notice and of the amount of the fees or amended fees levied under divisions (B)(1) to (3) of this section pursuant to the district's initial or amended plan as so approved or, if appropriate, the abolishment of the district's fees by that initial or amended plan. Collection of any fees set forth in such a plan or amended plan shall commence on the first day of the second month following the month in which notification is sent to the owner or operator. If such an initial or amended plan abolishes a schedule of fees, collection of the fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

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

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

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and

of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management authority has been formed under section 343.011 of the Revised Code, to the board of trustees of that regional authority, the owner or operator of each solid waste disposal facility in the municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied 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.

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

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

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

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

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

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

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

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

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

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

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where

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

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

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

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

(2) Implementation of the approved solid waste management plan or

amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3769.021. The state racing commission shall appoint a secretary, who shall serve during the pleasure of the commission. The secretary shall devote ~~his~~ full time to the duties of the office and shall not hold any other office or employment. To be eligible for appointment as secretary, a person ~~must~~ shall meet the qualifications required of a commissioner under section

3769.02 of the Revised Code, ~~and the~~ except that the secretary shall be a qualified elector and resident of the state and does not need to additionally satisfy the qualification of a commissioner to be a resident of this state for not less than five years immediately preceding appointment. The secretary is subject to the restrictions applying to a commissioner under that section.

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

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

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

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

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

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

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

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

(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter

horse development fund created by section 3769.086 of the Revised Code.

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

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

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

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

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

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

eighty days after the close of the game if the lottery game is an instant game.
If

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

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

(4) As used in this division:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3781.19. There is hereby established in the department of commerce a board of building appeals consisting of five members who shall

be appointed by the governor with the advice and consent of the senate. Terms of office shall be for four years, commencing on the fourteenth day of October and ending on the thirteenth day of October. Each member shall hold office from the date of ~~his~~ the member appointment until the end of the term for which ~~he~~ the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ a successor takes office, or until a period of sixty days has elapsed, whichever occurs first. One member shall be an attorney-at-law, admitted to the bar of this state and of the remaining members, one shall be a registered architect and one shall be a professional engineer, each of whom shall be duly licensed to practice their respective professions in this state, one shall be a fire prevention officer qualified under section 3737.66 of the Revised Code, and one shall be a person with recognized ability in the plumbing or pipefitting profession. No member of the board of building standards shall be a member of the board of building appeals. Each member shall be paid an amount fixed pursuant to Chapter 124. of the Revised Code per diem. The department shall provide and assign to the board such employees as are required by the board to perform its functions. The board may adopt its own rules of procedure not inconsistent with sections 3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change them in its discretion. The board may establish reasonable fees, based on actual costs for administration of filing and processing, not to exceed ~~one~~ two hundred dollars, for the costs of filing and processing appeals. A full and complete record of all proceedings of the board shall be kept and be open to public inspection.

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

The appropriate municipal or county board of appeals, where 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 state board, or may appeal directly to the court of common pleas pursuant to section 3781.031 of the Revised Code.

In addition, 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 no local corporation, association, or organization exists, then any statewide corporation, association, or other organization composed of or representing handicapped persons may apply for the de novo hearing or appeal to the court of common pleas from any decision of a certified municipal or county board of appeals interpreting, applying, or granting a variance from section 3781.111 of the Revised Code and any rule made thereunder. Application for a de novo hearing before the state board shall be made no later than thirty days after the municipal or county board renders its decision.

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

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

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

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

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

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

the Revised Code.

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

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

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

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

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

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

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

(3) A plan for coverage in instances of emergency or planned absences

of either the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner or a collaborating physician or podiatrist that provides the means whereby a physician or podiatrist is available for emergency care;

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

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

(6) If the clinical nurse specialist or certified nurse practitioner regularly provides services to infants, a policy for care of infants up to age one and recommendations for collaborating physician visits for children from birth to age three;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license or certificate issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license or certificate under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

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

- (a) Theories of counseling and psychotherapy;
- (b) Counseling procedures;
- (c) Group process and techniques;
- (d) Relationship therapy;
- (e) Research methods and statistics;
- (f) Fundamentals of assessment and diagnosis, including measurement and appraisal;
- (g) Psychopathology;
- (h) Human development;
- (i) Cultural competence in counseling;
- (j) Ethics.

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

- (a) Theories of addiction;
- (b) Counseling procedures and strategies with addicted populations;
- (c) Group process and techniques working with addicted populations;
- (d) Assessment and diagnosis of addiction;
- (e) Relationship counseling with addicted populations;
- (f) Pharmacology;
- (g) Prevention strategies;
- (h) Treatment planning;
- (i) Legal and ethical issues.

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

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

(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 dependency counselor III under section 4758.56; independent chemical dependency counselor or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59; or prevention specialist II or prevention specialist I certified under this chapter or independent chemical dependency counselor, chemical dependency counselor III, or chemical dependency counselor II licensed under this chapter who supervises a registered applicant under section 4758.61 of the Revised Code. The duties may differ.

(21) Anything else necessary to administer this chapter.

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

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

counseling or alcohol and other drug prevention services.

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

(A) Meet all of the following requirements:

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

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

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

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

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

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

(B) Meet both of the following requirements:

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

(2) Meet one of the following requirements:

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

(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code ~~and have been provided by an~~ An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical

dependency counselor licensed under this chapter who holds the degree described in division (A)(1) of this section may provide the portion of the training on chemical dependency conditions.

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

(A) Meet all of the following requirements:

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

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

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

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

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

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

(B) Meet both of the following requirements:

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

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

chemical dependency conditions.

(C) Meet all of the following requirements:

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

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

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

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

(A) Meet all of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) Diagnose and treat chemical dependency conditions;
- (B) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;
- (C) Refer individuals with nonchemical dependency conditions to appropriate sources of help.

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

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

- (a) An independent chemical dependency counselor licensed under this chapter;
- (b) An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;
- (c) A psychologist licensed under Chapter 4732. of the Revised Code;
- (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.

(2) Treat chemical dependency conditions;

(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;

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

(B) A chemical dependency counselor III may not practice as an individual practitioner.

Sec. 4758.57. (A) ~~An~~ In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor II license may do both of the following:

(1) 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;

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

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

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

(1) 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;

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

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

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 in addition to practicing chemical dependency counseling:

(1) Perform treatment planning, 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The recipient;
- (2) The authorized representative;
- (3) The legal guardian of the recipient;
- (4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.271 of the Revised Code from the recipient.

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

- (1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.271 of the Revised Code;
- (2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

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

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

- (1) The release of information is for purposes directly connected to the administration of or provision of medical assistance provided under a public assistance program;
- (2) The information is released to persons or government entities that

are subject to standards of confidentiality and safeguarding information substantially comparable to those established for medical assistance provided under a public assistance program;

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

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

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

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

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

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

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

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

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

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

(G) Subject to section 5110.353 of the Revised Code, the amount of the administrative fee, if any, participating terminal distributors are to charge Ohio's best Rx program participants under section 5110.12 of the Revised

Code or the Ohio's best Rx program administrator may charge under a contract entered into under section 5110.10 of the Revised Code;

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

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

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

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

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

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

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

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

(P) For the purpose of section 5110.10 of the Revised Code, the standards and procedures governing the operation of the mail order system by the Ohio's best Rx program administrator;

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

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

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

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

(B) The state medicaid plan shall include provision of the following

mental health services when provided by community mental health facilities:

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

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

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

(4) Subject to receipt of federal approval, assertive community treatment and intensive home-based mental health services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

continuation of the trust fund or to the use of moneys in the trust fund.

Sec. 5123.352. There is hereby created in the state treasury the community mental retardation and developmental disabilities trust fund. The director of mental retardation and developmental disabilities, not later than sixty days after the end of each fiscal year, shall certify to the director of budget and management the amount of all the unexpended, unencumbered balances of general revenue fund appropriations made to the department of mental retardation and developmental disabilities for the fiscal year, excluding appropriations for rental payments to the Ohio public facilities commission, and the amount of any other funds held by the department in excess of amounts necessary to meet the department's operating costs and obligations pursuant to this chapter and Chapter 5126. of the Revised Code. On receipt of the certification, the director of budget and management shall transfer cash to the trust fund in an amount up to, but not exceeding, the total of the amounts certified by the director of mental retardation and developmental disabilities, except in cases in which the transfer will involve more than twenty million dollars. In such cases, the director of budget and management shall notify the controlling board and must receive the board's approval of the transfer prior to making the transfer.

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

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

~~commissioner exceed the amount of the state's share of undivided inheritance taxes in the county treasury, the county auditor shall certify the amount of the excess to the tax commissioner, who shall certify the amount to the director of budget and management. The director shall provide for payment of the excess from the general revenue fund to the county treasury, and the county auditor shall draw warrants on the county treasurer in favor of the appropriate fee funds or officers.~~

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

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

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

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

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

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

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

~~Revised Code.~~

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

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

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 defined by either section 101 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or section 6301.01 of the Revised Code, and subrecipients of a local area shall establish a ~~county~~ workforce development fund; and the entity receiving the funds shall deposit all funds received under this section into the ~~county~~ workforce development fund. All expenditures for activities funded under this section shall be made from the ~~county~~ workforce development fund.

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

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

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

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

SECTION 2. That existing sections 9.24, 102.02, 123.01, 123.10, 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 152.09, 175.21, 1503.05, 3311.059, 3327.01, 3334.01, 3383.09, 3701.881, 3712.09, 3734.02, 3734.18, 3734.57, 3769.021, 3769.087, 3770.07, 3781.19, 4701.03, 4707.05, 4723.431, 4758.20, 4758.40, 4758.41, 4758.42, 4758.55, 4758.56, 4758.57, 4758.58, 4758.59, 4758.61, 5101.27, 5110.35, 5111.022, 5111.87, 5119.18, 5123.352, 5731.47, 5731.48, and 6301.03 and sections 152.101 and 901.85

of the Revised Code are hereby repealed.

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

		Reappropriations
SECTION 3.01.	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	
CAP-773	Governor's Residence Restoration	\$ 4,705
CAP-786	Rural Areas Community Improvements	\$ 365,000
CAP-804	Day Care Centers	\$ 6,472
CAP-817	Urban Areas Community Improvements	\$ 1,058,900
	Total Department of Administrative Services	\$ 1,435,077

RURAL AREAS COMMUNITY IMPROVEMENTS

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

URBAN AREAS COMMUNITY IMPROVEMENTS

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

		Reappropriations
SECTION 3.02.	AFC ARTS AND SPORTS FACILITIES COMMISSION	

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

COOPER STADIUM RELOCATION FEASIBILITY STUDY

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

Reappropriations

SECTION 3.03. OHS OHIO HISTORICAL SOCIETY

CAP-745	Historic Sites/Museums - Emergency Repair	\$	30,721
Total Ohio Historical Society		\$	30,721

Reappropriations

SECTION 3.04. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-245	Millcreek Valley Conservancy District	\$	230,503
CAP-702	Upgrade Underground Fuel Tanks	\$	296,963
CAP-703	Cap Abandoned Water Wells	\$	357,481
CAP-823	Cost Sharing-Pollution Abatement	\$	33,614
CAP-847	Assistance to Local Governments for Conservation Works of Improvement	\$	25,000
CAP-848	Hazardous Dam Repair	\$	91,521
CAP-875	Ohio River Access	\$	100,000
CAP-929	Hazardous Waste/Asbestos Abatement	\$	286,154
CAP-931	Wastewater/Water Systems Upgrades	\$	32,205
CAP-932	Wetlands/Waterfront Development and Acquisition	\$	32,460
CAP-942	Local Parks Projects	\$	80,225
CAP-969	Frost-Parker Wetlands Preserve	\$	4,760
CAP-999	Geographic Information Management System	\$	1,085
Total Department of Natural Resources		\$	1,571,971
TOTAL GRF General Revenue Fund		\$	3,462,769

LOCAL PARKS PROJECTS

From the foregoing appropriation item CAP-942, Local Parks Projects, \$75,000 shall be granted for the Liberty Township Playground.

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

SECTION 74. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Wildlife Fund (Fund 015) that are not otherwise appropriated:

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

SECTION 75. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 021) that are not otherwise appropriated:

		Reappropriations
SFC SCHOOL FACILITIES COMMISSION		
CAP-622	Public School Buildings	\$ 26,998,886
CAP-778	Exceptional Needs	\$ 1,440,286
CAP-783	Emergency School Building Assistance	\$ 15,000,000
Total School Facilities Commission		\$ 43,439,172
TOTAL Public School Building Fund		\$ 43,439,172

PUBLIC SCHOOL BUILDINGS

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

SECTION 76. The items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety

Fund (Fund 036) that are not otherwise appropriated:

		Reappropriations
DHS DEPARTMENT OF PUBLIC SAFETY		
CAP-045	Platform Scales Improvements	\$ 400,000
CAP-059	Patrol Post ADA Compliance	\$ 250,000
CAP-065	Replace Windows at the Academy	\$ 79,000
CAP-071	Construct Georgetown Patrol Post	\$ 41,240
CAP-072	Patrol Academy Infrastructure Improvements	\$ 41,355
CAP-074	Construct Warren District Blue Title Facility	\$ 39,585
CAP-077	Van Wert Patrol Post	\$ 1,700,000
Total Department of Public Safety		\$ 2,551,180
TOTAL Highway Safety Fund		\$ 2,551,180

SECTION 77. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Waterways Safety Fund (Fund 086) that are not otherwise appropriated:

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

SECTION 78. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Underground Parking Garage Operating Fund (Fund 208) that are not otherwise appropriated:

		Reappropriations
CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD		
CAP-003	Renovate Garage Offices	\$ 127,194
CAP-004	Emergency Generator and Lighting System	\$ 200,000
CAP-007	Garage Elevator Upgrades	\$ 5,670
CAP-008	Install Garage Oil Interceptor System	\$ 60,000
CAP-009	Garage Fire Suppression System	\$ 1,050,000
Total Capitol Square Review and Advisory Board		\$ 1,442,864
TOTAL Underground Parking Garage Operating Fund		\$ 1,442,864
UNDERGROUND PARKING GARAGE FIRE SUPPRESSION		

SYSTEM

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

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

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

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

		Reappropriations
JFS DEPARTMENT OF JOB AND FAMILY SERVICES		
CAP-702	Central Office Building Renovations	\$ 16,000,000
Total Department of Job and Family Services		\$ 16,000,000
TOTAL Special Administrative Fund		\$ 16,000,000

CENTRAL OFFICE BUILDING RENOVATIONS SPENDING AND REPAYMENT PLAN

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

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

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

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

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

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

ADJUTANT GENERAL

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

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

DEPARTMENT OF COMMERCE

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

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

Reappropriations

OVH OHIO VETERANS' HOME

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

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

Reappropriations

SFC SCHOOL FACILITIES COMMISSION

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

CLASSROOM FACILITIES ASSISTANCE PROJECTS

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

EXCEPTIONAL NEEDS PROGRAM

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

SECTION?16. 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 Revitalization Fund (Fund 003) that are not otherwise appropriated:

Reappropriations

DEV DEPARTMENT OF DEVELOPMENT

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

SECTION?17. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Highway Safety

Building Fund (Fund 025) that are not otherwise appropriated:

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

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

		Reappropriations
SECTION 18.01. ADJ ADJUTANT GENERAL		
CAP-032	Upgrade Underground Storage Tanks	\$ 46,078
CAP-034	Asbestos Abatement - Various Facilities	\$ 154,750
CAP-036	Roof Replacement - Various Facilities	\$ 892,145
CAP-038	Electrical System - Various Facilities	\$ 774,521
CAP-039	Camp Perry Facility Improvements	\$ 530,239
CAP-043	Renovate/Expand Existing Eaton Facility	\$ 800,498
CAP-044	Replace Windows/Doors - Various Facilities	\$ 878,911
CAP-045	Plumbing Renovations - Various Facilities	\$ 345,503
CAP-046	Paving Renovations - Various Facilities	\$ 1,439,575
CAP-050	HVAC Systems - Various Facilities	\$ 607,319
CAP-052	Cincinnati Shadybrook Armory	\$ 2,149,705
CAP-054	Construct Camp Perry Administration Building	\$ 6,540
CAP-055	Hillsboro Armory Renovations	\$ 478,974
CAP-056	Masonry Renovations - Various Facilities	\$ 395,599
CAP-057	Sewer Improvement - Rickenbacker	\$ 1,300
CAP-058	Construct Cincinnati Armory	\$ 283,775
CAP-059	Construct Bowling Green Armory	\$ 357,411
CAP-060	Facility Protection Measures	\$ 590,061
CAP-061	Repair/Renovate Waste Water System	\$ 200,000
CAP-062	Construct Coshocton Armory	\$ 950,600
CAP-064	Bowling Green Armory Construction/Local	\$ 1,000,000
	Total Adjutant General	\$ 12,883,504

NEW ARMORY CONSTRUCTION

The foregoing appropriation item CAP-059, Construct Bowling Green Armory, shall be used to fund the state's share of the cost of building a basic armory in the Bowling Green area, including the cost of site acquisition, site

preparation, and planning and design. Appropriations shall not be released for this item without a certification by the Adjutant General to the Director of Budget and Management that sufficient moneys have been allocated for the federal share of the cost of construction.

		Reappropriations
SECTION 18.02. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES		
CAP-773	Governor's Residence Renovations	\$ 4,705
CAP-809	Hazardous Substance Abatement	\$ 1,688,120
CAP-811	Health/EPA Laboratory Facilities	\$ 20,840,003
CAP-813	Heer Building Renovation	\$ 1,500,000
CAP-822	Americans with Disabilities Act	\$ 1,535,675
CAP-826	Office Services Building Renovation	\$ 1,250,000
CAP-827	Statewide Communications System	\$ 72,787,285
CAP-834	Capital Improvements Tracking System	\$ 407,600
CAP-835	Energy Conservation Projects	\$ 1,817,260
CAP-837	Major Computer Purchases	\$ 1,824,884
CAP-838	SOCC Renovations	\$ 2,148,691
CAP-844	Hamilton State/Local Government Center - Planning	\$ 57,500
CAP-848	ODOT Building Boiler Replacement	\$ 155,981
CAP-849	Facility Planning and Development	\$ 4,445,184
CAP-850	Education Building Renovations	\$ 308,482
CAP-852	North High Building Complex Renovations	\$ 2,689,102
CAP-855	Office Space Planning	\$ 70,300
CAP-859	eSecure Ohio	\$ 2,500,000
CAP-860	Structured Cabling	\$ 397,155
CAP-864	eGovernment Infrastructure	\$ 1,047,000
CAP-865	DAS Building Security	\$ 78,100
CAP-867	Lausche Building Connector	\$ 963,200
Total Department of Administrative Services		\$ 118,516,627

HAZARDOUS SUBSTANCE ABATEMENT IN STATE FACILITIES

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

Prior to the release of funds for asbestos abatement, the Department of Administrative Services shall review proposals from state agencies to use these funds for asbestos abatement projects based on criteria developed by the Department of Administrative Services. Upon a determination by the Department of Administrative Services that the requesting agency cannot fund the asbestos abatement project or other toxic materials removal through existing capital and operating appropriations, the department may request the release of funds for such projects by the Controlling Board. State agencies intending to fund asbestos abatement or other toxic materials removal through existing capital and operating appropriations shall notify

the Director of Administrative Services of the nature and scope prior to commencing the project.

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

IMPLEMENTATION OF AMERICANS WITH DISABILITIES ACT

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

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

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

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM

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

The foregoing appropriation item CAP-827, Statewide Communications System, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, multi-agency equipment at the Emergency Operations Center/Joint Dispatch Facility, computer and telecommunication equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers and

between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds.

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

ENERGY CONSERVATION PROJECTS

The foregoing appropriation item CAP-835, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Department of Administrative Services shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item.

Reappropriations

SECTION?18.03. AGE DEPARTMENT OF AGING

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

Reappropriations

SECTION?18.04. AGR DEPARTMENT OF AGRICULTURE

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

Reappropriations

SECTION?18.05. AGO ATTORNEY GENERAL

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

Reappropriations

SECTION 18.06. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

CAP-010	Capitol Rotunda Renovations	\$	500,000
CAP-011	Statehouse Security Improvements	\$	34,316
CAP-014	Statehouse Grounds Repair/Improvements	\$	500,000
Total Capitol Square Review and Advisory Board		\$	1,034,316

Reappropriations

SECTION 18.07. COM DEPARTMENT OF COMMERCE

CAP-012	Fire Academy Architectural Plan	\$	26,500
Total Department of Commerce		\$	26,500

Reappropriations

SECTION 18.08. EXP EXPOSITIONS COMMISSION

CAP-037	Electric and Lighting Upgrade	\$	2,488,929
CAP-046	Land Acquisition	\$	866,662
CAP-051	Roof Renovations	\$	2,602
CAP-052	Sewer Separation	\$	1,536,578
CAP-053	Multipurpose Agricultural Center	\$	2,671
CAP-056	Building Renovations - 2	\$	1,009,813
CAP-057	HVAC Planning	\$	2,001
CAP-063	Facility Improvements and Modernization Plan	\$	700,000
CAP-064	Replacement of Water Lines	\$	16,209
CAP-066	Stairtower Replacement	\$	1,427
CAP-068	Masonry Renovations	\$	131,334
CAP-069	Restroom Renovations	\$	502,060
CAP-072	Emergency Renovations and Equipment Replacement	\$	501,578
Total Expositions Commission		\$	7,761,864

Reappropriations

SECTION 18.09. DEPARTMENT OF HEALTH

CAP-003	Building Renovation & Telecomm	\$	800,000
Total Department of Health		\$	800,000

Reappropriations

SECTION 18.10. JSC JUDICIARY/SUPREME COURT

CAP-001	Ohio Courts Building Renovations	\$	1,381,580
Total Judiciary/Supreme Court		\$	1,381,580

EXEMPT FROM PER CENT FOR ARTS PROGRAM

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.

OHIO COURTS BUILDING

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.

Reappropriations

SECTION 18.11. DNR DEPARTMENT OF NATURAL RESOURCES

CAP-741	DNR Communications System	\$	51,894
CAP-742	Fountain Square Building and Telephone System Improvements	\$	1,003,878
CAP-744	Multi-Agency Radio Communications Equipment	\$	3,062,468
CAP-867	Reclamation Facility Renovation and Development	\$	225,000
CAP-928	Handicapped Accessibility	\$	39,654
CAP-934	District Office Renovations and Development	\$	868,025
Total Department of Natural Resources		\$	5,250,919

Reappropriations

SECTION 18.12. DHS DEPARTMENT OF PUBLIC SAFETY

CAP-053	Construct EMA/EOC and Office Building	\$	6,605
CAP-054	Multi-Agency Radio Communications System	\$	658,151
CAP-056	Emergency Operations Center Equipment	\$	1,502
CAP-067	VHF Radio System Improvements	\$	306,102
CAP-078	Upgrade/Replacement - State EOC Equipment	\$	810,000
Total Department of Public Safety		\$	1,782,360

Reappropriations

SECTION 18.13. OSB SCHOOL FOR THE BLIND

CAP-745	Roof Improvements on the School and Cottage	\$	295,657
CAP-751	Upgrade Fire Alarm System	\$	73,878
CAP-757	Bathroom Handicapped Accessibility	\$	20,956
CAP-764	Electric System Improvements	\$	44,000
CAP-772	Boiler Replacement	\$	449,220
CAP-773	School Residential Hot Water	\$	605,000
CAP-780	Residential Renovations	\$	17,580
Total Ohio School for the Blind		\$	1,506,291

ROOF IMPROVEMENT SCHOOL AND COTTAGE

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

RESIDENTIAL RENOVATIONS

The amount reappropriated for appropriation item CAP-780, Residential Renovations is \$10,537 plus the unencumbered and unallotted balances as of June 30, 2004 in appropriation items CAP-780 Residential Renovations and CAP-752 Equipment Storage Building.

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

DORMITORY RENOVATIONS

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

			Reappropriations
SECTION 18.15. OVH OHIO VETERANS' HOME			
CAP-775	Emergency Generator	\$	600,000
Total Ohio Veterans' Home			\$ 600,000

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

VOTING MACHINES

The foregoing appropriation item CAP-002, Voting Machines, shall be used to purchase upgraded voting equipment. Appropriation item CAP-002, Voting Machines, shall match federal funds provided through the Help America Vote Act of 2002.

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

			Reappropriations
DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
STATEWIDE AND CENTRAL OFFICE PROJECTS			
CAP-002	Local Jails	\$	24,107,550
CAP-003	Community-Based Correctional Facilities	\$	16,839,357

CAP-004	Site Renovations	\$	1,385,239
CAP-007	Asbestos Removal	\$	1,093,777
CAP-008	Powerhouse/Utility Improvements	\$	2,964,941
CAP-009	Water System/Plant Improvements	\$	7,472,549
CAP-010	Industrial Equipment - Statewide	\$	842,907
CAP-011	Roof/Window Renovations - Statewide	\$	979,430
CAP-012	Shower/Restroom Improvements	\$	1,506,660
CAP-015	Underground Storage Tanks Improvements	\$	37,789
CAP-017	Security Improvements - Statewide	\$	3,885,429
CAP-026	Waste Water Treatment Facilities	\$	49,437
CAP-028	Power House Improvements	\$	55,661
CAP-041	Community Residential Program	\$	5,693,543
CAP-043	Design/Construct/Parole Detention Centers	\$	149,288
CAP-044	Lightening Protection Plan	\$	1,504
CAP-087	Correctional Camp	\$	8,079
CAP-105	Special Counsel - Coit Road	\$	77,417
CAP-109	Statewide Fire Alarm Systems	\$	179,647
CAP-111	General Building Renovations	\$	12,795,525
CAP-129	Water Treatment Plants - Statewide	\$	651,500
CAP-140	Boot Camp/Substance Abuse Offenders	\$	336,709
CAP-141	Multi-Agency Radio System Equipment	\$	2,550,651
CAP-142	Various Facility Medical Services	\$	837,716
CAP-143	Perimeter Security, Lighting, Alarms, and Sallyports	\$	2,243,962
CAP-186	Close Custody Prison and Camp	\$	5,000,000
CAP-187	Mandown Alert Communication System - Statewide	\$	5,382,422
CAP-188	Manufacturing/Storage Building Additions - Statewide	\$	159,300
CAP-189	Tuck-pointing - Statewide	\$	124,847
CAP-238	Electrical Systems Upgrades	\$	175,025
CAP-239	Emergency Projects	\$	2,014,537
CAP-240	State Match for Federal Prison Construction Funds	\$	1,787,819
CAP-302	OPI Shops Renovation - Statewide	\$	75,000
	Total Statewide and Central Office Projects	\$	101,465,217

GENERAL BUILDING RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-111, General Building Renovations, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-111, General Building Renovations, plus \$1,170,818.

ALLEN CORRECTIONAL INSTITUTION

CAP-304	Lift Station By-pass - ACI	\$	189,546
	Total Allen Correctional Institution	\$	189,546

BELMONT CORRECTIONAL INSTITUTION

CAP-094	Belmont Correctional Institution	\$	223,493
CAP-241	Inmate Health Services Renovations - BECI	\$	2,389,974
	Total Belmont Correctional Institution	\$	2,613,468

CHILLICOTHE CORRECTIONAL INSTITUTION

CAP-045	Perimeter Fence Replacement	\$	31,423
CAP-046	Showers/Restroom Renovations	\$	66,527
CAP-048	Control Room Security Improvements	\$	3,270
CAP-113	Fire Alarm, Egress System Improvements	\$	106,733
CAP-114	Emergency Lighting Renovations	\$	94,574
CAP-115	Roof Renovations	\$	141,311

CAP-145	Plumbing Renovations	\$	216
CAP-146	Renovate Food Service Area - CCI	\$	199,900
CAP-177	Convert Warehouse to Dormitory	\$	596
CAP-190	Utility Improvements	\$	125,700
CAP-191	Life & Fire Safety Improvements - CCI	\$	171,749
CAP-192	Hot Water System Improvements - CCI	\$	11,711
CAP-254	Boiler House Renovations	\$	1,182,550
CAP-255	Replace Windows and Doors	\$	591,125
CAP-257	Emergency Generator Improvements	\$	392,174
CAP-258	Sewer Upgrades	\$	287,002
CAP-314	Emergency Tunnel Repair	\$	95,553
Total Chillicothe Correctional Institution		\$	3,502,116

CORRECTIONAL RECEPTION CENTER

CAP-320	Fire Alarm - CRC	\$	268,280
Total Correctional Reception Center		\$	268,280

CORRECTIONS MEDICAL CENTER

CAP-318	Fire Alarm - CMC	\$	129,045
Total Corrections Medical Center		\$	129,045

CORRECTIONS TRAINING ACADEMY

CAP-148	Roof Replacement	\$	21,110
CAP-149	New Classroom Building	\$	816,962
CAP-193	AT Building Roof Replacement	\$	141,132
CAP-194	Construct Conference Center	\$	12,314
Total Corrections Training Academy		\$	991,518

DAYTON CORRECTIONAL INSTITUTION

CAP-195	Hot Water System Improvements - DCI	\$	400,000
CAP-242	Shower Renovations - DCI	\$	224,725
CAP-319	Roof Renovations - DCI	\$	145,975
Total Dayton Correctional Institution		\$	770,700

FRANKLIN PRE-RELEASE CENTER

CAP-316	Roof Renovation - FPRC	\$	41,672
Total Franklin Pre-Release Center		\$	41,672

GRAFTON CORRECTIONAL INSTITUTION

CAP-196	Camp Egress System Improvements - GCI	\$	420,856
Total Grafton Correctional Institution		\$	420,856

HOCKING CORRECTIONAL FACILITY

CAP-053	General Building Renovations	\$	3,414
CAP-054	Water Tower Improvements	\$	3,000
CAP-306	Parking Lot Improvements - HCF	\$	67,360
Total Hocking Correctional Facility		\$	73,774

LAKE ERIE CORRECTIONAL INSTITUTION

CAP-144	Medium/Minimum Security Privatized Prison	\$	142,435
Total Lake Erie Correctional Institution		\$	142,435

LEBANON CORRECTIONAL INSTITUTION

CAP-055	Institution Roof Replacement	\$	39,500
CAP-056	Kitchen Renovations	\$	6,641
CAP-057	Shower Pan/Drain Renovations	\$	7,289
CAP-118	Water Tower Renovations	\$	25,878
CAP-119	Masonry Improvements - LECI	\$	308,074
CAP-197	Cell Door Lock Replacement - LECI	\$	321,100
CAP-198	Water Treatment Plant - LECI	\$	1,329,823

CAP-282	Emergency Electrical Upgrade - LECI	\$	28,614
CAP-285	Bar Screen Replacement	\$	147,713
CAP-300	Water Softener Replacement	\$	225,008
Total Lebanon Correctional Institution		\$	2,439,640

LONDON CORRECTIONAL INSTITUTION

CAP-059	Convert Brush Factory to Dormitory	\$	809
CAP-122	Master Plan Building/Renovations	\$	872,355
CAP-157	London Camp Renovation Project	\$	14,955
CAP-201	Water Treatment Plant Addition	\$	62,670
CAP-245	Bridge Replacement - LOCI	\$	3,424
CAP-261	Roof Replacement	\$	687,506
CAP-283	Gas Boiler Installation - LOCI	\$	45,144
CAP-308	Electric Upgrades - LOCI	\$	250,000
CAP-309	Building Demolition - LOCI	\$	500
Total London Correctional Institution		\$	1,937,363

LORAIN CORRECTIONAL INSTITUTION

CAP-303	Auger Replacement - LLORCL	\$	500
Total Lorain Correctional Institution		\$	500

MADISON CORRECTIONAL INSTITUTION

CAP-176	Madison Classroom Renovation	\$	15,600
CAP-263	Upgrade Emergency Electrical Service	\$	541,036
CAP-264	Sewage Station Upgrade	\$	13,285
CAP-286	Juvenile Unit Remodeling - Madison	\$	2,177
CAP-288	Water Softener System - Madison	\$	40,372
CAP-315	Roof Replacement - MACL	\$	206,750
Total Madison Correctional Institution		\$	819,220

MANSFIELD CORRECTIONAL INSTITUTION

CAP-088	Mansfield Correctional Camp	\$	5,761
CAP-123	Smoke Removal/Sprinkler System Improvements	\$	4,330
CAP-159	Power Pole Replacement	\$	16,800
CAP-305	Site Improvements - MNCI	\$	314,375
CAP-307	Network Wiring - MNCI	\$	886,675
Total Mansfield Correctional Institution		\$	1,227,941

MARION CORRECTIONAL INSTITUTION

CAP-033	Telephone System	\$	2,957
CAP-065	Sewage Lift Station Renovations	\$	8,863
CAP-067	Roof Replacement	\$	22,725
CAP-124	Fire Sprinkler System Improvements	\$	130,344
CAP-172	Marion Camp Shower Renovation	\$	1,313
CAP-207	HVAC Improvements - Administration Building	\$	31,185
CAP-208	Hot Water Tank Replacement	\$	953,766
CAP-246	Exterior Window Replacement - MCI	\$	254,880
CAP-247	Plumbing Upgrades - MCI	\$	193,142
CAP-294	Asphalt Paving - MCI	\$	7,380
CAP-295	Sanitary Manhole Sewer - MCI	\$	112,234
Total Marion Correctional Institution		\$	1,718,789

NORTH COAST CORRECTIONAL TREATMENT FACILITY

CAP-001	New Prison Construction	\$	73,163
Total North Coast Correctional Treatment Facility		\$	73,163

NORTHEAST PRE-RELEASE CENTER

CAP-209	Security Improvements - NEPRC	\$	117,462
Total Northeast Pre-Release Center		\$	117,462

OAKWOOD CORRECTIONAL FACILITY

CAP-162	Renovate East Wing Plumbing	\$	21,969
CAP-163	Install Positive Latching Devices	\$	74,977
Total Oakwood Correctional Facility		\$	96,945

OHIO REFORMATORY FOR WOMEN

CAP-040	Dormitory Housing - ORW	\$	6,452
CAP-074	Fire Alarm System Improvements	\$	5,798
CAP-125	Replacement Dormitory	\$	11,669
CAP-165	Master Plan Building/Renovations - ORW	\$	262,305
CAP-210	Replacement Dormitory - ORW	\$	772,090
CAP-211	Renovate J.G. Cottage	\$	8,880
CAP-212	Powerhouse Renovation & Replumbing	\$	1,250,000
CAP-216	Elevator Renovation	\$	26,109
CAP-217	Perimeter Lighting Improvements	\$	53,566
CAP-218	Rewire Harmon Building	\$	329,389
CAP-219	Fire Alarm System Improvements	\$	112,955
CAP-266	Construct New Medical and Food Services Building	\$	7,375,019
CAP-267	Renovate ARN Dorms	\$	449,843
CAP-268	Emergency Generator Improvements	\$	1,395,085
CAP-289	Perimeter Sec Fence	\$	639,406
CAP-296	Domestic Waterline Renovation	\$	51,491
CAP-301	500 Car Parking/Road Design - ORW	\$	24,080
CAP-317	Sanitary/Storm Sewer System Renovation - ORW	\$	332,050
Total Ohio Reformatory for Women		\$	13,106,187

OHIO STATE PENITENTIARY

CAP-110	Construct Maximum Security Facility	\$	124,679
CAP-291	New Exterior Recreation Units	\$	4,125,659
Total Ohio State Penitentiary		\$	4,250,337

PICKAWAY CORRECTIONAL INSTITUTION

CAP-062	Meat Processing Operation	\$	199,883
CAP-076	Laundry/Maintenance Shop/Farms Roof Renovation	\$	726
CAP-077	Shower Renovations	\$	15,349
CAP-222	Sludge Removal System Improvements	\$	897,118
CAP-223	Replacement of Unit A Dorm	\$	517,387
CAP-225	Water System Improvements	\$	85,876
CAP-226	Milk Processing Plant	\$	31,912
CAP-227	Roof Improvements	\$	393,306
CAP-228	Power House Improvements	\$	10,545
CAP-248	Replacement of Perimeter Fence - PCI	\$	152,495
CAP-252	Construct Meat Processing Plant	\$	823,588
CAP-269	Utility Tunnels Improvement	\$	382,729
CAP-274	Replacement of Segregation Housing	\$	4,806,750
CAP-292	Tunnel Renovation/Orient Complex	\$	30,139
CAP-297	Steam Waterline Replacement - PCI	\$	820,996
CAP-310	OPI Warehouse Addition - PCI	\$	1,537,241
CAP-312	Waste Water Treatment Plant	\$	7,583,125
Total Pickaway Correctional Institution		\$	18,289,165

RICHLAND CORRECTIONAL INSTITUTION

CAP-251	Construct Retaining Wall - RICL	\$	61,474
CAP-293	Asphalt Parking - RICL	\$	9,161
Total Richland Correctional Institution		\$	70,634

ROSS CORRECTIONAL INSTITUTION

CAP-147	Waste Water Treatment Plant	\$	6,120
CAP-229	Waste Water Treatment Plant - RCI	\$	6,849,581
CAP-276	Rubberized Roof Replacement	\$	200,104
CAP-311	Water Tower Renovation - RCI	\$	175,000
Total Ross Correctional Institution		\$	7,230,805

SOUTHEASTERN CORRECTIONAL INSTITUTION

CAP-133	Construct New Dining Hall	\$	8,822
CAP-134	Wastewater Treatment Storage Addition	\$	579,365
CAP-167	Master Plan Building/Renovations - SCI	\$	186,643
CAP-183	Two Story Dorm - SCI	\$	92,327
CAP-234	High Voltage Electrical System	\$	2,702,624
CAP-235	Construct Warehouse & Utility Buildings	\$	1,315,406
CAP-236	Construct Dining Hall - SCI	\$	682,650
CAP-237	Power Plant Improvements	\$	39,341
CAP-277	Powerhouse Boiler Improvements	\$	397,147
CAP-313	Perimeter Fence Upgrade - SCI	\$	1,375,977
Total Southeastern Correctional Institution		\$	7,380,300

SOUTHERN OHIO CORRECTIONAL FACILITY

CAP-034	Southern Ohio Telephone System	\$	9,943
CAP-135	SOCF Renovation and Improvements	\$	148,445
CAP-136	Waste Water Treatment Plant Improvements	\$	30,120
CAP-230	Waste Water Treatment Plant	\$	3,410,347
CAP-231	Gas Boiler Installation	\$	1,034,815
CAP-279	Powerhouse Domestic Hot Water Replacement	\$	198,534
CAP-287	Roof Renovations B Wing - SOCF	\$	18,494
CAP-322	Water Tower Renovations - SOCF	\$	75,000
Total Southern Ohio Correctional Facility		\$	4,925,698

TOLEDO CORRECTIONAL INSTITUTION

CAP-161	1000-Bed Close Security Prison	\$	1,118,383
Total Toledo Correctional Institution		\$	1,118,383

TRUMBULL CORRECTIONAL INSTITUTION

CAP-280	Door Control Switch Renovation	\$	141,799
CAP-281	Construct Psychiatric Residential Treatment Unit	\$	558,508
Total Trumbull Correctional Institution		\$	700,306

WARREN CORRECTIONAL INSTITUTION

CAP-284	Compound Lighting Upgrade	\$	57,807
CAP-290	Security Upgrades	\$	234,323
Total Warren Correctional Institution		\$	292,131
TOTAL Department of Rehabilitation and Correction		\$	174,827,327
TOTAL Adult Correctional Building Fund		\$	176,403,594

SECTION 19.01. LOCAL JAILS

From the foregoing appropriation item, CAP-002, Local Jails, the Department of Rehabilitation and Correction shall designate the projects involving the construction and renovation of county, multicounty, municipal-county, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 153.61 and 307.93 of the Revised Code, for which the Ohio Building Authority is authorized to

issue obligations. Notwithstanding any provisions to the contrary in Chapter 152. or 153. of the Revised Code, the Department of Rehabilitation and Correction may coordinate, review, and monitor the drawdown and use of funds for the renovation or construction of projects for which designated funds are provided.

The funding authorized under this section shall not be applied to any such facilities that are not designated by the Department of Rehabilitation and Correction. The amount of funding authorized under this section that may be applied to a project designated for initial funding after July 1, 2000, involving the construction or renovation of a county, multicounty, municipal-county, and multicounty-municipal jail facilities and workhouses, including correctional centers authorized under sections 153.61 and 307.93 of the Revised Code, shall not exceed \$35,000 per bed of the total allowable cost of the project in the case of construction of county and municipal-county jail facilities, workhouses, and correctional centers, or multicounty or multicounty-municipal jail facilities, workhouses, and correctional centers and shall not exceed 30 per cent of the total allowable cost of the project in the case of renovation of county, multicounty, municipal-county, and multicounty-municipal jail facilities, workhouses, and correctional centers. If a political subdivision is in the planning phase of constructing a multicounty or multicounty-municipal jail facility, workhouse, or correctional center on or before the effective date of this section, the Department of Rehabilitation and Correction shall fund that facility at \$42,000 per bed. Multicounty or multicounty-municipal jail facility construction projects initiated after the effective date of this section may be considered for, but are not entitled to be awarded, funding at \$42,000 per bed. The higher per bed award is at the discretion of the Department of Rehabilitation and Correction and is contingent upon available funds, the impact of the project, and inclusion of at least three counties in the project.

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

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

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

SECTION 19.02. COMMUNITY-BASED CORRECTIONAL FACILITIES

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

SECTION 19.03. COMMUNITY RESIDENTIAL PROGRAM RENOVATIONS

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

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

Reappropriations

DYS DEPARTMENT OF YOUTH SERVICES

CAP-004	Cuyahoga Juvenile Court Detention	\$	5,459,404
CAP-801	Fire Suppression/Safety/Security	\$	1,636,155
CAP-803	General Institutional Renovations	\$	3,787,255
CAP-812	Community Rehabilitation Centers	\$	916,913
CAP-821	Construct Maximum Security Facility	\$	172,327
CAP-828	Multi-Agency Radio System Equipment	\$	3,186

CAP-829	Local Juvenile Detention Centers	\$	10,844,623
CAP-831	Gym Expansion - Cuyahoga Hills Boys School	\$	649,290
CAP-832	72-Bed Unit Housing Addition - Ohio River Valley Correctional Center	\$	2,000
CAP-833	Security Renovations - Indian River	\$	1,996
CAP-837	Sanitary Safety/Renovations Indian River	\$	3,736,500
	Total Department of Youth Services	\$	27,209,649
	TOTAL Juvenile Correctional Building Fund	\$	27,209,649

SECTION 20.01. GENERAL INSTITUTIONAL RENOVATIONS

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

SECTION 20.02. COMMUNITY REHABILITATION CENTERS

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

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

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

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

SECTION 20.03. LOCAL JUVENILE DETENTION CENTERS

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

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

The Department of Youth Services shall comply with the guidelines set forth in this section, accept and review applications, designate projects, and determine the amount of state match funding to be applied to each project. The department shall, with the advice of the county or counties participating in a project, determine the funded design capacity of the detention centers that are designated to receive funding. Notwithstanding any provisions to the contrary contained in Chapter 152. or 153. of the Revised Code, the Department of Youth Services may coordinate, review, and monitor the drawdown and use of funds for the renovation and construction of projects for which designated funds are provided.

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

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

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

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

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

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

(B) The formula developed by the Department of Youth Services shall yield a percentage of state match ranging from 0 to 60 per cent based on the above factors. Notwithstanding the foregoing provisions, if a single county or multicounty system currently has no detention center beds, or if the

projected need for detention center beds as estimated by the Department of Youth Services is greater than 120 per cent of current detention center bed capacity, then the percentage of state match shall be 60 per cent. To determine the dollar amount of the state match for new construction projects, the percentage of state match is multiplied by \$125,000 per bed for detention centers with a designated capacity of 99 beds or less, and by \$130,000 per bed for detention centers with a design capacity of 100 beds or more. To determine the dollar amount of the state match for renovation projects the percentage match shall be multiplied by the actual cost of the renovation, provided that the cost of the renovation does not exceed \$100,000 per bed. The funding authorized under this section that may be applied to a construction or renovation project shall not exceed the actual cost of the project.

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

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

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

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

		Reappropriations	
AFC ARTS AND SPORTS FACILITIES COMMISSION			
CAP-003	Center of Science and Industry - Toledo	\$	12,268
CAP-004	Valentine Theatre	\$	1,111
CAP-005	Center of Science and Industry - Columbus	\$	181,636
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232

CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395
CAP-033	Woodward Opera House Renovation	\$	1,050,000
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126
CAP-038	Center Exhibit Replacement	\$	750,000
CAP-041	Cleveland Playhouse	\$	500,000
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000
CAP-043	Statewide Site Repairs	\$	454,000
CAP-046	Cincinnati Museum Center Improvements	\$	500,000
CAP-052	Akron Art Museum	\$	6,634,666
CAP-053	Powers Auditorium Improvements	\$	200,000
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000
CAP-057	Comprehensive Master Plan	\$	180,000
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200
CAP-061	Statewide Arts Facilities Planning	\$	35,931
CAP-063	Robins Theatre Renovations	\$	1,000,000
CAP-064	Bramley Historic House	\$	75,000
CAP-066	Delaware County Cultural Arts Center	\$	40,000
CAP-068	Perry County Historical Society	\$	100,000
CAP-069	Cleveland Institute of Art	\$	750,000
CAP-071	Cleveland Institute of Music	\$	750,000
CAP-072	West Side Arts Consortium	\$	138,000
CAP-074	Stan Hywet Hall & Gardens	\$	250,000
CAP-075	McKinley Museum Improvements	\$	125,000
CAP-076	Spring Hill Historic Home	\$	125,000
CAP-077	Western Reserve Ballet Improvements	\$	100,000
CAP-078	Midland Theatre	\$	175,000
CAP-079	Lorain Palace Civic Theatre	\$	200,000
CAP-080	Great Lakes Historical Society	\$	150,000
CAP-734	Hayes Presidential Center	\$	75,000
CAP-745	Historic Sites and Museums	\$	750,000
CAP-753	Buffington Island State Memorial	\$	91,500
CAP-770	Serpent Mound State Memorial	\$	295,000
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516
CAP-791	Harrison Tomb and Site Renovations	\$	149,500
CAP-796	Moundbuilders State Memorial	\$	530,000
CAP-806	Grant Boyhood Home Improvements	\$	68,333
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000
CAP-814	Crawford Museum of Transportation & Industry	\$	2,500,000
CAP-820	Historical Center Ohio Village Buildings	\$	502,000
CAP-821	Lorain County Historical Society	\$	300,000
CAP-822	Madison County Historic Schoolhouse	\$	40,000
CAP-823	Marion Palace Theatre	\$	825,000
CAP-824	McConnellsville Opera House	\$	75,000
CAP-825	Secrest Auditorium	\$	75,000
CAP-826	Renaissance Theatre	\$	50,000
CAP-827	Trumpet in the Land	\$	100,000
CAP-828	Becky Thatcher Showboat	\$	30,000
CAP-829	Mid Ohio Valley Players	\$	50,000
CAP-830	The Anchorage	\$	50,000
CAP-831	Wayne County Historical Society	\$	300,000
CAP-833	Promont House Museum	\$	200,000

CAP-836	Fairfield Outdoor Theatre	\$	100,000
CAP-837	Lake County Historical Society	\$	250,000
CAP-839	Hancock Historical Society	\$	75,000
CAP-840	Riversouth Development	\$	10,000,000
CAP-841	Ft. Piqua Hotel	\$	200,000
CAP-843	Marina District/Ice Arena Development	\$	4,000,000
Total Arts and Sports Facilities Commission		\$	43,970,114
TOTAL Arts and Sports Facilities Building Fund		\$	43,970,114

COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT CONTRACTS

Notwithstanding division (A) of section 3383.07 of the Revised Code, the Ohio Arts and Sports Facilities Commission, with respect to the foregoing appropriation item CAP-005, Center of Science and Industry - Columbus, may administer all or part of capital facilities project contracts involving exhibit fabrication and installation as determined by the Department of Administrative Services, the Center of Science and Industry - Columbus, and the Ohio Arts and Sports Facilities Commission in review of the project plans. The Ohio Arts and Sports Facilities Commission shall enter into a contract with the Center of Science and Industry - Columbus to administer the exhibit fabrication and installation contracts and such contracts are not subject to Chapter 123. or 153. of the Revised Code.

SPORTS FACILITIES IMPROVEMENTS - AKRON

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

REDS HALL OF FAME

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

MARINA DISTRICT/ICE ARENA DEVELOPMENT

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

SECTION 22.01. The Ohio Building Authority is hereby authorized to issue and sell, in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$1,000,000 in addition to the original issuance of obligations heretofore

authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in division (A)(5) of section 152.09 of the Revised Code, including construction as defined in division (H) of section 3383.01 of the Revised Code, of the Ohio arts facilities designated in Section 15.01 of H.B. 675 of the 124th General Assembly.

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

Reappropriations

**DNR DEPARTMENT OF NATURAL RESOURCES
STATEWIDE AND LOCAL PROJECTS**

CAP-012	Land Acquisition	\$	958,039
CAP-702	Upgrade Underground Fuel Storage Tanks	\$	999,294
CAP-703	Cap Abandoned Water Wells	\$	189,482
CAP-748	Local Parks Projects - Statewide	\$	3,406,183
CAP-751	City of Portsmouth Launch Ramp	\$	15,989
CAP-753	Project Planning	\$	118,360
CAP-766	South Fork Licking Watershed Study	\$	600
CAP-768	Grand River Wildlife Area	\$	2,700
CAP-788	Community Recreation Projects	\$	60,000
CAP-799	Village of Nelville Boat Ramp	\$	140,727
CAP-800	City of Gallipolis Courtesy Dock	\$	8,700
CAP-814	North of Rush Run Wildlife Area	\$	200
CAP-834	Appraisal Fees - Statewide	\$	77,265
CAP-844	Put-In-Bay Township Port Authority	\$	79,784
CAP-868	New Philadelphia Office Relocation	\$	1,500,000
CAP-881	Dam Rehabilitation	\$	14,998,701
CAP-900	City of Huron Docks	\$	46,786
CAP-928	Handicapped Accessibility	\$	743,285
CAP-929	Hazardous Waste/Asbestos Abatement	\$	102,857
CAP-931	Wastewater/Water Systems Upgrades	\$	9,439,572
CAP-932	Wetlands/Waterfront Acquisition	\$	223,481
CAP-934	Operations Facilities Development	\$	1,486,438
CAP-963	Fairpoint Harbor Port Authority	\$	103,293
CAP-995	Boundary Protection	\$	32,426
CAP-999	Geographic Information Management System	\$	779,501
	Total Statewide and Local Projects	\$	35,513,663

DIVISION OF CIVILIAN CONSERVATION

CAP-750	Quilter CCC Camp	\$	900
CAP-817	Riffe CCC Camp	\$	1,309
CAP-835	Civilian Conservation Facilities	\$	1,847,074
	Total Division of Civilian Conservation	\$	1,849,283

DIVISION OF FORESTRY

CAP-021	Mohican State Forest	\$	1,200
CAP-030	Shawnee State Forest	\$	1,300
CAP-073	Brush Creek State Forest	\$	5,850
CAP-146	Zaleski State Forest	\$	200
CAP-213	Shade River State Forest	\$	200
CAP-841	Operations and Maintenance Facility Development and Renovation	\$	1,489,212
CAP-977	Fernwood State Forest	\$	7,181
Total Division of Forestry		\$	1,505,143

DIVISION OF MINERAL RESOURCES MANAGEMENT

CAP-867	Reclamation Facilities Renovation and Development	\$	19,500
Total Division of Mineral Resources Management		\$	19,500

DIVISION OF NATURAL AREAS AND PRESERVES

CAP-006	Little Beaver Creek Nature Preserve	\$	1,500
CAP-826	Natural Areas and Preserves Maintenance/Facility Development	\$	788,056
CAP-831	Lake Katherine	\$	17,699
CAP-870	Little Miami Scenic River	\$	4,800
Total Division of Natural Areas		\$	812,055

DIVISION OF PARKS AND RECREATION

CAP-003	Barkcamp State Park	\$	3,025
CAP-005	Cowan Lake State Park	\$	34,684
CAP-010	East Harbor State Park	\$	41,329
CAP-016	Hueston Woods State Park	\$	2,500
CAP-017	Indian Lake State Park	\$	2,319
CAP-018	Kelleys Island State Park	\$	5,700
CAP-019	Lake Hope State Park	\$	500
CAP-025	Punderson Lake State Park	\$	8,997
CAP-026	Pymatuning State Park	\$	2,650
CAP-032	West Branch State Park	\$	6,243
CAP-037	Kiser Lake State Park	\$	10,616
CAP-051	Buck Creek State Park	\$	500
CAP-052	Buckeye Lake State Park	\$	74,746
CAP-060	East Fork State Park	\$	1,709
CAP-064	Geneva State Park	\$	750
CAP-069	Hocking Hills State Park	\$	472
CAP-089	Mosquito Lake State Park	\$	2,789
CAP-093	Portage Lakes State Park	\$	44,676
CAP-114	Beaver Creek State Park	\$	12,000
CAP-119	Forked Run State Park	\$	5,123
CAP-169	Lake White State Park	\$	3,100
CAP-222	Wolf Run State Park	\$	205,787
CAP-234	State Parks, Campgrounds, Lodges, and Cabins	\$	3,431,369
CAP-305	Maumee Bay State Park	\$	900
CAP-331	Park Boating Facilities	\$	5,411,873
CAP-390	State Park Maintenance/Facility Development	\$	1,803,182
CAP-718	Grand Lake St Marys State Park	\$	7,490
CAP-719	Indian Lake State Park	\$	7,610
CAP-758	Muskingum River Parkway Lock #7	\$	1,146
CAP-795	Headlands Beach State Park	\$	25,160
CAP-815	Mary Jane Thurston State Park	\$	4,700
CAP-825	Marblehead Lighthouse State Park	\$	1,233

CAP-829	Sycamore State Park	\$	500
CAP-836	State Park Renovations/Upgrading	\$	3,254,137
CAP-851	Cleveland Lakefront	\$	47,051
CAP-916	Lake Milton State Park	\$	46,509
Total Division of Parks and Recreation		\$	14,513,075
DIVISION OF SOIL AND WATER CONSERVATION			
CAP-810	New Facilities at Farm Science Review	\$	500
Total Division of Soil and Water Conservation		\$	500
DIVISION OF WATER			
CAP-705	Rehabilitate Canals, Hydraulic Works, and Support Facilities	\$	3,781,222
CAP-730	Miami and Erie Canal	\$	700
CAP-819	Rehabilitate/Automate - Ohio Ground Water Observation Well Network	\$	294,266
CAP-820	Automated Stream, Lake, and Ground Water Data Collection	\$	509,396
CAP-822	Flood Hazard Information Studies	\$	5,518
CAP-848	Hazardous Dam Repair - Statewide	\$	267,000
Total Division of Water		\$	4,858,102
TOTAL Department of Natural Resources		\$	59,071,321
TOTAL Ohio Parks and Natural Resources Fund		\$	59,071,321

SECTION 23.01. LAND ACQUISITION

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

MIAMI AND ERIE CANAL IMPROVEMENTS

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

LOCAL PARKS PROJECTS - STATEWIDE

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

DAM REHABILITATION

Of the foregoing appropriation item CAP-881, Dam Rehabilitation, up

to \$5,000,000 shall be used to rehabilitate the Muskingum River Locks and Dams.

SECTION 23.02. For the projects appropriated in Section 24 of this act, the Ohio Department of Natural Resources shall periodically prepare and submit to the Director of Budget and Management the estimated design, planning, and engineering costs of capital-related work to be done by the Department of Natural Resources for each project. Based on the estimates, the Director of Budget and Management may release appropriations from the foregoing appropriation item CAP-753, Project Planning, to pay for design, planning, and engineering costs incurred by the Department of Natural Resources for such projects. Upon release of the appropriations by the Director of Budget and Management, the Department of Natural Resources shall pay for these expenses from Fund 4S9, Capital Expenses, and be reimbursed by the Ohio Parks and Natural Resources Fund (Fund 031) using an intrastate voucher.

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

Reappropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-770	School Building Program Assistance	\$	11,319,352
CAP-779	Exceptional Needs	\$	602,365
	Total School Facilities Commission	\$	11,921,717
	TOTAL School Building Program Assistance Fund	\$	11,921,717

SCHOOL BUILDING PROGRAM ASSISTANCE

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

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

Reappropriations

SECTION 25.01. ADA DEPARTMENT OF ALCOHOL AND DRUG

ADDICTION SERVICES

CAP-001	Renovate Rollman Center	\$	41,236
CAP-002	Community Assistance Projects	\$	3,560,104
CAP-003	Alcohol/Drug Addiction Center	\$	7,314
Total Department of Alcohol and Drug Addiction Services		\$	3,608,654

COMMUNITY ASSISTANCE PROJECTS

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

Reappropriations

**SECTION 25.02. DMH DEPARTMENT OF MENTAL HEALTH
STATEWIDE AND CENTRAL OFFICE PROJECTS**

CAP-092	Hazardous Materials Abatement	\$	240,104
CAP-479	Community Assistance Projects	\$	1,281,313
CAP-906	Campus Consolidation-Automation	\$	307,487
CAP-946	Demolition	\$	126,012
CAP-976	Life Safety/Critical Plant Renovations	\$	147,387
CAP-977	Patient Care/Environment Improvement	\$	2,062,910
CAP-978	Infrastructure Renovations	\$	420,050
CAP-981	Emergency Improvements	\$	2,540,710
Total Department of Mental Health		\$	7,125,973

COMMUNITY ASSISTANCE PROJECTS

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

PATIENT CARE AND ENVIRONMENT IMPROVEMENTS

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

PATIENT ENVIRONMENT IMPROVEMENT CONSOLIDATION

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

Reappropriations

**SECTION 25.03. DMR DEPARTMENT OF MENTAL RETARDATION
AND DEVELOPMENTAL DISABILITIES
STATEWIDE PROJECTS**

CAP-001	Asbestos Abatement	\$	1,324,722
CAP-480	Community Assistance Projects	\$	15,366,610

CAP-901	Razing of Buildings	\$	369,502
CAP-912	Telecommunications Systems Improvement	\$	208,417
CAP-941	Emergency Generator Replacement	\$	88,942
CAP-955	Statewide Developmental Centers	\$	4,496,148
CAP-981	Emergency Improvements	\$	266,017
Total Statewide and Central Office Projects		\$	22,120,358

COMMUNITY ASSISTANCE PROJECTS

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

Of the foregoing appropriation item CAP-480, Community Assistance Projects, \$150,000 shall be used for the Fostoria Area Community Childhood and Family Center and \$1,000,000 shall be used for the Bellefaire Jewish Children's Bureau.

STATEWIDE DEVELOPMENTAL CENTERS APPLE CREEK DEVELOPMENTAL CENTER

CAP-790	Cortland Hall Renovation	\$	31,183
CAP-791	Jonathan Hall Renovation	\$	417,107
CAP-795	Ruby Hall Renovation	\$	277,500
CAP-940	Sewage Treatment Plant Renovation	\$	55,307
CAP-953	Door Replacements	\$	20,000
CAP-956	Apple Creek Developmental Center	\$	49,611
Total Apple Creek Developmental Center		\$	850,708

CAMBRIDGE DEVELOPMENTAL CENTER

CAP-711	Residential Renovations - CAMDC	\$	45,037
CAP-910	HVAC Renovations - Residential Buildings	\$	53,550
CAP-913	Cambridge HVAC Upgrade - Activity Center	\$	43,125
CAP-969	Utility Upgrade Centerwide	\$	50,000
Total Cambridge Developmental Center		\$	191,712

COLUMBUS DEVELOPMENTAL CENTER

CAP-852	Fire Alarm System Improvements	\$	39,295
CAP-958	Columbus Developmental Center	\$	245,368
Total Columbus Developmental Center		\$	284,663

GALLIPOLIS DEVELOPMENTAL CENTER

CAP-959	Gallipolis Developmental Center	\$	160,000
Total Gallipolis Developmental Center		\$	160,000

MONTGOMERY DEVELOPMENTAL CENTER

CAP-960	Montgomery Developmental Center	\$	91,172
Total Montgomery Developmental Center		\$	91,172

MOUNT VERNON DEVELOPMENTAL CENTER

CAP-080	Renovate Main Kitchen - Rian Hall	\$	71,143
CAP-101	Rian Hall Residential Renovations	\$	105,742
CAP-947	Replace Chiller	\$	67,865
CAP-962	Mount Vernon Developmental Center	\$	239,039
CAP-974	Pool/Gymnasium Renovation	\$	60,000
Total Mount Vernon Developmental Center		\$	543,789

NORTHWEST OHIO DEVELOPMENTAL CENTER

CAP-963	Northwest Ohio Developmental Center	\$	409,409
CAP-982	Cooling Tower Replacement	\$	50,000
Total Northwest Ohio Developmental Center		\$	459,409

SOUTHWEST OHIO DEVELOPMENTAL CENTER

CAP-863	Residential Renovation - HVAC Upgrade	\$	30,838
CAP-964	Southwest Ohio Developmental Center	\$	142,134
CAP-976	Renovation Program and Support Services Building	\$	162,100
Total Southwest Ohio Developmental Center		\$	335,072

SPRINGVIEW DEVELOPMENTAL CENTER

CAP-742	Administration Building Roof	\$	124,437
CAP-977	Roof Replacement	\$	203,468
Total Springview Developmental Center		\$	327,905

TIFFIN DEVELOPMENTAL CENTER

CAP-085	Roof Replacement - Dietary	\$	100,000
CAP-086	Replace Boiler Feedwater Heating and Storage Unit	\$	88,738
CAP-899	Utah & Nevada Buildings Renovation	\$	4,750
CAP-931	Roof and Exterior Renovations	\$	184,825
CAP-966	Tiffin Developmental Center	\$	192,528
Total Tiffin Developmental Center		\$	570,841

WARRENSVILLE DEVELOPMENTAL CENTER

CAP-088	Exterior Lighting Replacement	\$	38,000
CAP-867	Residential Renovations - WDC	\$	75,000
CAP-900	Water Line Replacement - WDC	\$	77,922
CAP-936	HVAC Renovations	\$	44,035
CAP-950	ADA Compliance - WDC	\$	41,435
CAP-951	Central Kitchen Improvements	\$	6,805
CAP-967	Warrensville Developmental Center	\$	39,217
Total Warrensville Developmental Center		\$	322,414
TOTAL Department of Mental Retardation and Developmental Disabilities		\$	26,258,043
TOTAL Mental Health Facilities Improvement Fund		\$	36,992,670

SECTION 25.04. The foregoing appropriations for the Department of Alcohol and Drug Addiction Services, CAP-002, Community Assistance Projects; Department of Mental Health, CAP-479, Community Assistance Projects; and Department of Mental Retardation and Developmental Disabilities, CAP-480, Community Assistance Projects, may be used on facilities constructed or to be constructed pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the Revised Code or the authority granted by section 154.20 of the Revised Code and the rules adopted pursuant to those

chapters and that section and shall be distributed by the Department of Alcohol and Drug Addiction Services, the Department of Mental Health, and the Department of Mental Retardation and Developmental Disabilities, subject to Controlling Board approval.

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

(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 that, because of their unique nature or location, will be owned or 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 Mental Health, Department of Mental Retardation and Developmental Disabilities, or Department of Alcohol and Drug Addiction Services, whichever is applicable, 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 no 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;

(3) Provide that procedures to be followed during the capital

improvement process will comply with appropriate applicable state statutes and rules, including provisions of this act.

SECTION 26. All items set forth in Sections 26.01 to 26.56 of this act are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) that are not otherwise appropriated:

SECTION 26.01.	OEB	OHIO	Reappropriations
TELECOMMUNICATIONS NETWORK COMMISSION			EDUCATIONAL
CAP-001	Educational Television and Radio Equipment	\$	1,650,617
CAP-002	Educational Broadcasting Fiber Optic Network	\$	51,748
Total Ohio Educational Telecommunications Network Commission			\$ 1,702,365

EDUCATIONAL TELEVISION AND RADIO EQUIPMENT

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

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.

SECTION 26.02. BOR BOARD OF REGENTS		Reappropriations
CAP-032	Research Facility Investment Loans/Grants	\$ 3,581,226
CAP-033	Child Care Facility - Matching Grants	\$ 742,695
CAP-060	Technology Initiatives	\$ 1,183,398
CAP-061	Central State Rehabilitation	\$ 207,012
CAP-062	Non Credit Job Training Facility Grants	\$ 5,985,000
CAP-068	Third Frontier Project	\$ 54,360,000
CAP-071	Center for Transitional and Applied Genomics	\$ 500,000
CAP-072	Cleveland Clinic Heart Center Infrastructure	\$ 1,000,000
CAP-073	Technology Incubator for Market-Ready Applications	\$ 2,000,000
Total Board of Regents		\$ 69,559,331

SECTION 26.03. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS

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.

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.

SECTION 26.04. REPAYMENT OF RESEARCH FACILITY INVESTMENT LOANS/GRANTS MONEYS

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

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

SECTION 26.05. CHILD CARE FACILITY - MATCHING GRANTS

The foregoing appropriation item CAP-033, Child Care Facility - Matching Grants, shall be used by the Board of Regents to make grants to state-supported or state-assisted institutions of higher education for projects to expand, construct, renovate space, or equip child care centers. All grants

shall be awarded on a 50 per cent match basis. In making grant awards, the Board of Regents shall give priority to:

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

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

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

SECTION 26.06. TECHNOLOGY INITIATIVES

The foregoing appropriation item CAP-060, Technology Initiatives, shall be used by the Board of Regents to support collaborative initiatives to improve the quality and efficiency of instruction, services, and program offerings at Ohio's state-assisted colleges and universities.

SECTION 26.07. THIRD FRONTIER PROJECT

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

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

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

applied.

SECTION 26.08. TECHNOLOGY INCUBATOR FOR MARKET-READY APPLICATIONS

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

SECTION 26.09. REIMBURSEMENT FOR PROJECT COSTS

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

Appropriations made in Sections 26.02 to 26.56 of this act for purposes of the costs of capital facilities, all or a portion of which costs the particular institution has paid from the institution's moneys that were temporarily available and which expenditures were reasonably expected at the time of the advance by the institution and the state to be reimbursed from the proceeds of obligations issued by the state, shall be directly paid to the institution in the full amounts of those payments and shall be timely applied to the reimbursement of those temporarily available moneys. All reimbursements are subject to review and approval through the capital release process.

SECTION 26.10. UAK UNIVERSITY OF AKRON		Reappropriations
CAP-008	Basic Renovations	\$ 3,394,867
CAP-047	Polsky Building Renovation	\$ 577,185
CAP-049	Basic Renovations - Wayne	\$ 270,316
CAP-054	Auburn Science/Whitby Rehabilitation	\$ 4,099,600
CAP-061	Asbestos Abatement	\$ 29,650
CAP-063	Child Care Facility	\$ 149,998

CAP-075	Infrastructure Materials/Rehabilitation	\$	102,932
CAP-076	Supercritical Fluid Technology	\$	17,500
CAP-080	UAK/Medina Technology Link	\$	43,307
CAP-081	Classroom/Office Building - Arts/Sciences	\$	21,710
CAP-091	Student Affairs Building	\$	1,235,626
CAP-095	Online Math	\$	29,305
CAP-097	Ohio NMR Consortium	\$	96,500
CAP-098	Guzzetta Hall Addition	\$	7,784,808
CAP-099	D Wing Expansion	\$	243,750
CAP-100	Classroom Office Addition-Design	\$	120,120
CAP-101	National Polymer Processing Center	\$	1,000,000
CAP-102	Scanning Raman Spectrometer	\$	635
CAP-104	Nanoscale Polymers Manufacturing	\$	237,500
CAP-105	Hydrogen Production and Storage	\$	169,000
CAP-107	Stan Hywet Hall and Gardens	\$	500,000
CAP-108	Weathervane Theatre, Akron	\$	100,000
CAP-109	Case Barlow Farm, Hudson	\$	100,000
CAP-110	Springfield HS/UAK Distance Learning Project	\$	382,000
	Total University of Akron	\$	20,706,309

Reappropriations

SECTION 26.11. BGU BOWLING GREEN STATE UNIVERSITY

CAP-009	Basic Renovations	\$	6,290,012
CAP-060	Basic Renovations - Firelands	\$	267,550
CAP-074	Instructional and Data Processing Equipment	\$	1,586,263
CAP-078	Asbestos Abatement	\$	1,584
CAP-088	ADA Modifications	\$	329,896
CAP-091	Child Care Facility	\$	49,406
CAP-093	Pedestrian Mall Project	\$	20,766
CAP-094	Materials Network	\$	90,981
CAP-104	Jerome Library Renovations	\$	89,146
CAP-105	Administration Building Elevators	\$	25,003
CAP-108	Tunnel Upgrade - Phase II	\$	98,820
CAP-109	Cedar Point Community Center	\$	862,684
CAP-110	Hannah Hall Rehabilitation	\$	2,005,522
CAP-112	Biology Lab Renovation	\$	1,199,595
CAP-113	Campus-Wide Paving/Sidewalk Upgrade	\$	352,700
CAP-114	Student Learning	\$	128,920
CAP-115	Video Teaching Network	\$	33,627
CAP-117	Administration Building Chiller	\$	2,475
CAP-118	Kinetic Spectrometry Consortium	\$	187,798
CAP-119	Admissions Visitor Center	\$	3,000,000
CAP-120	Theatre/Performing Arts Complex	\$	8,750,000
CAP-121	University Hall Rehabilitation	\$	1,174,981
CAP-122	Convocation Center	\$	50,000
	Total Bowling Green State University	\$	26,597,729

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-009, Basic Renovations, is the sum of the unencumbered and unallotted balances as of June 30, 2004, in appropriation items CAP-009,

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

Reappropriations

SECTION 26.12. CSU CENTRAL STATE UNIVERSITY

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

Reappropriations

SECTION 26.13. UCN UNIVERSITY OF CINCINNATI

CAP-009	Basic Renovations	\$	6,003,233
CAP-018	Basic Renovations - Clermont	\$	227,093
CAP-054	Raymond Walters Renovations	\$	146,415
CAP-115	Hazardous Waste	\$	6,648
CAP-122	Infrastructure Assessment	\$	1,639
CAP-125	Supplemental Renovations - Interior Spaces	\$	15,223
CAP-128	Science and Allied Health Building - Walters	\$	248,614
CAP-137	MSB Otolaryngology	\$	1,228
CAP-141	ADA Modifications	\$	239,535
CAP-142	ADA Modifications - Clermont	\$	6,039
CAP-143	ADA Modifications - Walters	\$	2,101
CAP-156	CFC Unit Replacement	\$	2,173
CAP-158	Molecular Components/Simulation Network	\$	14,154
CAP-171	Asbestos - Rieveschl Hall	\$	298,057
CAP-173	Surface Engineering	\$	69,428
CAP-174	Classroom/Teaching Lab Renovations	\$	55,965
CAP-176	Network Expansion	\$	19,000
CAP-177	Critical Building Component Renovations	\$	422,700
CAP-179	Rieveschl Rehabilitation	\$	27,240
CAP-180	Rapid Prototype Process	\$	72,043
CAP-182	Elevator - Critical Building Components	\$	33,271
CAP-187	MSB Small Group Learning Spaces	\$	1,125
CAP-188	HPB/Wherry Service Entrances	\$	24,454
CAP-193	Nano Particles	\$	1,103
CAP-194	Transgenic Core Capacity	\$	1,633

CAP-195	Thin Film Analysis	\$	110,452
CAP-196	Electronic Reconstruction	\$	1,784
CAP-197	Med Center Technology	\$	1,546
CAP-198	TC/Dyer Rehabilitation Phase 1A	\$	8,532
CAP-200	Braustein Rehabilitation Phase 1	\$	301
CAP-201	WC Faculty Media Center	\$	7,275
CAP-202	Baldwin Hall Rehabilitation - Phase I	\$	8,360
CAP-203	Zimmer Plaza & Auditorium Rehabilitation	\$	5,919
CAP-205	Medical Science Building Rehabilitation	\$	7,481,108
CAP-206	One Stop Services Center	\$	1,221,776
CAP-207	Central Campus Infrastructure	\$	327,727
CAP-208	Security System Upgrade	\$	54,483
CAP-209	Library Renovations	\$	900,500
CAP-211	Cincinnati Symphony Facility	\$	500,000
CAP-212	Roof Replacement - MSB Complex	\$	24,906
CAP-218	Creation of a P3 Facility	\$	500
CAP-223	Teachers College/Dyer Hall Rehabilitation Phase 2	\$	3,073,015
CAP-224	Van Wormer Administrative Building Rehabilitation	\$	642,423
CAP-226	Holocaust Archives at Hebron Union College	\$	250,000
CAP-227	Old Chemistry Roof and Masonry	\$	99,049
CAP-228	Medical Science Building Level G, 1 & 2 Lab Upgrades	\$	2,117
CAP-232	Expression Technology	\$	52,979
CAP-237	Biomedical Engineering	\$	231,816
CAP-244	Pulse Detonation Engine	\$	140,050
CAP-250	Student Services	\$	97,898
CAP-251	Information Technology	\$	15,972
CAP-252	Surgery Research Renovation Level G & 1	\$	3,566
CAP-253	Electron Photo Reagents	\$	62,055
CAP-254	Elevator Modernization - Sanders	\$	232,372
CAP-257	Micro and Nano-materials Consortium	\$	160,000
CAP-258	Genome Research	\$	176,439
CAP-259	Ohio NMR Consortium	\$	114,500
CAP-260	Environmental Technology Consortium	\$	50,000
CAP-262	Central Campus Renovations	\$	8,442
CAP-264	McMicken Window Replacement	\$	66,882
CAP-265	Rieveschl/Crosley Rehab/Expansion	\$	285,633
CAP-266	Muntz Rehab Phase 2	\$	77,623
CAP-267	Muntz Classroom/Office Upgrades	\$	16,297
CAP-269	Raymond Walters Veterinary College	\$	400,000
CAP-270	CAS HVAC Upgrades	\$	294,680
CAP-272	French West	\$	557
CAP-273	Help Phones	\$	43,754
CAP-276	Health Professionals Building G44E Renovation	\$	25,428
CAP-277	Rieveschl 800 Lab Reloc.	\$	705,147
CAP-278	Structural Biology	\$	500,000
CAP-279	Developmental Neurobiology	\$	500,000
CAP-283	College of Applied Science	\$	154,000
CAP-284	Mechanistic Modeling Tools	\$	60,000
CAP-285	Medical Science Building Library Computer Lab Renovation	\$	63,003
CAP-286	CAS Fire Alarm Upgrade	\$	618,174
CAP-287	Classroom Security System	\$	71,696
CAP-288	Doped Electroluminescent Devices	\$	100,000
CAP-289	Medical Science Building Data Electronic RM Walls	\$	29,965

CAP-290	Mainframe Computing Alliance	\$	104,727
CAP-291	Proteomics in the Post Genome Era	\$	1,000,000
CAP-292	Nanoscale Hybrid Materials	\$	600,287
CAP-293	Accelerated Maturation of Materials	\$	250,000
CAP-294	Hydrogen Production & Storage	\$	206,000
CAP-295	Edwards Corridors Tile	\$	26,801
Total University of Cincinnati		\$	30,208,640

BASIC RENOVATIONS

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

SCIENCE AND ALLIED HEALTH BUILDING - WALTERS

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

CLASSROOM/TEACHING LAB RENOVATIONS

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

ELEVATOR - CRITICAL BUILDING COMPONENTS

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

MSB SMALL GROUP LEARNING SPACES

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

TC/DYER REHABILITATION PHASE 1A

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

BRAUSTEIN REHABILITATION PHASE 1

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

BALDWIN HALL REHABILITATION - PHASE 1

The amount reappropriated for the foregoing appropriation item CAP-202, Baldwin Hall Rehabilitation - Phase 1, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-202, Baldwin Hall Rehabilitation - Phase 1, plus \$8,360.

MEDICAL SCIENCE BUILDING REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-205, Medical Science Building Rehabilitation, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-205, Medical Science Building Rehabilitation, plus \$274.

ONE STOP SERVICES CENTER

The amount reappropriated for the foregoing appropriation item CAP-206, One Stop Services Center, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-206, One Stop Services Center, plus \$1,260.

CREATION OF A P3 FACILITY

The amount reappropriated for the foregoing appropriation item CAP-218, Creation of a P3 Facility, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-218, Creation of a P3 Facility, plus \$500.

Reappropriations

SECTION 26.14. CLS CLEVELAND STATE UNIVERSITY

CAP-007	Stilwell Hall Completion	\$	25,160
CAP-023	Basic Renovations	\$	4,173,262
CAP-067	17th - 18th Street Block	\$	164,026
CAP-069	Great Lakes Museum for Science, Environment, and Technology	\$	200,000
CAP-088	Asbestos Abatement	\$	1,636,687
CAP-092	Handicapped Requirements	\$	17,148
CAP-101	Classroom Building Conversion	\$	50,000
CAP-109	Classroom Upgrade	\$	533,031
CAP-112	Land Acquisitions	\$	16,803
CAP-114	Geographic Information Systems	\$	77,738
CAP-117	Landscaping/Sidewalks/Stairs	\$	29,350
CAP-118	Structural Concrete Rehabilitation	\$	36,893
CAP-125	College of Education Building	\$	9,386,384
CAP-126	Electrical System Upgrades Phase 2	\$	1,072,619
CAP-127	Fire Alarm System Upgrade	\$	400,000
CAP-128	Property Acquisition	\$	2,886,556
CAP-130	WVIZ Technology Center	\$	1,000,000
CAP-135	Law Building Stair Renovation	\$	6,669
CAP-136	University Center HVAC Phase 1	\$	3,843
CAP-137	University Center Elevator Upgrades	\$	26,545
CAP-138	Student Services	\$	142,174

CAP-139	Landscape, Sidewalk Replacement	\$	5,845
CAP-142	Rhodes Tower Library Roof Replacement	\$	1,170,372
CAP-143	Cleveland Food Bank	\$	500,000
CAP-144	Rhodes Tower Plaza Renovation Phase 2	\$	1,300,000
CAP-145	Cleveland Manufactures Technology Complex	\$	500,000
CAP-146	Rhodes Tower Exterior Renovation	\$	56,709
Total Cleveland State University		\$	25,417,813

BASIC RENOVATIONS

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

Reappropriations**SECTION 26.15. KSU KENT STATE UNIVERSITY**

CAP-022	Basic Renovations	\$	4,061,411
CAP-098	Trumbull Branch Addition	\$	13,972
CAP-105	Basic Renovations - East Liverpool	\$	171,174
CAP-106	Basic Renovations - Geauga	\$	93,274
CAP-107	Basic Renovations - Salem	\$	178,129
CAP-108	Basic Renovations - Stark	\$	397,489
CAP-110	Basic Renovations - Ashtabula	\$	249,026
CAP-111	Basic Renovations - Trumbull	\$	618,878
CAP-112	Basic Renovations - Tuscarawas	\$	2,198
CAP-122	Faculty Office Addition - Salem	\$	12,072
CAP-126	HVAC Renovations - Ashtabula	\$	5,545
CAP-128	Roof Renovations - Ashtabula	\$	1,435
CAP-137	LCI/Materials Science Building	\$	24,730
CAP-139	Science Building - Stark	\$	54,890
CAP-140	Road Improvements - Trumbull	\$	12,282
CAP-143	Liquid Crystals	\$	450,884
CAP-146	Williams Hall Medium Voltage	\$	13,816
CAP-154	Separation Science	\$	1,497
CAP-156	Boiler Plant Controls and Building Alterations	\$	36,932
CAP-157	Moulton Hall Rehabilitation	\$	30,772
CAP-159	Electrical Substation/Fiber Optic Network	\$	51,993
CAP-161	Addition to Cunningham Hall	\$	80,149
CAP-162	Science and Technology Building - Trumbull	\$	125,374
CAP-164	ADA Modifications - Ashtabula	\$	6,772
CAP-166	ADA Modifications - Geauga	\$	440
CAP-167	ADA Modifications - Salem	\$	5,312
CAP-168	ADA Modifications - Stark	\$	620
CAP-173	Child Care Facility	\$	18,650
CAP-176	Midway Drive Utilities Tunnel - II	\$	100,087
CAP-177	Corporate Education and Conference Center, Phase 2 Stark	\$	28,556
CAP-179	New Power Plant	\$	125,445
CAP-184	Distributed Computation/Visualization	\$	33,833
CAP-188	Child Care Funds - East Liverpool	\$	90,000
CAP-189	Child Care Funds - Tuscarawas	\$	19,847

CAP-190	Child Care Funds - Ashtabula	\$	12,500
CAP-194	Child Care - Salem	\$	100,000
CAP-195	Child Care - Geauga	\$	20,666
CAP-196	Technology Improvements - Ashtabula	\$	282,331
CAP-197	Technology Improvements - Geauga	\$	6,044
CAP-198	Technology Improvements - Salem	\$	5,648
CAP-199	Technology Improvements - Trumbull	\$	72,860
CAP-200	Technology Improvements - Tuscarawas	\$	18,638
CAP-202	Utility Tunnel Upgrade	\$	133,929
CAP-206	Child Care Facility	\$	2,637
CAP-207	Kent Hall Planning and Addition	\$	1,650,674
CAP-210	Rooftop Air Handler	\$	600
CAP-212	Technology Building and Parking	\$	1,700,333
CAP-213	Electric Distribution Renovation	\$	36,396
CAP-214	Stark Selective Interior Renovation	\$	10,549
CAP-218	Henderson Hall Roof Replace/Masonry	\$	56,385
CAP-219	Campus Electrical Infrastructure Improvements	\$	22,181
CAP-220	Campus Steam System Evaluation & Upgrade	\$	297,556
CAP-221	Organic Semiconductor Facility	\$	60,000
CAP-225	MPA Based Template	\$	15,078
CAP-227	3D Microscopy Imaging	\$	287,100
CAP-228	Exterior Site Improvements	\$	2,159
CAP-231	Organic Semiconductor Consortium	\$	52,863
CAP-232	Ohio NMR Consortium	\$	80,800
CAP-233	Environmental Technology Consortium	\$	56,850
CAP-234	Terrace Drive Heating Plant Rehabilitation I	\$	2,254,722
CAP-235	Rehabilitation of Franklin Hall - Planning	\$	1,815,000
CAP-237	Classroom Building Interior Renovation - Tuscarawas	\$	1,015,746
CAP-238	Roof Replacement, Classroom Building	\$	169,002
CAP-239	Classroom Building Roof, Copping, Fascia Restoration	\$	581,919
CAP-240	Roadway Parking Lot Improvements Phase 1	\$	250,000
CAP-241	Main Hall Selective Interior Renovations - Phase 1	\$	146,547
CAP-243	Classroom Building Interior Renovations - East Liverpool	\$	804,594
CAP-244	Fine Arts Building Addition	\$	1,300,000
CAP-245	Rockwell Hall Sprinkler System	\$	1,018
CAP-246	Tuscarawas Wing C Penthouse Roof Replacement	\$	83,745
CAP-248	Mary Patterson Building Boiler Replacement	\$	119,631
CAP-250	Rockwell Hall Tunnel Waterproofing	\$	16,707
CAP-251	Hydrogen Production & Storage	\$	185,000
CAP-252	Ohio Organic Semiconductor	\$	250,000
Total Kent State University		\$	21,095,892

BOILER PLANT CONTROLS AND BUILDING ALTERATIONS

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

ELECTRICAL SUBSTATION/FIBER OPTIC NETWORK

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

Electrical Substation/Fiber Optic Network, plus \$6,526.

MIDWAY DRIVE UTILITIES TUNNEL - II

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.

		Reappropriations
SECTION 26.16. MUN MIAMI UNIVERSITY		
CAP-018	Basic Renovations	\$ 4,352,129
CAP-064	Land Restoration - Hamilton	\$ 11,466
CAP-066	Basic Renovations - Hamilton	\$ 438,175
CAP-069	Basic Renovations - Middletown	\$ 552,927
CAP-070	Chilled Water System	\$ 358,075
CAP-072	Hiestand Hall Renovations	\$ 782
CAP-081	Cooperative Regional Library Depository SW	\$ 2,546
CAP-083	Campus Avenue Building Renovation	\$ 43,612
CAP-085	Alumni Hall Rehabilitation - Phase I	\$ 972
CAP-088	Hoyt Hall Rehabilitation	\$ 7,785
CAP-089	High Voltage Electric	\$ 735,266
CAP-092	Science Building - Middletown	\$ 271,261
CAP-096	McGuffey Hall Rehabilitation	\$ 137,677
CAP-098	Computer Network Installation	\$ 23,259
CAP-099	King Library Rehabilitation	\$ 3,001,865
CAP-101	ADA Modifications	\$ 963
CAP-102	ADA Modifications - Hamilton	\$ 686
CAP-103	ADA Modifications - Middletown	\$ 2,798
CAP-105	Plant Response/Environmental Stress	\$ 72,641
CAP-107	Gas Phase Chemistry of Ions	\$ 34,740
CAP-109	Molecular Microbial Biology	\$ 67,500
CAP-110	Micromachining Technology	\$ 510,553
CAP-111	Roudebush Hall Rehabilitation	\$ 291,058
CAP-112	Chilled Water Loop Phase I - Hamilton	\$ 45,291
CAP-113	Special Academic/Administrative Projects - Hamilton	\$ 508,381
CAP-114	Chilled Water Loop Phase I - Middletown	\$ 47,553
CAP-115	Special Academic/Administrative Projects - Middletown	\$ 1,607,518
CAP-116	Hughes Hall Rehabilitation - Phase 2	\$ 15,008
CAP-117	North Campus Refrigeration/Chilled Water	\$ 26,698
CAP-120	Cole Service Building Addition	\$ 15,206
CAP-121	Southwestern Book Depository	\$ 178,821
CAP-123	Phillips Hall Rehabilitation	\$ 86,743
CAP-126	Collaboration to Improve Learning	\$ 28,516
CAP-127	Campus Steam Distribution - Phase I	\$ 850,000
CAP-129	Steam Plant Electrostatic Precipitator	\$ 6,699
CAP-130	MacMillan Rehabilitation/Multicultural Center	\$ 32,919
CAP-131	Miami University Learning Center	\$ 1,001,515
CAP-132	Mass Spectrum Consortium	\$ 21,413
CAP-133	Single Crystal X-Ray Diffractometer	\$ 70,144
CAP-134	Thermal Ionization Mass Spectrometer	\$ 147,481

CAP-135	NMR Spectrometer	\$	159,654
CAP-139	Ohio NMR Consortium	\$	193,000
CAP-140	Environmental Technology Consortium	\$	50,000
CAP-141	385 Peck Boulevard	\$	1,068,019
CAP-142	Engineering and Applied Science Facility	\$	500,000
CAP-143	Warfield Hall Rehabilitation	\$	250,000
CAP-145	Campus Chilled Water Efficiency	\$	339,109
CAP-146	Information Technology System Upgrade	\$	811,969
CAP-147	Central Campus Water and Sewer Improvement	\$	350,000
CAP-149	Parrish Auditorium Rehabilitation	\$	700,000
CAP-150	Student and Community Center	\$	1,120
Total Miami University		\$	20,031,513

Reappropriations

SECTION 26.17. OSU OHIO STATE UNIVERSITY

CAP-074	Basic Renovations	\$	21,755,353
CAP-149	Basic Renovations - Regional Campuses	\$	1,586,910
CAP-198	Brown Hall Annex Replacement	\$	6,213
CAP-216	Evans Lab Addition	\$	92,250
CAP-217	Library Book Warehouse	\$	14,721
CAP-219	Supplemental Renovations	\$	101,419
CAP-254	Basic Renovations - ATI	\$	184,610
CAP-255	Supplemental Renovations - OARDC	\$	1,408,980
CAP-256	Supplemental Renovations - Regional	\$	191,955
CAP-258	Dreese Lab Addition	\$	283,941
CAP-259	Mendenhall Lab Rehabilitation	\$	20,690
CAP-261	Bioscience/Parks Hall Addition	\$	12,584
CAP-268	Horse/Farm Management Facility - ATI	\$	5,417
CAP-269	Greenhouse Modernization	\$	40,982
CAP-271	Horticulture/Entomology Greenhouse - OARDC	\$	15,425
CAP-273	Retrovirus Research Center	\$	3,554
CAP-274	OARDC Thorne & Gourley Halls	\$	20,955
CAP-292	Life Sciences Research Building	\$	218,170
CAP-293	College of Business Facilities	\$	134,074
CAP-294	Stillman Hall Addition	\$	58,779
CAP-295	Poultry Science Facility	\$	2,888
CAP-297	Library/Classroom Building - Marion	\$	572
CAP-302	Food Science & Technology Building	\$	92,743
CAP-304	Conference Center - OARDC/ATI	\$	23,350
CAP-306	Heart & Lung Institute	\$	32,437
CAP-311	Superconducting Radiation	\$	65,094
CAP-313	Brain Tumor Research Center	\$	6,001
CAP-314	Engineering Center Net Shape Manufacturing	\$	20,730
CAP-315	Membrane Protein Typology	\$	8,835
CAP-316	Instructional and Data Processing Equipment	\$	200,806
CAP-321	Fine Particle Technologies	\$	159,363
CAP-323	Advanced Plasma Engineering	\$	22,379
CAP-324	Plasma Ramparts	\$	1,150
CAP-326	IN-SITU AL-BE Composites	\$	1,733
CAP-331	Cunz Hall - Partial 2nd Floor Renovation	\$	7,286
CAP-333	Larkins Hall - Roof Replacement Phase III	\$	84,795
CAP-334	Center for Automotive Research	\$	3,445

CAP-335	Jay Cooke Residence - Roof and Windows	\$	86,668
CAP-339	Poultry Science Lab Remodeling	\$	213
CAP-347	Asbestos Abatement	\$	5,724
CAP-349	Materials Network	\$	56,025
CAP-350	Bio-Technology Consortium	\$	42,378
CAP-352	Analytical Electron Microscope	\$	375,000
CAP-353	High Temp Alloys & Alluminoids	\$	220,000
CAP-356	Pesticide Storage/Disposal Buildings	\$	606
CAP-357	Supplemental Renovations - ATI	\$	33,969
CAP-361	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646
CAP-362	McPherson Lab Rehabilitation	\$	169,056
CAP-368	Heart and Lung Institute	\$	101,808
CAP-372	Veterinary Hospital - Animal Isolation	\$	200
CAP-374	ADA Modifications	\$	141,183
CAP-375	ADA Modifications - ATI	\$	41,936
CAP-376	ADA Modifications - Lima	\$	95,538
CAP-377	ADA Modifications - Mansfield	\$	15,253
CAP-379	ADA Modifications - Newark	\$	7,732
CAP-387	Titanium Alloys	\$	54,912
CAP-391	Haskett/Hopkins Halls Renovations	\$	7,312
CAP-394	ATI/OARDC Roof Replacements	\$	13,913
CAP-398	Advanced Manufacturing	\$	38,579
CAP-399	Manufacturing Processes/Materials	\$	62,574
CAP-401	Terhertz Studies	\$	35,294
CAP-402	Caldwell Laboratory Remodeling	\$	37,839
CAP-406	Marion Park/Road/Sidewalk/Lights	\$	2,750
CAP-407	Dulles Chilled Water	\$	2,095
CAP-411	Campus Grounds - Lights Phase 4	\$	7,018
CAP-412	Hitchcock Hall HVAC Upgrades	\$	10,392
CAP-413	Pomerene Lighting/Wiring	\$	235,300
CAP-414	Postle Hall Roof Replacement	\$	2,332
CAP-419	NMR Consortium	\$	75,116
CAP-420	Versatile Film Facility	\$	72,894
CAP-421	OCARNET	\$	5,916
CAP-422	Bioprocessing Research	\$	90,252
CAP-423	Localized Corrosion Research	\$	6,128
CAP-424	ATM Testbed	\$	3,633
CAP-425	Physical Sciences Building	\$	2,653,195
CAP-427	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	730,742
CAP-428	Capital Equipment - OARDC	\$	2,510
CAP-430	Hagerty Hall Rehabilitation	\$	89,231
CAP-431	Sisson Hall Replacement	\$	5,571
CAP-434	Ramseyer Hall Roof Renovations	\$	19,700
CAP-436	Machinery Acoustics	\$	3,804
CAP-439	Sensors and Measurements	\$	15,115
CAP-440	Polymer Magnets	\$	1,099
CAP-443	ADA Modifications - Elevator/Handrails	\$	45,426
CAP-444	Larkins Hall HVAC System Upgrade	\$	3,500
CAP-445	Starling Loving Hall A Wing - HVAC	\$	367
CAP-449	Bolz Hall Roof Replacement	\$	64,180
CAP-450	Campus Grounds Exterior Lighting, Phase 5	\$	5,748
CAP-453	Evans Lab Chiller Replacement	\$	5,647
CAP-454	Utilities Upgrade Lighting Retrofit	\$	11,575

CAP-458	A1 Alloy Corrosion	\$	14,292
CAP-464	Main Library HVAC Renovations	\$	6,711
CAP-465	Veterinary Hospital Chiller Replacement	\$	35,668
CAP-466	ARPS Hall Chiller Replacement	\$	6,323
CAP-468	Larkins Hall Window Replacements	\$	11,295
CAP-471	Newton Hall Renovations	\$	2,134
CAP-472	OSHA Safety Devices	\$	3,426
CAP-476	Mount Hall Lecture Hall	\$	1,559
CAP-479	ADA Compliant Restrooms 1997	\$	1,906
CAP-480	Campbell Hall Public Space	\$	102,104
CAP-481	OSHA Ventilation - Bio Science	\$	9,162
CAP-484	Page Hall Planning	\$	179,557
CAP-485	Botany & Zoology Building Planning	\$	20,803,345
CAP-487	Robinson Laboratory Planning	\$	20,000,000
CAP-488	Don Scott Field Replacement Barns	\$	24,889
CAP-489	Galvin Hall 3rd Floor Renovation - Lima	\$	367,657
CAP-491	Horticultural Operations Center - ATI	\$	1,474,400
CAP-492	OARDC Feed Mill	\$	5,800,000
CAP-496	1314 Kinnear Road Building Improvement	\$	3,370
CAP-497	Book Depository	\$	8,262
CAP-498	Curl Drive Mill & Overlay	\$	28,830
CAP-499	Biological Sciences Cooling Tower	\$	6,930
CAP-500	Campus Buildings - Emergency Lighting	\$	25,258
CAP-504	Fontana Lab - Chiller Replacement	\$	12,210
CAP-505	Main Library HVAC Upgrade	\$	1,000
CAP-507	Utilities High Voltage Electric	\$	216,544
CAP-509	Mount Hall HVAC Modifications	\$	40,982
CAP-510	Derby Hall Roof Replacement	\$	67,415
CAP-512	Main Library Roof Replacement	\$	1,316
CAP-513	Main Library Carpeting	\$	8,352
CAP-517	Vet Hospital Roof Replacement	\$	36,185
CAP-518	French Field House Glass Replacement	\$	57,625
CAP-519	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	70,797
CAP-520	Plant and Microbe Functional Genomics Facilities	\$	16,259
CAP-521	Ohio Center for Wetland & River Restoration	\$	4,919
CAP-523	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	499,010
CAP-524	Bone & Mineral Metabolism Research Lab	\$	17,730
CAP-526	Koffolt/Fontana Roof Replacement	\$	81,281
CAP-530	OSHA Fume Hood Monitors Phase I	\$	27,033
CAP-531	Animal & Plant Biology Level 3	\$	3,303,062
CAP-532	Food, AG, and Environmental Sciences	\$	1,500,000
CAP-534	Main Library Rehabilitation	\$	1,693,806
CAP-535	Psychology Building	\$	13,517,273
CAP-536	Thorne Hall and Gowley Hall Renovations, Phase 3	\$	3,895,974
CAP-539	Nanosecond Infrared Measurement	\$	2,588
CAP-544	Cockins Hall Math & Statistics	\$	59,371
CAP-546	Nanometer Scale Auger Electron	\$	34
CAP-549	Caldwell Asbestos Abatement	\$	193,947
CAP-552	X-Ray Powder Diffractometer	\$	558
CAP-554	Deconvolution Microscope	\$	1,097
CAP-556	Heart/Lung Inst Animal Facility	\$	442,855
CAP-557	Pomerene Hall Renovation	\$	10,546

CAP-558	Campus Lighting Phase VII	\$	2,356
CAP-560	Campus Grounds - Woody Hayes Drive Rebuild	\$	343,351
CAP-561	Campus Grounds Street Rebuild	\$	13,767
CAP-564	Denney Hall Renovation Phase I	\$	18,538
CAP-565	Ion Mass Spectrometry	\$	7,556
CAP-566	Accelerated Maturation of Materials	\$	31,231
CAP-568	Role of Molecular Interfaces	\$	26,304
CAP-569	McCracken Steam Turbine Vibration Monitoring	\$	50,926
CAP-570	Celeste Laboratory HVAC Modifications	\$	396,848
CAP-571	Electron and Ion Optical Characterization of Materials	\$	10,164
CAP-572	New Millimeter Spectrometer	\$	11,962
CAP-573	Noncredit Job Training - Mansfield	\$	46,640
CAP-574	Noncredit Job Training - Marion	\$	6,644
CAP-575	Multi Object Double Spectrograph	\$	132,981
CAP-576	1224 Kinnear Road - Bale	\$	41,520
CAP-577	Non-Silicon Micromachining	\$	73,991
CAP-579	Veterinary Hospital Auditorium Renovation	\$	60,196
CAP-580	Bevis Hall Roof Replacement	\$	38,366
CAP-582	Hayes Hall Roof Replacement	\$	21,269
CAP-583	Rightmire Hall Roof Replacement	\$	14,233
CAP-584	Starling-Loving Hall Renovation	\$	35,179
CAP-585	Marion Campus - Student Services	\$	35,654
CAP-586	Electroscience Lab Renovation	\$	731,500
CAP-587	OARDC Boiler Replacement	\$	1,173,042
CAP-588	Graves Hall Roof Replacement	\$	76,594
CAP-590	Supercomputer Center Expansion	\$	9,922,376
CAP-591	Mansfield Parking Lot Resurfacing/Striping	\$	146,794
CAP-592	Oval Restoration 2001	\$	1,390,350
CAP-594	Forging Technologies	\$	115,539
CAP-596	Information Literacy	\$	273,779
CAP-597	Online Business Major	\$	119,351
CAP-598	Child Care Facility	\$	125,000
CAP-599	Renovation of Graves Hall	\$	271,876
CAP-600	ATI Shisler Center Courtyard	\$	7,381
CAP-602	OARDC Wooster Phone System Replacement	\$	467,398
CAP-604	Extramural Research Facilities	\$	1,000,000
CAP-605	Utility - North Tunnel Steamline Upgrade	\$	1,302,420
CAP-607	Springback of Aluminum Alloys	\$	10,612
CAP-608	Dual Beam Characterization	\$	150,000
CAP-609	Precision Navigation System	\$	2,696
CAP-613	Organic Semiconductor Consortium	\$	224,911
CAP-616	Environmental Technology Consortium	\$	50,000
CAP-617	Campbell, University, and Evans Hall	\$	1,546,496
CAP-618	Laboratory Animal Facility	\$	6,700,000
CAP-619	Fry Hall Building Addition	\$	3,600,000
CAP-620	School of Music - Planning	\$	250,000
CAP-622	Western Branch Headquarters & Machinery Building	\$	850,000
CAP-623	Piketon Training & Development Center	\$	900,000
CAP-624	Muck Crops Branch/Shop Building Replacement	\$	825,000
CAP-626	Agr/Engineering Building Renovation & Addition	\$	200,000
CAP-628	Wood County Center for Agriculture	\$	1,000,000
CAP-629	Community Heritage Art Gallery - Lima	\$	100,000
CAP-631	Health Psychology	\$	250,000
CAP-632	Nanotechnology Molecular Assembly	\$	500,000

CAP-633	Networking and Communication	\$	500,000
CAP-634	Planetary Gear	\$	125,000
CAP-635	X-Ray Fluorescence Spectrometer	\$	60,000
CAP-636	Precision Navigation	\$	85,000
CAP-637	Welding & Metal Working	\$	200,000
CAP-638	Spin Driven Electronics	\$	78,841
CAP-639	Inductively Coupled Plasma Etching	\$	139,661
CAP-641	Accelerated Metals	\$	1,100,000
CAP-642	Mathematical Biosciences Institute	\$	100,000
CAP-645	Lincoln Morrill Tower Walkway	\$	611,100
CAP-646	Mershon Auditorium HVAC System Improvements	\$	456,250
CAP-647	Molecular Microdevices	\$	200,000
CAP-648	Research Center HVAC System Improvements	\$	163,485
CAP-649	Infrared Absorption Measurements	\$	187,500
CAP-650	Dark Fiber	\$	5,000,000
CAP-651	Shared Data Backup System	\$	252,560
CAP-652	Mainframe Computing Alliance	\$	40,650
CAP-653	Third Frontier Network Testbed	\$	1,029,988
CAP-654	Distributed Learning Workshop	\$	750,000
CAP-655	Nanoscale Patterning Consortium	\$	1,868,997
CAP-656	Accelerated Maturation of Materials	\$	1,650,000
CAP-657	Nanoscale Polymers Manufacturing	\$	1,762,500
CAP-658	Hydrogen Production and Storage	\$	440,000
CAP-659	Ohio Organic Semiconductor	\$	500,000
CAP-660	Macromolecular Crystallography	\$	240,000
CAP-680	Cleveland Botanical Gardens	\$	2,500,000
Total Ohio State University		\$	163,205,353

ANIMAL AND PLANT BIOLOGY LEVEL 3

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

Reappropriations**SECTION 26.18. OHIO STATE UNIVERSITY**

CAP-020	Basic Renovations	\$	5,116,698
CAP-021	Conservancy District Assessment	\$	8,807
CAP-086	Memorial Auditorium Rehabilitation	\$	10,013
CAP-094	Bentley Hall Renovation	\$	111,333
CAP-095	Basic Renovations - Eastern	\$	520,810
CAP-098	Basic Renovations - Lancaster	\$	267,010
CAP-099	Basic Renovations - Zanesville	\$	244,601
CAP-113	Basic Renovations - Chillicothe	\$	299,716
CAP-114	Basic Renovations - Ironton	\$	301,350
CAP-115	Bennett Hall HVAC/Lab - Chillicothe	\$	997,950
CAP-116	Copeland Hall Rehabilitation	\$	3,881
CAP-117	Porter Hall Rehabilitation	\$	26,531
CAP-119	Biomedical Research Center	\$	21,374
CAP-120	Ridges Auditorium Rehabilitation	\$	1,177
CAP-136	Gymnasium Development - Eastern	\$	97,734
CAP-137	Classroom Building - Ironton	\$	6,025
CAP-141	College of Health and Human Services	\$	74,963
CAP-142	Health Professions Labs Phase I	\$	33,308

CAP-145	Asbestos Abatement	\$	27,136
CAP-148	RTVC Building Asbestos Abatement	\$	1,037
CAP-149	Electrical Distribution System	\$	1,490
CAP-152	Gordy Hall Addition and Rehabilitation	\$	21,464
CAP-155	Brasee Hall Rehabilitation - Lancaster	\$	1,072,411
CAP-157	ADA Modifications	\$	67,665
CAP-160	ADA Modifications - Ironton	\$	9,113
CAP-161	ADA Modifications - Lancaster	\$	20,345
CAP-164	Southeast Library Warehouse	\$	251,254
CAP-169	Elevator Improvements Phase III	\$	95,345
CAP-172	Elson Hall Rehabilitation - Zanesville	\$	1,080,130
CAP-183	Central Classroom Building	\$	298,040
CAP-184	Utilities to Scripps Hall	\$	211
CAP-186	Ellis Hall Partial Renovation	\$	7,080
CAP-187	Technology Center Planning - Ironton	\$	1,292
CAP-188	Technology Center Construction - Ironton	\$	5,331
CAP-189	Conference Center Planning - Lancaster	\$	500,358
CAP-190	Center for Public Policy	\$	29,589
CAP-191	District Water Cooling	\$	17,029
CAP-192	Plant and Microbe Functional Genomics Facilities	\$	38,358
CAP-199	Bently Hall Phase I	\$	36,100
CAP-200	Building Acquisition/Renovation - Eastern	\$	373,182
CAP-202	Putnam Hall Rehabilitation	\$	258,523
CAP-203	Supplemental Renovations	\$	309,937
CAP-205	Noncredit Job Training	\$	731,000
CAP-206	Human Resources Training Center	\$	1,116
CAP-208	Student Services	\$	33,238
CAP-209	Creativity Through Technology	\$	338,520
CAP-211	Ohio NMR Consortium	\$	80,800
CAP-212	Exterior Site Improvement	\$	248,065
CAP-213	Daycare Center	\$	447,950
CAP-214	Science/Fine Arts Renovation Phase 2	\$	725,213
CAP-215	Land-Use Plan/Future Development	\$	30,000
CAP-219	Mainframe Computing Alliance	\$	10,000
CAP-220	Nanoscale Patterning Consortium	\$	131,003
Total Ohio University		\$	15,442,606

BASIC RENOVATIONS

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

BASIC RENOVATIONS - LANCASTER

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

BASIC RENOVATIONS - ZANESVILLE

The amount reappropriated for the foregoing appropriation item CAP-099, Basic Renovations - Zanesville, is the unencumbered and

unallotted balance as of June 30, 2004, in appropriation item CAP-099, Basic Renovations - Zanesville, plus \$1,333.

BENNETT HALL HVAC/LAB - CHILLICOTHE

The amount reappropriated for the foregoing appropriation item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-115, Bennett Hall HVAC/Lab - Chillicothe, plus \$11,590.

GYMNASIUM DEVELOPMENT - EASTERN

The amount reappropriated for the foregoing appropriation item CAP-136, Gymnasium Development - Eastern, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-136, Gymnasium Development - Eastern, plus \$305.

COLLEGE OF HEALTH AND HUMAN SERVICES

The amount reappropriated for the foregoing appropriation item CAP-141, College of Health and Human Services, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-141, College of Health and Human Services, plus \$7,534.

HEALTH PROFESSIONS LABS - PHASE I

The amount reappropriated for the foregoing appropriation item CAP-142, Health Professions Labs Phase I, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-142, Health Professions Labs Phase I, plus \$33,308.

GORDY HALL ADDITION AND REHABILITATION

The amount reappropriated for the foregoing appropriation item CAP-152, Gordy Hall Addition and Rehabilitation, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-152, Gordy Hall Addition and Rehabilitation, plus \$940.

BRASEE HALL REHABILITATION - LANCASTER

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

ELSON HALL REHABILITATION - ZANESVILLE

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

TECHNOLOGY CENTER PLANNING - IRONTON

The amount reappropriated for the foregoing appropriation item CAP-187, Technology Center Planning - Ironton, is the unencumbered and

unallotted balance as of June 30, 2004, in appropriation item CAP-187, Technology Center Planning - Ironton, plus \$1,292.

TECHNOLOGY CENTER CONSTRUCTION - IRONTON

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

CENTER FOR PUBLIC POLICY

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

DISTRICT WATER COOLING

The amount reappropriated for the foregoing appropriation item CAP-191, District Water Cooling, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-191, District Water Cooling, plus \$17,029.

SUPPLEMENTAL RENOVATIONS

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

HUMAN RESOURCES TRAINING CENTER

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

Reappropriations

SECTION 26.19. SSC SHAWNEE STATE UNIVERSITY

CAP-004	Basic Renovations	\$	1,468,735
CAP-008	Massie Hall Renovation	\$	54,541
CAP-010	Land Acquisition	\$	116,917
CAP-016	Library Building	\$	10,777
CAP-017	Math/Science Building	\$	17,061
CAP-029	Fine Arts Class and Lab Building	\$	108,704
CAP-030	Utilities and Landscaping	\$	4,679
CAP-037	ADA Modifications	\$	53,188
CAP-039	Central Heating Plant Replacement	\$	5,215
CAP-040	Chiller Replacement	\$	12,054
CAP-041	Kricker Hall Renovation	\$	1,932
CAP-042	Sidewalk/Plaza Replacement	\$	250,276
CAP-043	Communication/Data Upgrade	\$	23,079

CAP-044	Land Acquisition	\$	343,830
CAP-045	Rehabilitation of Health Sciences Building Phase I	\$	1,681,974
CAP-046	Digital Infrastructure	\$	81,153
CAP-047	Natatorium Rehabilitation	\$	450,000
CAP-048	Facilities Building Renovation	\$	242,120
Total Shawnee State University		\$	4,926,235

Reappropriations

SECTION 26.20. UTO UNIVERSITY OF TOLEDO

CAP-007	University Hall Renovation	\$	12,966
CAP-010	Basic Renovations	\$	4,724,946
CAP-025	Roof Renovations	\$	25,655
CAP-062	Pharmacy, Chemical and Life Sciences Facility	\$	3,318
CAP-071	Southwest Academic Center Rehabilitation	\$	12,321
CAP-073	ADA Modifications	\$	6,452
CAP-077	Tribology	\$	231,196
CAP-083	Bowman-Oddy Rehabilitation Phase 2	\$	241,368
CAP-091	Greenhouse Improvements	\$	11,675
CAP-092	Plant and Microbe Functional Genomics Facilities	\$	42,587
CAP-093	Distance Learning	\$	50,915
CAP-094	Plant Operations Renovation	\$	450,000
CAP-096	Health & Human Services Rehabilitation Phase I	\$	2,559,923
CAP-097	Libbey Hall Rehabilitation	\$	275,000
CAP-100	University Computer Center	\$	4,878
CAP-105	Gillham Hall Rehabilitation	\$	9,522,871
CAP-108	Roof Renovations/Scott Park	\$	12,508
CAP-109	Student Services	\$	192,781
CAP-110	Distributed Learning Courses	\$	94,996
CAP-111	Scott Park Classroom Abatement	\$	418,139
CAP-112	Campus Signage Improvements	\$	132,951
CAP-113	Wind Tunnel Relocation	\$	16,370
CAP-115	Palmer Hall - 3rd Floor Classroom Renovations	\$	2,200,000
CAP-116	Bowman-Oddy-N Wing Renovations	\$	5,207,000
CAP-117	Mainframe Computing Alliance	\$	61,277
CAP-118	Macromolecular Crystallography	\$	941,600
Total University of Toledo		\$	27,453,693

Reappropriations

SECTION 26.21. WSU WRIGHT STATE UNIVERSITY

CAP-015	Basic Renovations	\$	2,291,904
CAP-064	Basic Renovations - Lake	\$	7,350
CAP-071	New Academic Building	\$	8,881
CAP-080	Library Access Consolidation System	\$	6,160,731
CAP-084	ADA Modifications	\$	2,751
CAP-093	Information Technology Center	\$	23,860
CAP-102	Specialized Communication	\$	12,894
CAP-103	Millett Hall Rehabilitation	\$	21,479
CAP-113	Advanced Internet Utilization	\$	167,583
CAP-114	Environmental Technology Consortium	\$	575,245
CAP-115	Russ Engineering Expansion	\$	2,631,000

CAP-116	Rike Hall Renovation - Planning	\$	200,000
CAP-117	Electrical Infrastructure Phase I	\$	1,956,600
CAP-118	Campus Master Plan Phase V-A	\$	1,534,031
CAP-119	Science Lab Renovations - Planning	\$	500,000
CAP-120	Lake Campus University Center	\$	587,200
CAP-122	Accelerated Maturation of Materials	\$	100,000
Total Wright State University		\$	16,781,509

BASIC RENOVATIONS

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

BASIC RENOVATIONS - LAKE

The amount reappropriated for the foregoing appropriation item CAP-064, Basic Renovations - Lake, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-064, Basic Renovations - Lake, plus \$7,350.

LIBRARY ACCESS CONSOLIDATION SYSTEM

The amount reappropriated for the foregoing appropriation item CAP-080, Library Access Consolidation System, is the unencumbered and unallotted balance as of June 30, 2004, in appropriation item CAP-080, Library Access Consolidation System, plus \$33,780.

CAMPUS MASTER PLAN PHASE V-A

The amount reappropriated for the foregoing appropriation item CAP-118, Campus Master Plan Phase V-A, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation items CAP-072, Access Circulation, CAP-104, Road and Parking Lot Improvements, and CAP-118, Campus Master Plan Phase V-A.

Reappropriations**SECTION 26.22. YSU YOUNGSTOWN STATE UNIVERSITY**

CAP-014	Basic Renovations	\$	3,029,503
CAP-027	Property Acquisition/Street Closures	\$	19,673
CAP-040	Bliss Hall Rehabilitation - Final Phase	\$	49,029
CAP-066	Asbestos Abatement	\$	48,279
CAP-086	Instructional and Data Processing Equipment	\$	898,064
CAP-099	Todd Hall Renovations	\$	151,979
CAP-108	Electronic Campus Infrastructure/Technology	\$	1,553,708
CAP-111	Fine Arts Distance Learning	\$	45,146
CAP-112	Beeghly Center Rehabilitation	\$	229,765
CAP-113	Campus Development	\$	929,396
CAP-114	Chiller and Steamline Replacement Phase 3	\$	777,900
CAP-117	Ward Beecher/HVAC Upgrade	\$	174,982
CAP-120	Student Services	\$	61,545

CAP-121	Administrative Technology Computer Systems Improvements	\$	1,500,000
CAP-123	Campus Wide Electrical Upgrades	\$	1,000,000
CAP-124	Classroom Updates	\$	800,000
CAP-125	Campus Wide Building System Upgrades	\$	400,000
CAP-127	Recreation and Wellness Center	\$	1,000,000
Total Youngstown State University		\$	12,668,969

Reappropriations

SECTION 26.23. MCO MEDICAL COLLEGE OF OHIO

CAP-010	Basic Renovations	\$	123,787
CAP-046	Instructional and Data Processing Equipment	\$	490,676
CAP-048	Medical Informatics Data Highway	\$	6,803
CAP-049	Center for Classrooms of the Future	\$	5,460
CAP-053	ADA Modifications	\$	8,258
CAP-062	Waterproofing	\$	3,381
CAP-066	Core Research Facility	\$	2,193,940
CAP-067	Student Services	\$	553
CAP-072	Campus Substation Repairs	\$	5,317
CAP-074	Mulford Library Roof	\$	1,740
CAP-076	Supplemental Renovations	\$	16,306
CAP-077	Academic Classroom Improvements	\$	400,000
CAP-078	Clinical Academic Renovation	\$	700,000
CAP-079	Campus Waterproofing	\$	41,500
Total Medical College of Ohio		\$	3,997,721

Reappropriations

SECTION 26.24. NEM NORTHEASTERN OHIO UNIVERSITIES

COLLEGE OF MEDICINE

CAP-018	Basic Renovations	\$	495,179
CAP-022	Cooperating Regional Library Depository	\$	452,200
CAP-034	ADA Modifications	\$	5,562
CAP-036	Computer Services Networking	\$	398
CAP-040	Campus Network Expansion	\$	1,223,974
CAP-042	Outdoor Athletic Facilities	\$	6,158
CAP-045	Renovation of Olson and Meshul Halls	\$	1,316,849
CAP-046	HEI Data Reporting	\$	217,400
CAP-047	Roof Renovations	\$	12,418
Total Northeastern Ohio Universities College of Medicine		\$	3,730,138

ROOF RENOVATIONS

The amount reappropriated for the foregoing appropriation item CAP-047, Roof Renovations, shall be \$12,418.

SECTION 26.25. CWR CASE WESTERN RESERVE UNIVERSITY

CAP-005	NE Ohio Biomedical Research Consortium	\$	33,750
CAP-013	Ohio MEMSnet	\$	17,579
CAP-016	Ohio Pharmacological Sciences Consortium	\$	9,892

CAP-022	Developing and Improving Institutional Animal Resources	\$	64,144
CAP-028	Ohio MicroMD: The Ohio BioMEMS Consortium on Medical Therapeutic Microdevices	\$	11,002
CAP-029	Consortium for Novel Microfabrication Methods of Mesoscale Devices in Non-Silicon Materials	\$	167,893
CAP-031	Research in Propulsion Systems for Future Vehicles	\$	180,161
CAP-032	Center for Fire & Explosion Science & Technology	\$	31,978
CAP-033	Acquisition of 900 MHz NMR Spectrometer	\$	1,400,000
CAP-035	Construction of Near Field Optical Probe for Bioinspired Research & Education	\$	145,000
CAP-036	Ohio Eminent Scholar for Fuel Cells	\$	500,000
CAP-037	Mass Spectrometry Consortium for Materials and Medical Research	\$	155,000
CAP-038	Ohio In-vivo Cellular and Molecular Imaging Consortium	\$	1,040,000
CAP-039	Ohio Organic Semiconductor Consortium	\$	215,000
CAP-040	Ohio NMR Consortium	\$	800,000
CAP-041	Acquisition of a 600 MHz NMR Spectrometer Equipped with Cryoprobe	\$	250,000
CAP-042	Nanoscale Hybrid Materials: Novel Synthesis, Characterization and Applications	\$	200,000
CAP-043	Ohio Organic Semiconductor Consortium	\$	250,000
Total Case Western Reserve University		\$	5,471,399

Reappropriations

SECTION 26.26. CTC CINCINNATI STATE TECHNICAL AND COMMUNITY COLLEGE

CAP-008	Interior Renovations	\$	102,045
CAP-013	Basic Renovations	\$	479,518
CAP-016	Health Professions Building Planning	\$	1,468
CAP-030	Student Life/Education Building	\$	3,707,269
CAP-032	Child Care Facility	\$	89,715
CAP-033	One Stop Shop Renovation	\$	547,860
CAP-034	Rekeying of Main Campus	\$	365,160
CAP-035	Install Kiosks	\$	150,450
Total Cincinnati State Community College		\$	5,443,485

Reappropriations

SECTION 26.27. CLT CLARK STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	703,692
CAP-034	ADA Modifications	\$	28,451
CAP-038	Future Health Professionals	\$	25,910
CAP-039	Champaign Health and Education Center	\$	100,000
CAP-040	Clark Health and Education Center	\$	50,000
Total Clark State Community College		\$	908,053

Reappropriations

SECTION 26.28. CTI COLUMBUS STATE COMMUNITY COLLEGE

CAP-006	Basic Renovations	\$	1,286,530
CAP-007	Land Acquisition	\$	936,000
CAP-028	Instructional and Data Processing Equipment	\$	858,973
CAP-033	Child Care Facility	\$	89,510
CAP-037	Academic Center "C"	\$	132,684
CAP-040	Building "D" Planning	\$	22,283,398
CAP-043	Building "E" Planning	\$	1,022,862
Total Columbus State Community College		\$	26,609,957

ACADEMIC CENTER "C"

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

Reappropriations

SECTION 26.29. CCC CUYAHOGA COMMUNITY COLLEGE

CAP-031	Basic Renovations	\$	4,226,339
CAP-064	Technology Learning Center - Western	\$	57,818
CAP-067	Plans Ops/Vehicle Maintenance/Storage-Phase 1	\$	63,336
CAP-073	Noncredit Job Training	\$	1,994
CAP-076	Distance Learning	\$	139,287
CAP-079	Cleveland Art Museum - Improvements	\$	5,000,000
CAP-084	Literacy Initiative	\$	202,020
CAP-087	Center for Nursing and Health Careers	\$	222,164
CAP-088	Corporate College	\$	500,000
CAP-089	East I Renovations Phase 2 - Eastern	\$	4,339,089
CAP-090	Building A Expansion Module - Western	\$	6,194,517
Total Cuyahoga Community College		\$	20,946,564

BASIC RENOVATIONS

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

TECHNOLOGY LEARNING CENTER

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

BUILDING A EXPANSION MODULE - WESTERN

The amount reappropriated for the foregoing appropriation item CAP-090, Building A Expansion Module - Western, is the sum of the unencumbered and unallotted balance as of June 30, 2004, in appropriation items CAP-066, Renovate/Create New Classrooms - West, CAP-090, Building A Expansion Module - Western, plus \$1,677,369.

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

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

		Reappropriations	
SECTION?26.32. LCC LAKELAND COMMUNITY COLLEGE			
CAP-006	Basic Renovations	\$	1,736,909
CAP-034	Child Care Facility	\$	1,197
CAP-036	Noncredit Job Training	\$	850,000
CAP-037	Building East End Project	\$	985,000
CAP-038	HVAC Upgrades/Rehabilitation	\$	1,000,000
CAP-039	Main Gym Floor Renovation	\$	150,000
CAP-040	Roadway and Drainage Improvements	\$	534,730
CAP-043	Mooreland Educational Center Rehabilitation	\$	84,400
Total Lakeland Community College		\$	5,342,236

		Reappropriations	
SECTION?26.33. LOR LORAIN COMMUNITY COLLEGE			
CAP-005	Basic Renovations	\$	858,437
CAP-041	Student Services	\$	388,000
CAP-042	Virtual Lab Courses	\$	224,730
Total Lorain Community College		\$	1,471,167

SECTION?26.34. NTC NORTHWEST STATE COLLEGE			Reappropriations COMMUNITY
CAP-003	Basic Renovations	\$	269,232
CAP-010	Instructional and Data Processing Equipment	\$	118,215
CAP-013	Classroom & Engineering Build	\$	9,917
CAP-021	Services Facility	\$	200,000
Total Northwest State Community College			\$ 597,364

SECTION?26.35. OTC OWENS COMMUNITY COLLEGE			Reappropriations
CAP-019	Basic Renovations	\$	1,621,573
CAP-034	Center for Fine and Performing Arts - Construction	\$	11,419
CAP-036	Child Care Facility	\$	250,600
CAP-037	Education Center	\$	9,546,360
CAP-038	Fire and Police Training Center	\$	1,145,610
Total Owens Community College			\$ 12,575,562

SECTION?26.36. RGC RIO GRANDE COMMUNITY COLLEGE			Reappropriations
CAP-005	Basic Renovations	\$	638,954
CAP-012	Instructional and Data Processing Equipment	\$	84,061
CAP-013	College of Business	\$	7,392
CAP-015	ADA Modifications	\$	75,446
CAP-022	Child Care Facility	\$	35,000
Total Rio Grande Community College			\$ 840,853

SECTION?26.37. SCC SINCLAIR COMMUNITY COLLEGE			Reappropriations
CAP-007	Basic Renovations	\$	2,295,992
CAP-034	Advanced Educational Applications Center Phase I	\$	40,000
CAP-036	Advanced Integrated Manufacturing Center	\$	188,286
CAP-042	Autolab/Fire Science Facility	\$	45,000
CAP-055	Distance Learning	\$	54,463
CAP-056	Information Literacy	\$	334,053
Total Sinclair Community College			\$ 2,957,794

SECTION?26.38. SOC SOUTHERN STATE COMMUNITY COLLEGE			Reappropriations
CAP-010	Basic Renovations	\$	384,421
CAP-022	Clinton County Facility	\$	180
CAP-024	Noncredit Job Training	\$	228,055
CAP-025	Multi-Purpose Facility	\$	749,525

Total Southern State Community College \$ 1,362,181

Reappropriations

SECTION 26.39. TTC TERRA STATE COMMUNITY COLLEGE

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

Reappropriations

SECTION 26.40. WTC WASHINGTON STATE COMMUNITY COLLEGE

CAP-009	Instructional and Data Processing Equipment	\$	115,254
CAP-012	ADA Modifications	\$	14,575
CAP-013	Child Care Facility	\$	5,860
CAP-016	Noncredit Job Training	\$	14,859
Total Washington State Community College		\$	150,548

Reappropriations

SECTION 26.41. BTC BELMONT TECHNICAL COLLEGE

CAP-008	Basic Renovations	\$	698,854
CAP-014	Main Building Renovation - Phase 3	\$	49,137
CAP-019	ADA Modifications	\$	49,915
Total Belmont Technical College		\$	797,906

Reappropriations

SECTION 26.42. COT CENTRAL OHIO TECHNICAL COLLEGE

CAP-003	Basic Renovations	\$	154,332
Total Central Ohio Technical College		\$	154,332

Reappropriations

SECTION 26.43. HTC HOCKING TECHNICAL COLLEGE

CAP-019	Basic Renovations	\$	572,765
CAP-024	Building Addition	\$	5,270
CAP-027	Instructional and Data Processing Equipment	\$	370,526
CAP-028	College Hall Rehabilitation	\$	3,769
CAP-032	Public Safety Service	\$	57,060
CAP-033	Light and Oakley Halls	\$	40,855
CAP-035	Child Care Facility	\$	9,406
Total Hocking Technical College		\$	1,059,651

Reappropriations

SECTION 26.44. LTC LIMA TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	861,383
CAP-006	Building Renovations	\$	5,000
CAP-007	Training and Education Facility	\$	79,934
CAP-008	Instructional and Data Processing Equipment	\$	156,394
CAP-009	Life and Physical Sciences	\$	10,133
CAP-014	Distance Education	\$	222,115
CAP-015	Information Technology Building	\$	3,767,610
Total Lima Technical College		\$	5,102,569

Reappropriations

SECTION 26.45. MAT MUSKINGUM AREA TECHNICAL COLLEGE

CAP-007	Basic Renovations	\$	244,465
CAP-017	Basic Capacity Grant	\$	1,410
CAP-021	Lighting/HVAC Replacement	\$	843,606
Total Muskingum Area Technical College		\$	1,089,481

Reappropriations

SECTION 26.46. MTC MARION TECHNICAL COLLEGE

CAP-006	Instructional and Data Processing Equipment	\$	84,323
CAP-012	Technical Education Center	\$	205,044
Total Marion Technical College		\$	289,367

Reappropriations

SECTION 26.47. NCC NORTH CENTRAL TECHNICAL COLLEGE

CAP-003	Basic Renovations	\$	360,533
CAP-009	ADA Modifications	\$	25,000
CAP-013	Engineering Center Renovation	\$	2,372
CAP-018	Fallerius Center Rehabilitation	\$	39,674
Total North Central Technical College		\$	427,579

Reappropriations

SECTION 26.48. STC STARK TECHNICAL COLLEGE

CAP-004	Basic Renovations	\$	537,874
CAP-015	Loop Road Property Acquisition/Development	\$	629
CAP-024	Phase 2 Renovations	\$	252
CAP-027	Information Technology Learning Center	\$	10,000
CAP-030	Northside Development Parking Lot - Phase II	\$	77,423
CAP-031	Student Services	\$	31,087
CAP-032	Automotive Technology Building Addition	\$	1,719,554
Total Stark Technical College		\$	2,376,819
TOTAL HIGHER EDUCATION IMPROVEMENT FUND		\$	576,230,916

SECTION 26.49. For all of the foregoing appropriation items from the

Higher Education Improvement Fund (Fund 034) that require local funds to be contributed by any state-supported or state-assisted institution of higher education, the Board of Regents shall not recommend that any funds be released until the recipient institution demonstrates to the Board of Regents and the Office of Budget and Management that the local funds contribution requirement has been secured or satisfied. The local funds shall be in addition to the foregoing appropriations.

SECTION 26.50. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$1,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code for state-supported and state-assisted institutions of higher education.

SECTION 26.51. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$2,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code for state-supported and state-assisted institutions of higher education.

SECTION 26.52. None of the foregoing capital improvements appropriations for state-supported or state-assisted institutions of higher education shall be expended until the particular appropriation has been recommended for release by the Board of Regents and released by the Director of Budget and Management or the Controlling Board. Either the institution concerned, or the Board of Regents with the concurrence of the institution concerned, may initiate the request to the Director of Budget and

Management or the Controlling Board for the release of the particular appropriations.

SECTION 26.53. (A) No capital improvement appropriations made in Sections 26.02 to 26.56, 34, 34.01, 34.02, and 34.03 of this act shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if the institution of higher education or the state does not own the real property on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

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

(2) The Board of Regents certifies to the Controlling Board that undue delay will occur if planning does not proceed while the property or property interest acquisition process continues. In this case, funds may be released upon approval of the Controlling Board to pay for planning through the development of schematic drawings only.

(3) In the case of an appropriation for capital facilities that, because of their unique nature or location, will be owned or will be part of facilities owned by a separate nonprofit organization or public body and made available to the institution of higher education for its use, the nonprofit organization or public body 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 Board of Regents, with the institution of higher education that meets the requirements of division (C) of this section.

(B) Any foregoing appropriations which require cooperation between a technical college and a branch campus of a university may be released by the Controlling Board upon recommendation by the Board of Regents that the facilities proposed by the institutions are:

(1) The result of a joint planning effort by the university and the technical college, satisfactory to the Board of Regents;

(2) Facilities that will meet the needs of the region in terms of technical and general education, taking into consideration the totality of facilities which will be available after the completion of these projects;

(3) Planned to permit maximum joint use by the university and technical college of the totality of facilities which will be available upon their

completion;

(4) To be located on or adjacent to the branch campus of the university.

(C) In the case of capital facilities referred to in division (A)(3) of this section, the joint or cooperative use agreements 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 Board of Regents, reasonably related to the amount of the appropriations;

(2) Provide for pro rata reimbursement to the state should the arrangement for joint or cooperative use be terminated;

(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;

(4) Provide for payment or reimbursement to the institution of its administrative costs incurred as a result of the facilities project, not to exceed 1.5 per cent of the appropriated amount.

(D) Upon the recommendation of the Board of Regents, the Controlling Board may approve the transfer of appropriations for projects requiring cooperation between institutions from one institution to another institution, with the approval of both institutions.

(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.

SECTION 26.56. The Board of Regents shall adopt rules regarding the release of moneys from all the foregoing appropriations for capital facilities for all state-supported and state-assisted institutions of higher education.

SECTION 27. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 035) that are not otherwise appropriated:

		Reappropriations
DNR DEPARTMENT OF NATURAL RESOURCES		
CAP-005	Cowan Lake State Park	\$ 23,445
CAP-008	Delaware State Park	\$ 56,223
CAP-011	Findley State Park	\$ 22,856
CAP-012	Land Acquisition	\$ 6,800,000
CAP-016	Hueston Woods State Park	\$ 23,258
CAP-017	Indian Lake State Park	\$ 130,288
CAP-019	Lake Hope State Park	\$ 6,776
CAP-025	Punderson State Park	\$ 1,163
CAP-029	Salt Fork State Park	\$ 127,555
CAP-032	West Branch State Park	\$ 200,895
CAP-045	Mary J. Thurston State Park Marina/Dock	\$ 300,000
CAP-051	Buck Creek State Park	\$ 250
CAP-064	Geneva State Park	\$ 4,182
CAP-069	Hocking Hills State Park	\$ 87,756
CAP-070	Lake Logan State Park	\$ 600
CAP-093	Portage Lakes State Park	\$ 13,373
CAP-113	East Harbor State Park Shoreline Stabilization	\$ 850,000
CAP-119	Forked Run State Park	\$ 27,747
CAP-162	Shawnee State Park	\$ 760
CAP-205	Deer Creek State Park	\$ 19,051
CAP-234	State Parks Campgrounds, Lodges, and Cabins	\$ 5,494,293
CAP-331	Park Boating Facilities	\$ 2,688,216
CAP-390	State Park Maintenance Facility Development	\$ 1,656,339
CAP-701	Buckeye Lake Dam Rehabilitation	\$ 427,756

CAP-702	Upgrade Underground Storage Tanks	\$	234,134
CAP-703	Cap Abandoned Water Wells	\$	78,000
CAP-718	Grand Lake St. Mary's State Park	\$	251,882
CAP-719	Indian Lake State Park	\$	1,000
CAP-727	Riverfront Improvements	\$	1,275,000
CAP-744	Multi-Agency Radio Communication Equipment	\$	425,000
CAP-748	Local Parks Projects	\$	3,269,000
CAP-821	State Park Dredging and Shoreline Protection	\$	14,000
CAP-827	Cuyahoga Valley Scenic Railroad	\$	1,000,000
CAP-836	State Parks Renovation/Upgrading	\$	350
CAP-876	Statewide Trails Program	\$	1,168,398
CAP-927	Mohican State Park	\$	96,816
CAP-928	Handicapped Accessibility	\$	472,555
CAP-929	Hazardous Waste/Asbestos Abatement	\$	49,383
CAP-931	Wastewater/Water Systems Upgrade	\$	2,804,375
	Total Department of Natural Resources	\$	30,102,675
	TOTAL Parks and Recreation Improvement Fund	\$	30,102,675

SECTION 27.01. RIVERFRONT IMPROVEMENTS

Of the foregoing reappropriation item CAP-727, Riverfront Improvements, \$100,000 shall be used for the Spencerville Canal Improvements and \$350,000 shall be used for the Rush Creek and Upper Hocking Project.

LOCAL PARKS PROJECTS

The following projects shall be funded from the foregoing reappropriation item CAP-748, Local Parks Projects: \$12,500 for Big Prairie/Lakeville Park Improvements; \$6,500 for Crossroads Park Improvements; \$1,500,000 for the Cleveland Lakefront Park Improvements; \$500,000 for Colerain Township Park Improvements; \$50,000 for Smith Field Park Improvements; \$50,000 for St. Clairsville Park Improvements; \$50,000 for Mt. Orab Park Improvements; \$50,000 for Liberty Township Playground; \$100,000 for Gallipolis City Park; \$20,000 for Junction City Park Improvements; \$200,000 for the Goll Woods Nature Preserve; \$15,000 for Ryan Park Improvements; and \$15,000 for Circleville Park Improvements.

STATEWIDE TRAILS PROGRAM

Of the foregoing reappropriation item CAP-876, Statewide Trails Program, \$30,000 shall be used for Fairfield Heritage Trails and \$100,000 shall be used for the Upper Sandusky Bike Path.

FEDERAL REIMBURSEMENT

All reimbursements received from the federal government for any expenditures made pursuant to Sections 28 and 28.01 of this act shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund.

SECTION 27.02. (A) No capital improvement appropriations made in Section 25 of this act shall be released for planning or for improvement, renovation, construction, or acquisition of capital facilities if a governmental agency, as defined in section 154.01 of the Revised Code, does not own the real property that constitutes the capital facilities or on which the capital facilities are or will be located. This restriction does not apply in any of the following circumstances:

(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 appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Fund (Fund 038) that are not otherwise appropriated:

Reappropriations

PWC PUBLIC WORKS COMMISSION

Ohio Small Government Capital Improvement Commission

CAP-150	Local Public Infrastructure	\$	6,012,256
CIF-000	Ohio Small Government Capital Improvement	\$	28,663,238
CIF-001	Infrastructure - District 1	\$	38,838,365
CIF-002	Infrastructure - District 2	\$	15,959,512
CIF-003	Infrastructure - District 3	\$	25,971,425
CIF-004	Infrastructure - District 4	\$	10,770,680
CIF-005	Infrastructure - District 5	\$	9,844,776
CIF-006	Infrastructure - District 6	\$	10,014,525
CIF-007	Infrastructure - District 7	\$	11,202,068
CIF-008	Infrastructure - District 8	\$	16,715,668
CIF-009	Infrastructure - District 9	\$	7,843,466
CIF-010	Infrastructure - District 10	\$	17,810,902
CIF-011	Infrastructure - District 11	\$	13,088,231
CIF-012	Infrastructure - District 12	\$	11,302,331
CIF-013	Infrastructure - District 13	\$	7,319,679
CIF-014	Infrastructure - District 14	\$	7,650,077
CIF-015	Infrastructure - District 15	\$	8,599,690
CIF-016	Infrastructure - District 16	\$	12,055,292
CIF-017	Infrastructure - District 17	\$	7,821,687
CIF-018	Infrastructure - District 18	\$	7,187,679
CIF-019	Infrastructure - District 19	\$	10,134,118
CIF-020	Infrastructure - District 20	\$	5,332,876
CIF-021	Infrastructure - District 21	\$	388,034
Total Public Works Commission		\$	290,546,575
TOTAL State Capital Improvement Fund		\$	290,546,575

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 29. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040) and derived from repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions:

Reappropriations

PWC PUBLIC WORKS COMMISSION

CAP-151	Revolving Loan	\$	7,995,595
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RLF-001	Revolving Loan Fund-District 1	\$	6,925,816
RLF-002	Revolving Loan Fund-District 2	\$	5,365,318
RLF-003	Revolving Loan Fund-District 3	\$	5,352,452
RLF-004	Revolving Loan Fund-District 4	\$	3,032,167
RLF-005	Revolving Loan Fund-District 5	\$	1,973,026
RLF-006	Revolving Loan Fund-District 6	\$	1,743,529
RLF-007	Revolving Loan Fund-District 7	\$	3,277,638
RLF-008	Revolving Loan Fund-District 8	\$	1,971,732
RLF-009	Revolving Loan Fund-District 9	\$	1,868,591
RLF-010	Revolving Loan Fund-District 10	\$	3,875,201
RLF-011	Revolving Loan Fund-District 11	\$	1,908,555
RLF-012	Revolving Loan Fund-District 12	\$	5,337,940
RLF-013	Revolving Loan Fund-District 13	\$	1,169,315
RLF-014	Revolving Loan Fund-District 14	\$	1,380,861
RLF-015	Revolving Loan Fund-District 15	\$	948,611
RLF-016	Revolving Loan Fund-District 16	\$	1,753,105
RLF-017	Revolving Loan Fund-District 17	\$	1,834,153
RLF-018	Revolving Loan Fund-District 18	\$	2,071,737
RLF-019	Revolving Loan Fund-District 19	\$	1,158,219
RLF-020	Revolving Loan Fund-District 20	\$	1,402,306
RLF-021	Revolving Loan Fund-District 21	\$	307,232
Total Public Works Commission		\$	62,653,099
TOTAL State Capital Improvements Revolving Loan Fund			62,653,099

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

COF-001	Clean Ohio-District 1	\$	6,763,703
COF-002	Clean Ohio-District 2	\$	2,936,190
COF-003	Clean Ohio-District 3	\$	3,668,434
COF-004	Clean Ohio-District 4	\$	2,011,171
COF-005	Clean Ohio-District 5	\$	1,383,772
COF-006	Clean Ohio-District 6	\$	1,171,944
COF-007	Clean Ohio-District 7	\$	1,377,683
COF-008	Clean Ohio-District 8	\$	2,508,162
COF-009	Clean Ohio-District 9	\$	381,213
COF-010	Clean Ohio-District 10	\$	3,009,510
COF-011	Clean Ohio-District 11	\$	3,493,667
COF-012	Clean Ohio-District 12	\$	1,561,788
COF-013	Clean Ohio-District 13	\$	2,399,270
COF-014	Clean Ohio-District 14	\$	3,179,867

COF-015	Clean Ohio-District 15	\$	942,242
COF-016	Clean Ohio-District 16	\$	3,545,729
COF-017	Clean Ohio-District 17	\$	2,631,843
COF-018	Clean Ohio-District 18	\$	2,403,861
COF-019	Clean Ohio-District 19	\$	1,161,016
Total Public Works Commission		\$	46,531,065
TOTAL Clean Ohio Conservation Fund		\$	46,531,065

SECTION?31. 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 Agricultural Easement Fund (Fund 057) that are not otherwise appropriated:

Reappropriations

AGR DEPARTMENT OF AGRICULTURE

CAP-047	Clean Ohio Agricultural Easement	\$	6,256,886
Total Department of Agriculture		\$	6,256,886
TOTAL Clean Ohio Agricultural Easement Fund		\$	6,256,886

AGRICULTURAL EASEMENT PURCHASE

The foregoing appropriation item CAP-047, Clean Ohio Agricultural Easement, shall be used in accordance with sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

SECTION?32. 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 Trail Fund (Fund 061) that are not otherwise appropriated:

DNR DEPARTMENT OF NATURAL RESOURCES

Reappropriations

CAP-014	Clean Trail Ohio	\$	6,250,000
Total Department of Natural Resources		\$	6,250,000
TOTAL Clean Ohio Trail Fund		\$	6,250,000

SECTION?33. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 032) that are not otherwise appropriated:

Appropriations

SFC SCHOOL FACILITIES COMMISSION

CAP-770	School Facilities Program Assistance	\$	522,600,000
Total School Facilities Commission		\$	522,600,000
TOTAL School Building Program Assistance Fund		\$	522,600,000

SECTION?33.01. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. of the Revised Code and particularly

sections 151.01 and 151.03 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$522,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay the costs to the state of constructing classroom facilities pursuant to sections 3318.01 to 3318.35 of the Revised Code.

SECTION 34. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Higher Education Improvement Fund (Fund 034) that are not otherwise appropriated. The appropriations made in this act are in addition to any other capital appropriations made for the 2005-2006 biennium.

BOR BOARD OF REGENTS		Appropriations
Higher Education Improvement Fund		
CAP-068	Third Frontier Project	\$ 50,000,000
Total Board of Regents		\$ 50,000,000
TOTAL Higher Education Improvement Fund		\$ 50,000,000

SECTION 34.01. THIRD FRONTIER PROJECT

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

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

The foregoing appropriation item CAP-068, Third Frontier Project, for which an appropriation is made from the Higher Education Improvement Fund (Fund 034), is determined to consist of capital improvements and capital facilities for state-supported and state-assisted institutions of higher education, and is designated for the capital facilities to which proceeds of obligations in the Higher Education Improvement Fund (Fund 034) are to be applied.

SECTION 34.02. The Ohio Public Facilities Commission is hereby authorized to issue and sell, in accordance with Section 2n of Article VIII, Ohio Constitution, and Chapter 151. and particularly sections 151.01 and 151.04 of the Revised Code, original obligations in an aggregate principal amount not to exceed \$50,000,000, in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. The authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, to pay costs of capital facilities as defined in sections 151.01 and 151.04 of the Revised Code for state-supported and state-assisted institutions of higher education.

SECTION 34.03. The foregoing appropriation item CAP-068, Third Frontier Project, is subject to Sections 26.49, 26.52, 26.53, 26.54, 26.55, and 26.56 of this act.

SECTION 35. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Fund (Fund 038) that are not otherwise appropriated:

		Appropriations
PWC PUBLIC WORKS COMMISSION		
CAP-150	Local Public Infrastructure	\$ 120,000,000
Total Public Works Commission		\$ 120,000,000
TOTAL State Capital Improvements Fund		\$ 120,000,000

The foregoing appropriation item CAP-150, Local Public Infrastructure, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. The Director of the Public Works Commission may certify to the Director of Budget and Management that a need exists to appropriate investment earnings to be used in accordance with sections 164.01 to 164.12 of the Revised Code. If the Director of Budget and Management determines pursuant to division (D) of section 164.08 and section 164.12 of the Revised Code that investment earnings are available to support additional

appropriations, such amounts are hereby appropriated.

SECTION 36. The Treasurer of State is hereby authorized pursuant to section 164.09 of the Revised Code to issue and sell, in accordance with Section 2m of Article VIII, Ohio Constitution, and sections 164.01 to 164.12 of the Revised Code, original obligations of the state, in an aggregate principal amount not to exceed \$120,000,000, in addition to the original obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued and sold from time to time and in amounts necessary to ensure sufficient moneys to the credit of the State Capital Improvements Fund (Fund 038) to pay costs charged to that fund, as estimated by the Director of Budget and Management.

SECTION 37. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the State Capital Improvements Revolving Loan Fund (Fund 040). Revenues to the State Capital Improvements Revolving Loan Fund shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions.

PWC PUBLIC WORKS COMMISSION

	Appropriations
CAP-151 Revolving Loan	\$ 16,750,000
Total Public Works Commission	\$ 16,750,000
TOTAL State Capital Improvements Revolving Loan Fund	\$ 16,750,000

The foregoing appropriation item CAP-151, Revolving Loan, shall be used in accordance with sections 164.01 to 164.12 of the Revised Code.

SECTION 38. CERTIFICATION OF AVAILABILITY OF MONEYS

No moneys that require release shall be expended from any appropriation contained in this act without certification of the Director of Budget and Management that there are sufficient moneys in the state treasury in the fund from which the appropriation is made. Such certification made by the Office of Budget and Management shall be based on estimates of revenue, receipts, and expenses. Nothing herein shall be construed as a limitation on the authority of the Director of Budget and Management as

granted in section 126.07 of the Revised Code.

SECTION 39. LIMITATION ON USE OF CAPITAL APPROPRIATIONS

The appropriations made in this act, excluding those made to the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) for buildings or structures, including remodeling and renovations, are limited to:

(A) Acquisition of real property or interest in real property;

(B) Buildings and structures, which includes construction, demolition, complete heating, lighting, and lighting fixtures, and all necessary utilities, ventilating, plumbing, sprinkling, and sewer systems, when such systems are authorized or necessary;

(C) Architectural, engineering, and professional services expenses directly related to the projects;

(D) Machinery that is a part of structures at the time of initial acquisition or construction;

(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;

(F) Equipment that meets all the following criteria:

(1) The equipment is essential in bringing the facility up to its intended use.

(2) The unit cost of the equipment, and not the individual parts of a unit, is about \$100 or more.

(3) The equipment has a useful life of five years or more.

(4) The equipment is necessary for the functioning of the particular facility or project.

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.

SECTION 40. CONTINGENCY RESERVE REQUIREMENT

Any request for release of capital appropriations by the Director of Budget and Management or the Controlling Board of capital appropriations for projects, the contracts for which are awarded by the Department of Administrative Services, shall contain a contingency reserve, the amount of

which shall be determined by the Department of Administrative Services, for payment of unanticipated project expenses. Any amount deducted from the encumbrance for a contractor's contract as an assessment for liquidated damages shall be added to the encumbrance for the contingency reserve. Contingency reserve funds shall be used to pay costs resulting from unanticipated job conditions, to comply with rulings regarding building and other codes, to pay costs related to errors or omissions in contract documents, to pay costs associated with changes in the scope of work, and to pay the cost of settlements and judgments related to the project.

Any funds remaining upon completion of a project, may, upon approval of the Controlling Board, be released for the use of the institution to which the appropriation was made for another capital facilities project or projects.

SECTION 41. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS

Notwithstanding sections 123.01 and 123.15 of the Revised Code, the Director of Administrative Services may authorize the Departments of Mental Health, Mental Retardation and Developmental Disabilities, Alcohol and Drug Addiction Services, Agriculture, Jobs and Family Services, Rehabilitation and Correction, Youth Services, Public Safety, and Transportation, the Ohio Veterans' Home, and the Rehabilitation Services Commission to administer any capital facilities projects when the estimated cost, including design fees, construction, equipment, and contingency amounts, is less than \$1,500,000. Requests for authorization to administer capital facilities projects shall be made in writing to the Director of Administrative Services by the respective state agency within sixty days after the effective date of the act in which the General Assembly initially makes an appropriation for the project. Upon the release of funds for such projects by the Controlling Board or the Director of Budget and Management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the Director of Administrative Services.

The state agency authorized by the Director of Administrative Services to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code.

SECTION 42. SATISFACTION OF JUDGMENTS AND SETTLEMENTS AGAINST THE STATE

Except as otherwise provided in this section, an appropriation contained in this act or any other act may be used for the purpose of satisfying judgments, settlements, or administrative awards ordered or approved by the Court of Claims or by any other court of competent jurisdiction in connection with civil actions against the state. This authorization shall not apply to appropriations to be applied to or used for payment of guarantees by or on behalf of the state or for payments under lease agreements relating to or debt service on bonds, notes, or other obligations of the state. Notwithstanding any other section of law to the contrary, this authorization includes appropriations from funds into which proceeds or direct obligations of the state are deposited only to the extent that the judgment, settlement, or administrative award is for or represents capital costs for which the appropriation may otherwise be used and is consistent with the purpose for which any related bonds were issued. Nothing contained in this section is intended to subject the state to suit in any forum in which it is not otherwise subject to suit, nor is it intended to waive or compromise any defense or right available to the state in any suit against it.

SECTION 43. Notwithstanding section 126.14 of the Revised Code, appropriations for appropriation items CAP-002, Local Jails, and CAP-003, Community-Based Correctional Facilities, appropriated from the Adult Correctional Building Fund (Fund 027) to the Department of Rehabilitation and Correction shall be released upon the written approval of the Director of Budget and Management. The appropriations from the Public School Building Fund (Fund 021), the Education Facilities Trust Fund (Fund N87), and the School Building Program Assistance Fund (Fund 032) to the School Facilities Commission, from the Transportation Building Fund (Fund 029) to the Department of Transportation, from the Clean Ohio Conservation Fund (Fund 056) to the Public Works Commission, and appropriations from the State Capital Improvement Fund (Fund 038) and the State Capital Improvements Revolving Loan Fund (Fund 040) to the Public Works Commission shall be released upon presentation of a request to release the funds, by the agency to which the appropriation has been made, to the Director of Budget and Management.

SECTION 44. Except as provided in section 4115.04 of the Revised Code, no moneys appropriated or reappropriated by the 125th General Assembly shall be used for the construction of public improvements, as defined in section 4115.03 of the Revised Code, unless the mechanics,

laborers, or workers engaged therein are paid the prevailing rate of wages as prescribed in section 4115.04 of the Revised Code. Nothing in this section shall affect the wages and salaries established for state employees under the provisions of Chapter 124. of the Revised Code, or collective bargaining agreements entered into by the state pursuant to Chapter 4117. of the Revised Code, while engaged on force account work, nor shall this section interfere with the use of inmate and patient labor by the state.

SECTION 45. CAPITAL FACILITIES LEASES

Capital facilities for which appropriations are made from the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), and the Arts Facilities Building Fund (Fund 030) may be leased by the Ohio Building Authority to the Department of Youth Services, the Arts and Sports Facilities Commission, the Department of Administrative Services, and the Department of Rehabilitation and Correction, and other agreements may be made by the Ohio Building Authority and the departments with respect to the use or purchase of such capital facilities, or subject to the approval of the director of the department or the commission, the Ohio Building Authority may lease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any governmental agency or nonprofit corporation having authority under law to own, lease, or operate such capital facilities. The director of the department or the commission may sublease such capital facilities to, and make other agreements with respect to the use or purchase thereof with, any such governmental agency or nonprofit corporation, which may include provisions for transmittal of receipts of that agency or nonprofit corporation of any charges for the use of such facilities, all upon such terms and conditions as the parties may agree upon and any other provision of law affecting the leasing, acquisition, or disposition of capital facilities by such parties.

SECTION 46. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND MANAGEMENT

The Director of Budget and Management shall authorize both of the following:

- (A) The initial release of moneys for projects from the funds into which

proceeds of direct obligations of the state are deposited.

(B) The expenditure or encumbrance of moneys from funds into which proceeds of direct obligations are deposited, only after determining to the director's satisfaction that either of the following apply:

(1) The application of such moneys to the particular project will not negatively affect any exemption or exclusion from federal income tax of the interest or interest equivalent on obligations, issued to provide moneys to the particular fund.

(2) Moneys for the project will come from the proceeds of obligations, the interest on which is not so excluded or exempt and which have been authorized as "taxable obligations" by the issuing authority.

The director shall report any nonrelease of moneys pursuant to this section to the Governor, the presiding officer of each house of the General Assembly, and the agency for the use of which the project is intended.

SECTION 47. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT

The Ohio Administrative Knowledge System (OAKS) shall be an enterprise resource planning system that replaces the state's central services infrastructure systems, including, but not limited to, the central accounting system, the human resources/payroll system, the capital improvements projects tracking system, the fixed assets management system, and the procurement system. The Department of Administrative Services, in conjunction with the Office of Budget and Management, may acquire the system, including, but not limited to, the enterprise resource planning software and installation and implementation thereof pursuant to Chapter 125. of the Revised Code. Any lease-purchase arrangement utilized under Chapter 125. of the Revised Code, including any fractionalized interest therein as defined in division (N) of section 133.01 of the Revised Code, shall provide at the end of the lease periods that OAKS becomes the property of the state.

SECTION 48. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION

At the request of the Executive Director of the Ohio School Facilities Commission, the Director of Budget and Management may cancel encumbrances for school district projects from a previous biennium if the district has not raised its local share of project costs within one year of receiving Controlling Board approval in accordance with section 3318.05 of

the Revised Code. The Executive Director of the Ohio School Facilities Commission shall certify the amounts of these canceled encumbrances to the Director of Budget and Management on a quarterly basis. The amounts of the canceled encumbrances are hereby appropriated.

SECTION 249. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF CAPITAL APPROPRIATIONS

(A) An unexpended balance of a capital appropriation or reappropriation that a state agency has lawfully encumbered prior to the close of a capital biennium is hereby reappropriated for the following capital biennium from the fund from which it was originally appropriated or was reappropriated and shall be used only for the purpose of discharging the encumbrance in the following capital biennium. For those encumbered appropriations or reappropriations, any Controlling Board approval previously granted and referenced by the encumbering document remains in effect until the encumbrance is discharged in the following capital biennium or until the encumbrance expires at the end of the following capital biennium.

(B) At the end of the reappropriation period provided for by division (A) of this section, an unexpended balance of a capital appropriation or reappropriation that remains encumbered at the end of that period is hereby reappropriated for the next capital biennium from the fund from which it was originally appropriated or was reappropriated and shall be used only for the purpose of discharging the encumbrance in the next capital biennium. For those encumbered appropriations or reappropriations, any Controlling Board approval previously granted and referenced by the encumbering document remains in effect until the encumbrance is discharged in the next capital biennium or until the encumbrance expires at the end of the next capital biennium.

(C) At the end of the reappropriation period provided for by division (B) of this section, a reappropriation made pursuant to division (B) of this section shall lapse, and the encumbrance shall expire.

(D) If an encumbrance expired pursuant to division (C) of this section, the Director of Budget and Management may re-establish the encumbrance as provided in this division. If a reappropriation for a project is made by the General Assembly for the biennium immediately following the biennium in which an encumbrance for that project expired, the Director of Budget and Management may re-establish the encumbrance in an amount not to exceed the amount of the expired encumbrance, in the name of the contractor named in the expired encumbrance, and for the same purpose specified in the expired encumbrance. The encumbrance shall be charged against the

reappropriation for the project. The amount re-encumbered shall be used only for the purpose of discharging the encumbrance in the capital biennium for which the reappropriation was made. For those re-encumbered reappropriations, any Controlling Board approval previously granted and referenced by the expired encumbering document remains in effect until the encumbrance is discharged or expires at the end of the capital biennium for which the reappropriation was made. If any portion of the amount re-encumbered by the Director of Budget and Management under this division is not expended prior to the close of the capital biennium for which the reappropriation was made, that amount is hereby reappropriated for the following capital biennium as provided for in division (A) of this section and subject to the provisions of division (A) of this section.

SECTION 50. Capital reappropriations in this act that have been released by the Controlling Board or the Director of Budget and Management between June 30, 2002, and July 1, 2004, do not require further approval or release prior to being encumbered. Funds reappropriated in excess of such prior releases shall be released in accordance with applicable provisions of this act.

SECTION 51. Unless otherwise specified, the reappropriations made in this act represent the unencumbered and unallotted balances of prior years' capital improvements appropriations estimated to be available on June 30, 2004. The actual balances on June 30, 2004, for the appropriation items in this act are hereby reappropriated. Additionally, there is hereby reappropriated the unencumbered and unallotted balances on June 30, 2004, of any appropriation items either reappropriated in Am. Sub. H.B. 524 of the 124th General Assembly or appropriated in H.B. 675 of the 124th General Assembly, or created by the Controlling Board pursuant to section 127.15 of the Revised Code from appropriation items in Am. Sub. H.B. 524 and H.B. 675, both of the 124th General Assembly, and this act, if the Director of Budget and Management determines that such balances are needed to complete the projects for which they were reappropriated or appropriated. The appropriation items and amounts that are reappropriated by this act shall be reported to the Controlling Board within 30 days after the effective date of this section.

SECTION 52. No appropriation for a health care facility authorized under

this act may be released until the requirements of sections 3702.51 to 3702.68 of the Revised Code have been met.

SECTION 53. All proceeds received by the state as a result of litigation, judgments, settlements, or claims, filed by or on behalf of any state agency as defined by section 1.60 of the Revised Code or any state-supported or state-assisted institution of higher education, for damages or costs resulting from the use, removal, or hazard abatement of asbestos materials shall be deposited in the Asbestos Abatement Distribution Fund (Fund 674). All funds deposited into the Asbestos Abatement Distribution Fund are hereby appropriated to the Attorney General. To the extent practicable, the proceeds placed in the Asbestos Abatement Distribution Fund shall be divided among the state agencies and state-supported or state-assisted institutions of higher education in accordance with the general provisions of the litigation regarding the percentage of recovery. Distribution of the proceeds to each state agency or state-supported or state-assisted institution of higher education shall be made in accordance with the Asbestos Abatement Distribution Plan to be developed by the Attorney General, the Division of Public Works within the Department of Administrative Services, and the Office of Budget and Management.

In those circumstances where asbestos litigation proceeds are for reimbursement of expenditures made with funds outside the state treasury or damages to buildings not constructed with state appropriations, direct payments shall be made to the affected institutions of higher education. Any proceeds received for reimbursement of expenditures made with funds within the state treasury or damages to buildings occupied by state agencies shall be distributed to the affected agencies with an intrastate transfer voucher to the funds identified in the Asbestos Abatement Distribution Plan.

Such proceeds shall be used for additional asbestos abatement or encapsulation projects, or for other capital improvements, except that proceeds distributed to the General Revenue Fund and other funds that are not bond improvement funds may be used for any purpose. The Controlling Board may, for bond improvement funds, create appropriation items or increase appropriation authority in existing appropriation items equaling the amount of such proceeds. Such amounts approved by the Controlling Board are hereby appropriated. Such proceeds deposited in bond improvement funds shall not be expended until released by the Controlling Board, which shall require certification by the Director of Budget and Management that

such proceeds are sufficient and available to fund the additional anticipated expenditures.

SECTION 54. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Ohio Parks and Natural Resources Fund (Fund 031), the School Building Program Assistance Fund (Fund 032), the Higher Education Improvement Fund (Fund 034), the Clean Ohio Conservation Fund (Fund 056), the Clean Ohio Agricultural Easement Fund (Fund 057), and the Clean Ohio Trail Fund (Fund 061) are determined to be capital improvements and capital facilities for natural resources, a statewide system of common schools, state-supported and state-assisted institutions of higher education, and conservation purposes (under the Clean Ohio Program) and are designated as capital facilities to which proceeds of obligations issued under Chapter 151. of the Revised Code are to be applied.

SECTION 55. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Sports Facilities Building Fund (Fund 024), the Highway Safety Building Fund (Fund 025), the Administrative Building Fund (Fund 026), the Adult Correctional Building Fund (Fund 027), the Juvenile Correctional Building Fund (Fund 028), the Transportation Building Fund (Fund 029), and the Arts Facilities Building Fund (Fund 030) are determined to be capital improvements and capital facilities for housing state agencies and branches of state government and are designated as capital facilities to which proceeds of obligations issued under Chapter 152. of the Revised Code are to be applied.

SECTION 56. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE REVISED CODE

The capital improvements for which appropriations are made in this act from the Mental Health Facilities Improvement Fund (Fund 033) and the Parks and Recreation Improvement Fund (Fund 035) are determined to be capital improvements and capital facilities for mental hygiene and retardation and parks and recreation and are designated as capital facilities to which proceeds of obligations issued under Chapter 154. of the Revised

Code are to be applied.

SECTION?57. Upon the request of the agency to which a capital project appropriation item is appropriated, the Director of Budget and Management may transfer open encumbrance amounts between separate encumbrances for the project appropriation item to the extent that any reductions in encumbrances are agreed to by the contracting vendor and the agency.

SECTION?58. Any proceeds received by the state as the result of litigation or a settlement agreement related to any liability for the planning, design, engineering, construction, or constructed management of such facilities operated by the Department of Administrative Services shall be deposited into the Administrative Building Fund (Fund 026).

SECTION?59. Sections 3 to 58 of this act shall remain in full force and effect commencing on July 1, 2004, and terminating on June 30, 2006, for the purpose of drawing money from the state treasury in payment of liabilities lawfully incurred hereunder, and on June 30, 2006, and not before, the moneys hereby appropriated shall lapse into the funds from which they are severally appropriated. If, under Section 1c of Article II, Ohio Constitution, Section 1c, Sections 3 to 58 of this act do not take effect until after July 1, 2004, Sections 3 to 58 of this act shall be and remain in full force and effect commencing on that later effective date.

SECTION?60. (A) As used in this section, "design-build construction method" means a construction method that has both of the following characteristics:

(1) An architecture firm and a contractor form a single entity that files a bid to construct a project and that, if awarded the contract to construct the project, agrees to a project price and completion date.

(2) The entity described in division (A)(1) of this section assumes all of the financial risk if the project is delayed or exceeds the project price, and receives bonuses if the cost it incurs is less than the project price and it meets the construction target dates.

(B) The Board of County Commissioners of Ashtabula County may construct, as a pilot project, a lodge and conference center at Geneva State Park on land leased from the Department of Natural Resources.

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

The Director of Budget and Management shall cancel any encumbrances or parts of encumbrances against appropriation item, 776-665, Railroad Crossing Safety Devices, and reestablish them against appropriation item 870-614, Grade Crossing Protection Devices-State, to be used by the Public Utilities Commission of Ohio (PUCO) for the Grade Crossing Profile and Safety Improvement Program, which is hereby created. The amounts of the reestablished encumbrances are hereby appropriated. A local matching grant of \$25,000 or less may be awarded to political subdivisions to pay for profile improvements at crossings that meet all the following criteria: have a daily train count of at least ten trains, have a daily traffic count of at least 100 motor vehicles, are currently not equipped with

automatic gates or lights, and are currently ranked in the bottom two-thirds of the hazard index as determined by the PUCO Accident Prediction Formula. In addition, grants up to \$5,000 may be awarded to any political subdivision to fund non-profile improvement safety devices such as rumble strips, vegetation removal, and lighting, at crossings.

The PUCO and the Ohio Department of Transportation shall notify each county with jurisdiction over a crossing of the requirements of this section and that funding is available for rail crossing safety improvements through the Grade Crossing Profile and Safety Improvement Program.

The PUCO shall issue a report on or before June 30, 2005, describing the activities carried out by the PUCO to comply with this section. The report shall include the number and location of crossings that received safety improvements and the cost of each improvement to date.

All appropriations in Fund 4A3 remaining unencumbered on June 30, 2005, are hereby reappropriated for the same purpose in fiscal year 2006.

SECTION?62. That existing 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, is hereby repealed.

SECTION?63. The amendment by this act of Section 11.04 of Am. Sub. H.B. 87 of the 125th General Assembly, and the items of which the amendment is composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendment, and the items of which it is composed, go into immediate effect when this act becomes law.

SECTION?64. That 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 be amended to read as follows:

Sec. 8.04. CENTRAL SERVICE AGENCY FUND

The Director of Budget and Management may transfer up to \$423,200 in fiscal year 2004 and up to \$427,700 in fiscal year 2005 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$40,700 in fiscal year 2004 and up to \$41,200 in fiscal year 2005 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The Director of Budget and

Management may transfer up to \$1,210 in fiscal year 2004 and up to \$1,340 in fiscal year 2005 from the Motor Vehicle Collision Repair Registration Fund (Fund 5H9) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to maintain a local area network for the professional licensing boards, and to support their licensing applications in fiscal years 2004 and 2005. The amount of the cash transfer is appropriated to appropriation item 100-632, Central Service Agency.

Sec. 12. AGR DEPARTMENT OF AGRICULTURE

General Revenue Fund

GRF 700-321	Operating Expenses	\$	2,737,665	\$	2,771,628
GRF 700-401	Animal Disease Control	\$	4,121,815	\$	4,121,815
GRF 700-402	Amusement Ride Safety	\$	278,767	\$	275,943
GRF 700-403	Dairy Division	\$	1,494,597	\$	1,494,153
GRF 700-404	Ohio Proud	\$	197,727	\$	197,229
GRF 700-405	Animal Damage Control	\$	94,954	\$	94,954
GRF 700-406	Consumer Analytical Lab	\$	819,281	\$	872,241
GRF 700-407	Food Safety	\$	999,042	\$	999,042
GRF 700-409	Farmland Preservation	\$	256,993	\$	256,993
GRF 700-410	Plant Industry	\$	1,109,867	\$	1,107,677
GRF 700-411	International Trade and Market Development	\$	621,049	\$	517,524
GRF 700-412	Weights and Measures	\$	914,137	\$	909,120
GRF 700-413	Gypsy Moth Prevention	\$	546,118	\$	576,299
GRF 700-414	Concentrated Animal Feeding Facilities Advisory Committee	\$	16,521	\$	16,086
GRF 700-415	Poultry Inspection	\$	270,645	\$	267,743
GRF 700-418	Livestock Regulation Program	\$	1,306,911	\$	1,306,911
GRF 700-424	Livestock Testing and Inspections	\$	123,347	\$	123,347
GRF 700-499	Meat Inspection Program - State Share	\$	4,651,611	\$	4,696,889
GRF 700-501	County Agricultural Societies	\$	381,091	\$	381,091
TOTAL GRF General Revenue Fund		\$	20,942,138	\$	20,986,685

Federal Special Revenue Fund Group

3J4 700-607	Indirect Cost	\$	938,785	\$	949,877
3R2 700-614	Federal Plant Industry	\$	1,400,000	\$	1,425,000
326 700-618	Meat Inspection Service - Federal Share	\$	4,876,904	\$	4,951,291
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774
382 700-601	Cooperative Contracts	\$	2,400,000 <u>2,460,000</u>	\$	2,500,000 <u>2,560,000</u>
TOTAL FED Federal Special Revenue Fund Group		\$	9,797,463 <u>9,857,463</u>	\$	10,007,942 <u>10,067,942</u>

State Special Revenue Fund Group

4C9	700-605	Feed, Fertilizer, and Lime Inspection	\$	986,765	\$	1,008,541
4D2	700-609	Auction Education	\$	30,476	\$	30,476
4E4	700-606	Utility Radiological Safety	\$	73,059	\$	73,059
4P7	700-610	Food Safety Inspection	\$	575,797	\$	582,711
4R0	700-636	Ohio Proud Marketing	\$	40,300	\$	38,300
4R2	700-637	Dairy Inspection Fund	\$	1,157,603	\$	1,184,183
4T6	700-611	Poultry and Meat Inspection	\$	46,162	\$	47,294
4T7	700-613	International Trade and Market Development Rotary	\$	41,238	\$	42,000
4V5	700-615	Animal Industry Lab Fees	\$	711,944	\$	711,944
494	700-612	Agricultural Commodity Marketing Program	\$	170,077	\$	170,220
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,099
497	700-627	Commodity Handlers Regulatory Program	\$	664,118	\$	664,118
498	700-628	Commodity Indemnity Fund	\$	250,000	\$	250,000
5B8	700-629	Auctioneers	\$	291,672	\$	365,390
5H2	700-608	Metrology Lab	\$	105,879	\$	108,849
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000
578	700-620	Ride Inspection Fees	\$	497,000	\$	497,000
579	700-630	Scale Certification	\$	168,785	\$	171,677
652	700-634	Laboratory Services	\$	1,043,444	\$	1,074,447
669	700-635	Pesticide Program	\$	2,243,232	\$	2,243,232
TOTAL SSR State Special Revenue Fund Group			\$	10,418,650	\$	10,584,540
Clean Ohio Fund Group						
057	700-632	Clean Ohio Agricultural Easement	\$	149,000	\$	149,000
TOTAL CLR Clean Ohio Fund Group			\$	149,000	\$	149,000
Holding Account Redistribution Fund Group						
XXX	700-XXX	Farm Service Electronic Filing	\$	60,000	\$	60,000
TOTAL 090 Holding Account Redistribution Fund Group			\$	60,000	\$	60,000
TOTAL ALL BUDGET FUND GROUPS			\$	41,367,251	\$	41,788,167

ANIMAL DAMAGE CONTROL

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.

INTERNATIONAL TRADE AND MARKET DEVELOPMENT

Of the foregoing appropriation item 700-411, International Trade and Market Development, \$100,000 shall be used in fiscal year 2004 for the Ohio-Israel Agricultural Initiative.

FAMILY FARM LOAN PROGRAM

Notwithstanding Chapter 166. of the Revised Code, up to \$1,500,000 in each fiscal year shall be transferred from moneys in the Facilities Establishment Fund (Fund 037) to the Family Farm Loan Fund (Fund 5H1)

in the Department of Development. These moneys shall be used for loan guarantees. The transfer is subject to Controlling Board approval.

Financial assistance from the Family Farm Loan Fund (Fund 5H1) shall be repaid to Fund 5H1. This fund is established in accordance with sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the Revised Code.

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, all outstanding balances, all loan repayments, and any other outstanding obligations shall revert to the Facilities Establishment Fund (Fund 037).

CLEAN OHIO AGRICULTURAL EASEMENT

The foregoing appropriation item 700-632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

~~FARM SERVICE ELECTRONIC FILING~~

~~As soon as possible on or after July 1, 2003, the Director of Budget and Management shall make a one-time cash transfer of \$60,000 from Fund 382, Cooperative Contracts, to Fund XXX, Farm Service Electronic Filing Fund, in fiscal year 2004. The Farm Service Electronic Filing Fund shall be administered by the Department of Agriculture.~~

COOPERATIVE CONTRACTS

The Director of Budget and Management shall transfer the cash balance as of the effective date of this amendment from Fund 5Y7, Farm Service Agency Electronic Filing Fund, to Fund 382, Cooperative Contracts. Encumbrances from appropriation item 700-XXX, Farm Service Electronic Filing, shall be canceled and re-established in appropriation item 700-601, Cooperative Contracts. Those amounts are hereby appropriated. Fund 5Y7, Farm Service Agency Electronic Filing Fund, is hereby closed. The definition of Fund 382 is hereby expanded to include revenue from the United States Farm Service Agency. The use of the money is hereby expanded to include fees charged in advance by the Secretary of State for electronic filing related to Farm Service Agency agricultural loans.

Sec. 38.12. SHOVEL READY SITES

The foregoing appropriation item 195-516, Shovel Ready Sites, shall be used for the Shovel Ready Sites Program.

The Director of Development shall ~~contract~~ make grants for pilot projects ~~with~~ to three port authorities or development entities approved by the Director, two of which shall be from urban counties with populations of at least 200,000 but not more than 600,000 residents, and one of which shall be from a rural county. Fiscal year 2004 grant funds shall be advanced to the port authorities or development entities and shall be available for immediate use on the pilot projects. At any time after July 1, 2004, and upon

documentation of expenditure of at least 90 per cent of the fiscal year 2004 funds, fiscal year 2005 funds shall be advanced and shall be available for immediate use on the pilot projects. The appropriation shall be used to leverage federal funds, local funds, or both, to provide as grants for the preparation of sites for immediate construction for, including the costs related to the acquisition of property, including options; site preparation, including brownfield cleanup activities; the construction of road, water, telecommunication, and utility infrastructure; and professional fees related to the pilot projects in the state. Professional fees shall not exceed 20 per cent of the grant amount. The port authorities or development entities shall enter into an agreement with the Director, in a format determined by the Director, governing the use of the funds.

Sec. 41.06. EDUCATION MANAGEMENT INFORMATION SYSTEM

The foregoing appropriation item 200-446, Education Management Information System, shall be used by the Department of Education to improve the Education Management Information System (EMIS).

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$1,295,857 in each fiscal year shall be distributed to designated data acquisition sites for costs relating to processing, storing, and transferring data for the effective operation of the EMIS. These costs may include, but are not limited to, personnel, hardware, software development, communications connectivity, professional development, and support services, and to provide services to participate in the State Education Technology Plan pursuant to section 3301.07 of the Revised Code.

Of the foregoing appropriation item 200-446, Education Management Information System, up to \$8,055,189 in each fiscal year shall be distributed on a per-pupil basis to school districts, community schools established under Chapter 3314. of the Revised Code, education service centers, joint vocational school districts, and any other education entity that reports data through EMIS. From this funding, each school district or community school established under Chapter 3314. of the Revised Code with enrollment greater than 100 students and each vocational school district shall receive a minimum of \$5,000 in each fiscal year. Each school district or community school established under Chapter 3314. of the Revised Code with enrollment between one and one hundred and each education service center and each county board of MR/DD that submits data through EMIS shall receive \$3,000 in each fiscal year. This subsidy shall be used for costs relating to reporting, processing, storing, transferring, and exchanging data necessary

to meet requirements of the Department of Education's data system.

Of the foregoing appropriation item 200-446, Education Management Information System, \$782,500 in each fiscal year shall be used by the Department of Education, in consultation with an advisory group of school districts, community schools, and other education-related entities, for the development and implementation of a common core of Education Management Information System data definitions and data format standards. Once these definitions and standards have been developed, they shall be approved by the Education Data Advisory Council. Once the standards are approved by the Education Data Advisory Council, any software meeting the standards shall be designated as an approved vendor and may enter into contracts with local school districts, community schools, data acquisition centers, or other educational entities for the purpose of collecting and managing data required under Ohio's education management information system (EMIS) laws. On an annual basis, the Department of Education shall convene an advisory group of school districts, community schools, and other education-related entities to review the Education Management Information System data definitions and data format standards. The advisory group shall recommend changes and enhancements based upon surveys of its members, education agencies in other states, and current industry practices, to reflect best practices, align with federal initiatives, and meet the needs of school districts.

School districts and community schools shall implement a common and uniform set of data definitions and data format standards for Education Management Information System purposes by July 1, 2004. The Department of Education shall work with data acquisition sites and their member school districts and community schools to implement those uniform standards. School districts and community schools that do not adopt and implement the uniform data definitions and standards by July 1, 2004, as jointly determined by the Department of Education software development team and the advisory group shall have all EMIS funding withheld until they are in compliance.

GED TESTING/ADULT HIGH SCHOOL

The foregoing appropriation item 200-447, GED Testing/Adult High School, shall be used to provide General Educational Development (GED) testing at no cost to applicants, pursuant to rules adopted by the State Board of Education. The Department of Education shall reimburse school districts and community schools, created in accordance with Chapter 3314. of the Revised Code, for a portion of the costs incurred in providing summer instructional or intervention services to students who have not graduated due

to their inability to pass one or more parts of the state's ninth grade proficiency test. School districts shall also provide such services to students who are residents of the district pursuant to section 3313.64 of the Revised Code, but who are enrolled in chartered, nonpublic schools. The services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off the nonpublic school premises. No school district shall provide summer instructional or intervention services to nonpublic school students as authorized by this section unless such services are available to students attending the public schools within the district. No school district shall provide services for use in religious courses, devotional exercises, religious training, or any other religious activity. Chartered, nonpublic schools shall pay for any unreimbursed costs incurred by school districts for providing summer instruction or intervention services to students enrolled in chartered, nonpublic schools. School districts may provide these services to students directly or contract with postsecondary or nonprofit community-based institutions in providing instruction. The appropriation also shall be used for state reimbursement to school districts for adult high school continuing education programs pursuant to section 3313.531 of the Revised Code or for costs associated with awarding adult high school diplomas under section 3313.611 of the Revised Code.

EDUCATOR PREPARATION

The foregoing appropriation item 200-448, Educator Preparation, shall be used by the Ohio Teacher Education and Licensure Advisory Commission to carry out the responsibilities of the 21-member Ohio Teacher Education and Licensure Advisory Commission. The advisory commission is charged by the State Board of Education with considering all matters related to educator preparation and licensure, including standards for educator preparation and licensure, approval of institutions and programs, and recommending decisions to the State Board of Education.

TITLE IV-A HEAD START AND TITLE IV-A HEAD START PLUS START UP

The foregoing appropriation item 200-449, Head Start/Head Start Plus Start Up, shall be used to provide start up grants for Title IV-A reimbursable funding for the provision of services to children eligible for Title IV-A services. In fiscal year 2004, these grants shall be provided to Title IV-A Head Start agencies. In fiscal year 2005, these grants shall be provided to Title IV-A Head Start agencies and Title IV-A Head Start Plus agencies. The amount of each grant shall be determined by the Department of Education. In fiscal year 2005, up to \$100,000 may be used by the

Department of Education to provide associated program support and technical assistance. Funds appropriated for this purpose shall be reimbursed to the General Revenue Fund when the Title IV-A Head Start or Title IV-A Head Start Plus programs cease or are no longer funded from Title IV-A. If one program ceases or is no longer funded with Title IV-A funds, the General Revenue Fund will be reimbursed for that program.

If a Title IV-A Head Start agency or Title IV-A Head Start Plus agency chooses not to participate in the program or if the Department ~~of~~ of Education suspends or terminates part or all of its funding, reimbursement owed to the grantee shall be held by the Department of Education up to the amount of the grant owed by the grantee. If insufficient reimbursement is available to recover the amount owed by the grantee, the grantee shall return the remaining balance within 60 days of the date of the decision not to participate, the suspension, or the termination. Funding recovered from such grantees shall be used by the Department of Education for supplying grants to new grantees for Title IV-A reimbursable funding for provision of services to children eligible for Title IV-A services. Any funding remaining when the Title IV-A Head Start and the Title IV-A Head Start Plus programs cease or are no longer funded with Title IV-A funds shall be returned to the General Revenue Fund.

The Title IV-A Head Start Plus agency that is receiving funds to operate a Head Start program in accordance with section 3301.35 of the Revised Code shall provide the program through contracts with child care providers licensed or certified in accordance with Chapter 5104. of the Revised Code. If a licensed or certified child care provider is not in operation or willing to participate and if eligible families are in need of full-day and full-year Head Start and child care services, the Title IV-A Head Start Plus agency may be the sole source provider.

TEACHING SUCCESS COMMISSION INITIATIVES

The foregoing appropriation item 200-452, Teaching Success Commission Initiatives, shall be used by the Department of Education to support initiatives recommended by the Governor's Commission on Teaching Success.

COMMUNITY SCHOOLS

Of the foregoing appropriation item 200-455, Community Schools, up to \$1,308,661 in each fiscal year may be used by the Department of Education for additional services and responsibilities under section 3314.11 of the Revised Code.

Of the foregoing appropriation item 200-455, Community Schools, up to \$250,000 in each fiscal year may be used by the Department of Education

for developing and conducting training sessions for sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code. In developing such training sessions, the Department shall collect and disseminate examples of best practices used by sponsors of independent charter schools in Ohio and other states.

The remaining appropriation may be used by the Department of Education to make grants of up to \$50,000 to each proposing group with a preliminary agreement obtained under division (C)(2) of section 3314.02 of the Revised Code in order to defray planning and initial start-up costs. In the first year of operation of a community school, the Department of Education may make a grant of not more than \$100,000 to the governing authority of the school to partially defray additional start-up costs. The amount of the grant shall be based on a thorough examination of the needs of the community school. The Department of Education shall not utilize moneys received under this section for any other purpose other than those specified under this section.

A community school awarded start-up grants from appropriation item 200-613, Public Charter Schools (Fund 3T4), shall not be eligible for grants under this section.

Sec. 41.13. SPECIAL EDUCATION ENHANCEMENTS

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$44,204,000 in fiscal year 2004 and up to \$45,441,712 in fiscal year 2005 shall be used to fund special education and related services at county boards of mental retardation and developmental disabilities for eligible students under section 3317.20 of the Revised Code. Up to \$2,452,125 shall be used in each fiscal year to fund special education classroom and related services units at institutions.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$2,906,875 in each fiscal year shall be used for home instruction for children with disabilities; up to \$1,462,500 in each fiscal year shall be used for parent mentoring programs; and up to \$2,783,396 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$3,406,090 in each fiscal year shall be used by the Department of Education to assist school districts in funding aides pursuant to paragraph (A)(3)(c)(i)(b) of rule 3301-51-04 of the Administrative Code.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$78,384,498 in each fiscal year shall be distributed by the Department of Education to county boards of mental retardation and

developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units in accordance with section 3317.161 of the Revised Code. The ~~department~~ Department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in rule ~~3301-31-05~~ 3301-51-11 of the Administrative Code, for preschool occupational and physical therapy services provided by a physical therapy assistant and certified occupational therapy assistant, and for an instructional assistant. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-501, Base Cost Funding, to appropriation item 200-540, Special Education Enhancements, to fully fund existing units as necessary or to fully fund additional units. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-540, Special Education Enhancements, to appropriation item 200-501, Base Cost Funding, to fully fund the special education weight cost funding.

The Department of Education shall require school districts, educational service centers, and county MR/DD boards serving preschool children with disabilities to document child progress using research-based indicators prescribed by the Department and report results annually. The reporting dates and methodology shall be determined by the Department.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$315,000 in each fiscal year shall be expended to conduct a demonstration project involving language and literacy intervention teams supporting student acquisition of language and literacy skills. The demonstration project shall demonstrate improvement of language and literacy skills of at-risk learners under the instruction of certified speech pathologists and educators. Baseline data shall be collected and comparison data for fiscal year 2004 and fiscal year 2005 shall be collected and reported to the Governor, ~~Ohio Reads~~ OhioReads Council, Department of Education, and the General Assembly.

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$500,000 in each fiscal year shall be used for the Research-Based Reading Mentoring Program.

Of the foregoing appropriation item 200-540, Special Education Enhancements, \$600,000 in each fiscal year shall be used to support the Bellefaire Jewish Children's Bureau.

Sec. 55. OHS OHIO HISTORICAL SOCIETY

General Revenue Fund

GRF 360-403	Adena - Worthington Home	\$	200,000	\$	150,000
GRF 360-501	Operating Subsidy	\$	3,389,973	\$	3,389,973
GRF 360-502	Site Operations	\$	8,240,438	\$	8,240,438
GRF 360-503	Ohio Bicentennial Commission	\$	1,847,239	\$	58,164
GRF 360-504	Ohio Preservation Office	\$	289,733	\$	289,733
GRF 360-505	Afro-American Museum	\$	778,231	\$	778,231
GRF 360-506	Hayes Presidential Center	\$	524,981	\$	524,981
GRF 360-508	Historical Grants	\$	<u>2,200,000</u>	\$	<u>1,550,000</u>
			<u>2,400,000</u>		<u>1,750,000</u>
TOTAL GRF General Revenue Fund		\$	<u>17,470,595</u>	\$	<u>14,981,520</u>
			<u>17,670,595</u>		<u>15,181,520</u>
TOTAL ALL BUDGET FUND GROUPS		\$	<u>17,470,595</u>	\$	<u>14,981,520</u>
			<u>17,670,595</u>		<u>15,181,520</u>

SUBSIDY APPROPRIATION

Upon approval by the Director of Budget and Management, the foregoing appropriation items shall be released to the Ohio Historical Society in quarterly amounts that in total do not exceed the annual appropriations. The funds and fiscal records of the society for fiscal years 2004 and 2005 shall be examined by independent certified public accountants approved by the Auditor of State, and a copy of the audited financial statements shall be filed with the Office of Budget and Management. The society shall prepare and submit to the Office of Budget and Management the following:

(A) An estimated operating budget for each fiscal year of the biennium. The operating budget shall be submitted at or near the beginning of each year.

(B) Financial reports, indicating actual receipts and expenditures for the fiscal year to date. These reports shall be filed at least semiannually during the fiscal biennium.

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio Historical Society under section 149.30 of the Revised Code. If the Ohio Historical Society accepts this contractual offer, the society may not, during fiscal year 2004 or 2005, close any of the sites operated by the society as of the effective date of this section.

Not later than May 15, 2004, the Ohio Historical Society shall submit to the Controlling Board a plan for the implementation of the recommendations of the Select Committee to Study the Effectiveness of Ohio's Historical Programs and Partnerships. No appropriations to the society for fiscal year 2005 may be expended without prior approval of the implementation plan by the Controlling Board.

HAYES PRESIDENTIAL CENTER

If a United States government agency, including, but not limited to, the National Park Service, chooses to take over the operations or maintenance of the Hayes Presidential Center, in whole or in part, the Ohio Historical Society shall make arrangements with the National Park Service or other United States government agency for the efficient transfer of operations or maintenance.

HISTORICAL GRANTS

Of the foregoing appropriation item 360-508, Historical Grants, ~~\$91,667~~ \$100,000 in each fiscal year ~~2004~~ and ~~\$88,571~~ in ~~fiscal year 2005~~ shall be distributed to the Hebrew Union College in Cincinnati for the Center for Holocaust and Humanity Education, ~~\$137,500~~ \$150,000 in fiscal year 2004 shall be distributed to the National Underground Railroad Freedom Center in Cincinnati, ~~\$229,167~~ \$250,000 in each fiscal year ~~2004~~ and ~~\$221,430~~ in ~~fiscal year 2005~~ shall be distributed to the Great Lakes Historical Society in Vermilion, ~~\$733,333~~ \$800,000 in each fiscal year ~~2004~~ and ~~\$708,571~~ in ~~fiscal year 2005~~ shall be distributed to the Western Reserve Historical Society in Cleveland, ~~\$458,333~~ \$500,000 in fiscal year 2004 shall be distributed to the Village of Dennison for the Historical Center Street District, ~~\$91,667~~ \$100,000 in each fiscal year ~~2004~~ and ~~\$88,571~~ in ~~fiscal year 2005~~ shall be distributed to the Harbor Heritage Society Steamship Mather in Cleveland, and ~~\$458,333~~ \$500,000 in each fiscal year ~~2004~~ and ~~\$442,857~~ in ~~fiscal year 2005~~ shall be distributed to the Cincinnati Museum Center.

OHIO BICENTENNIAL COMMISSION ROYALTIES

Notwithstanding any previous arrangement to the contrary, the Ohio Bicentennial Commission shall keep the first \$100,000 in earned royalties associated with the Ohio Bicentennial logo during the 2004-2005 biennium. This \$100,000 shall be used to cover the operating expenses of the Ohio Bicentennial Commission in fiscal year 2005. The remaining moneys collected from royalties associated with the Ohio Bicentennial logo shall be deposited into the General Revenue Fund, of which \$350,000 shall be distributed to the Ohio Historical Society for use in appropriation item 360-403, Adena - Worthington Home.

Sec. 59. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

GRF 600-321	Support Services				
	State	\$	62,361,047	\$	58,611,047
	Federal	\$	7,176,249	\$	7,125,883
	Support Services Total	\$	69,537,296	\$	65,736,930
GRF 600-410	TANF State	\$	272,619,061	\$	272,619,061
GRF 600-413	Child Care Match/Maintenance of Effort	\$	84,120,596	\$	84,120,596

GRF 600-416	Computer Projects				
	State	\$	120,000,000	\$	120,000,000
	Federal	\$	31,095,442	\$	31,400,454
	Computer Projects Total	\$	151,095,442	\$	151,400,454
GRF 600-420	Child Support Administration	\$	5,091,446	\$	5,091,446
GRF 600-421	Office of Family Stability	\$	4,864,932	\$	4,864,932
GRF 600-422	Local Operations	\$	2,305,232	\$	2,305,232
GRF 600-423	Office of Children and Families	\$	5,000,000	\$	5,000,000
GRF 600-424	Office of Workforce Development	\$	877,971	\$	877,971
GRF 600-425	Office of Ohio Health Plans				
	State	\$	21,944,901	\$	22,603,740
	Federal	\$	21,848,555	\$	22,495,502
	Office of Ohio Health Plans Total	\$	43,793,456	\$	45,099,242
GRF 600-435	Unemployment Compensation Review Commission	\$	3,188,473	\$	3,188,473
GRF 600-439	Commission to Reform Medicaid	\$	125,000	\$	125,000
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371
GRF 600-521	Family Stability Subsidy	\$	55,206,401	\$	55,206,401
GRF 600-523	Children and Families Subsidy	\$	69,846,563	\$	69,846,563
GRF 600-525	Health Care/Medicaid				
	State	\$	3,651,294,321	\$	3,842,465,911
	Federal	\$	5,188,691,539	\$	5,463,149,039
			<u>5,189,580,735</u>		<u>5,493,159,762</u>
	Health Care Total	\$	8,839,985,860	\$	9,305,614,950
			<u>8,840,875,056</u>		<u>9,335,625,673</u>
GRF 600-528	Adoption Services				
	State	\$	33,395,955	\$	36,017,981
	Federal	\$	37,368,248	\$	41,115,000
	Adoption Services Total	\$	70,764,203	\$	77,132,981
TOTAL GRF	General Revenue Fund				
	State	\$	4,428,706,900	\$	4,619,409,355
	Federal	\$	5,286,180,033	\$	5,565,285,878
			<u>5,287,069,229</u>		<u>5,595,387,601</u>
	GRF Total	\$	9,718,075,406	\$	10,187,883,706
			<u>9,718,964,602</u>		<u>10,217,894,429</u>
General Services Fund Group					
4A8 600-658	Child Support Collections	\$	27,255,646	\$	26,680,794
4R4 600-665	BCII Services/Fees	\$	136,974	\$	136,974
5C9 600-671	Medicaid Program Support	\$	54,686,270	\$	55,137,078
5N1 600-677	County Technologies	\$	5,000,000	\$	5,000,000
613 600-645	Training Activities	\$	135,000	\$	135,000
TOTAL GSF	General Services Fund Group	\$	87,213,890	\$	87,089,846
Federal Special Revenue Fund Group					
3A2 600-641	Emergency Food Distribution	\$	2,083,500	\$	2,187,675
3D3 600-648	Children's Trust Fund Federal	\$	2,040,524	\$	2,040,524
3F0 600-623	Health Care Federal	\$	391,658,105	\$	394,221,409
3F0 600-650	Hospital Care Assurance	\$	298,128,308	\$	305,879,644

		Match			
3G5	600-655	Interagency Reimbursement	\$	1,180,523,642	\$ 1,245,244,536
3H7	600-617	Child Care Federal	\$	224,539,425	\$ 235,045,596
3N0	600-628	IV-E Foster Care Maintenance	\$	173,963,142	\$ 173,963,142
3S5	600-622	Child Support Projects	\$	534,050	\$ 534,050
3V0	600-662	WIA Ohio Option #7	\$	87,407,014	\$ 89,352,850
3V0	600-688	Workforce Investment Act	\$	93,636,390	\$ 94,932,750
3V4	600-678	Federal Unemployment Programs	\$	153,690,682	\$ 154,111,608
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$	3,097,320	\$ 2,860,297
3V6	600-689	TANF Block Grant	\$	786,095,609	\$ 845,909,688
3W3	600-659	TANF/Title XX	\$	88,994,049	\$ 93,498,158
316	600-602	State and Local Training	\$	11,212,594	\$ 11,249,282
327	600-606	Child Welfare	\$	29,119,408	\$ 28,665,728
331	600-686	Federal Operating	\$	48,237,185	\$ 47,340,081
365	600-681	JOB Training Program	\$	5,000,000	\$ 0
384	600-610	Food Stamps and State Administration	\$	134,560,572	\$ 135,141,694
385	600-614	Refugee Services	\$	5,793,656	\$ 5,841,407
395	600-616	Special Activities/Child and Family Services	\$	3,975,821	\$ 3,975,821
396	600-620	Social Services Block Grant	\$	74,969,767	\$ 74,986,134
397	600-626	Child Support	\$	304,157,939	\$ 307,468,576
398	600-627	Adoption Maintenance/ Administration	\$	339,957,978	\$ 340,104,370
		TOTAL FED Federal Special Revenue Fund Group	\$	4,443,376,680	\$ 4,594,555,020
		State Special Revenue Fund Group			
198	600-647	Children's Trust Fund	\$	4,336,109	\$ 4,336,109
4A9	600-607	Unemployment Compensation Admin Fund	\$	8,001,000	\$ 8,001,000
4E3	600-605	Nursing Home Assessments	\$	4,759,913	\$ 4,759,914
4E7	600-604	Child and Family Services Collections	\$	300,000	\$ 300,000
4F1	600-609	Foundation Grants/Child and Family Services	\$	119,310	\$ 119,310
4J5	600-613	Nursing Facility Bed Assessments	\$	35,060,013	\$ 35,064,238
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$ 15,700,000
4K1	600-621	ICF/MR Bed Assessments	\$	20,467,050	\$ 20,428,726
4R3	600-687	Banking Fees	\$	892,000	\$ 892,000
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$ 10,000,000
5A5	600-685	Unemployment Benefit Automation	\$	14,000,000	\$ 0
5P5	600-692	Health Care Services	\$	492,932,514	\$ 515,947,439
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	30,797,539	\$ 30,797,539
5R2	600-608	Medicaid-Nursing Facilities	\$	113,754,184	\$ 113,754,184
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$ 1,620,960
5T2	600-652	Child Support Special Payment	\$	1,500,000	\$ 750,000

5U3 600-654	Health Care Services Administration	\$	7,576,322	\$	6,119,127
5U6 600-663	Children and Family Support	\$	4,929,718	\$	4,929,718
651 600-649	Hospital Care Assurance Program Fund	\$	208,634,072	\$	214,058,558
TOTAL SSR State Special Revenue Fund Group		\$	975,380,704	\$	987,578,822
Agency Fund Group					
192 600-646	Support Intercept - Federal	\$	136,500,000	\$	136,500,000
5B6 600-601	Food Stamp Intercept	\$	5,000,000	\$	5,000,000
583 600-642	Support Intercept - State	\$	20,565,582	\$	20,565,582
TOTAL AGY Agency Fund Group		\$	162,065,582	\$	162,065,582
Holding Account Redistribution Fund Group					
R12 600-643	Refunds and Audit Settlements	\$	5,343,906	\$	5,343,906
R13 600-644	Forgery Collections	\$	700,000	\$	700,000
TOTAL 090 Holding Account Redistribution Fund Group		\$	6,043,906	\$	6,043,906
TOTAL ALL BUDGET FUND GROUPS		\$	15,392,156,168	\$	16,025,216,882
			<u>15,393,045,364</u>		<u>16,055,227,605</u>

Sec. 59.29. OHIO COMMISSION TO REFORM MEDICAID

There is hereby established the Ohio Commission to Reform Medicaid, which shall consist of nine members: three appointed by the Governor, three appointed by the Speaker of the House of Representatives, and three appointed by the President of the Senate. Appointments shall be made not later than ninety days after ~~the effective date of this section~~ June 26, 2003. All members shall serve at the pleasure of the appointing authority. ~~Members shall serve without compensation.~~ Vacancies shall be filled in the manner of original appointments.

The members of the Commission shall serve without compensation but shall be reimbursed in accordance with rules adopted under section 126.31 of the Revised Code for all actual and necessary expenses incurred on or after the effective date of this amendment in the performance of their official duties on the Commission.

A member of the Commission shall be considered present at a Commission meeting even though the member's participation is through a telephone conference call if the meeting's purpose is to gather information, no votes are taken at the meeting, and a room is made available for the public to observe the meeting.

The Commission shall conduct a complete review of the state Medicaid program and shall make recommendations for comprehensive reform and cost containment. The Commission shall submit a report of its findings and recommendations to the Governor, Speaker, and Senate President not later than January 1, 2005.

The Commission may hire a staff director and additional employees to

provide technical support.

The Director of Job and Family Services shall, on behalf of the Commission, seek federal financial participation for the administrative costs of the Commission.

Sec. 66. LIB STATE LIBRARY BOARD

General Revenue Fund

GRF 350-321	Operating Expenses	\$	6,700,721	\$	6,700,721
GRF 350-400	Ohio Public Library Information Network	\$	0	\$	5,000,000
GRF 350-401	Ohioana Rental Payments	\$	124,816	\$	124,816
GRF 350-501	Cincinnati Public Library	\$	584,414	\$	569,803
GRF 350-502	Regional Library Systems	\$	1,194,374	\$	1,194,374
GRF 350-503	Cleveland Public Library	\$	879,042	\$	857,066
TOTAL GRF General Revenue Fund		\$	9,483,367	\$	14,446,780

General Services Fund Group

139 350-602	Intra-Agency Service Charges	\$	9,000	\$	9,000
4S4 350-604	OPLIN Technology	\$	6,450,000	\$	1,000,000
459 350-602	Interlibrary Service Charges	\$	2,759,661	\$	2,809,661
TOTAL GSF General Services Fund Group		\$	9,218,661	\$	3,818,661

Federal Special Revenue Fund Group

313 350-601	LSTA Federal	\$	5,541,647	\$	5,541,647
TOTAL FED Federal Special Revenue Fund Group		\$	5,541,647	\$	5,541,647
TOTAL ALL BUDGET FUND GROUPS		\$	24,243,675	\$	23,807,088

OHIOANA RENTAL PAYMENTS

The foregoing appropriation item 350-401, Ohioana Rental Payments, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association pursuant to section 3375.61 of the Revised Code.

CINCINNATI PUBLIC LIBRARY

The foregoing appropriation item 350-501, Cincinnati Public Library, shall be used for the Talking Book program, which assists the blind and disabled.

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350-502, Regional Library Systems, shall be used to support regional library systems eligible for funding under ~~section~~ sections 3375.83 and 3375.90 of the Revised Code.

CLEVELAND PUBLIC LIBRARY

The foregoing appropriation item 350-503, Cleveland Public Library, shall be used for the Talking Book program, which assists the blind and disabled.

OHIO PUBLIC LIBRARY INFORMATION NETWORK

The foregoing appropriation items 350-604, OPLIN Technology, and, in fiscal year 2005, 350-400, Ohio Public Library Information Network, shall

be used for an information telecommunications network linking public libraries in the state and such others as may be certified as participants by the Ohio Public Library Information Network Board.

The Ohio Public Library Information Network Board shall consist of eleven members appointed by the State Library Board from among the staff of public libraries and past and present members of boards of trustees of public libraries, based on the recommendations of the Ohio library community. The Ohio Public Library Information Network Board, in consultation with the State Library, shall develop a plan of operations for the network. The board may make decisions regarding use of the foregoing OPLIN appropriation items 350-400 and 350-604 and may receive and expend grants to carry out the operations of the network in accordance with state law and the authority to appoint and fix the compensation of a director and necessary staff. The State Library shall be the fiscal agent for the network and shall have fiscal accountability for the expenditure of funds. The Ohio Public Library Information Network Board members shall be reimbursed for actual travel and necessary expenses incurred in carrying out their responsibilities.

In order to limit access to obscene and illegal materials through internet use at Ohio Public Library Information Network (OPLIN) terminals, local libraries with OPLIN computer terminals shall adopt policies that control access to obscene and illegal materials. These policies may include use of technological systems to select or block certain internet access. The OPLIN shall condition provision of its funds, goods, and services on compliance with these policies. The OPLIN Board shall also adopt and communicate specific recommendations to local libraries on methods to control such improper usage. These methods may include each library implementing a written policy controlling such improper use of library terminals and requirements for parental involvement or written authorization for juvenile internet usage.

The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Executive Director shall biannually provide written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

The Ohio Public Library Information Network, InfOhio, and OhioLink shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer up to \$5,000,000 in fiscal year 2004 from the Library and Local Government Support Fund (Fund 065) to the OPLIN Technology Fund (Fund 4S4).

Sec. 89. BOR BOARD OF REGENTS

General Revenue Fund

GRF 235-321	Operating Expenses	\$	3,336,284	\$	2,767,219
GRF 235-401	Lease Rental Payments	\$	246,500,700	\$	216,836,400
GRF 235-402	Sea Grants	\$	274,895	\$	274,895
GRF 235-403	Math/Science Teaching Improvement	\$	1,757,614	\$	1,757,614
GRF 235-404	College Readiness Initiatives	\$	3,152,603	\$	3,401,759
GRF 235-406	Articulation and Transfer	\$	733,200	\$	733,200
GRF 235-408	Midwest Higher Education Compact	\$	82,500	\$	82,500
GRF 235-409	Information System	\$	1,185,879	\$	1,154,671
GRF 235-414	State Grants and Scholarship Administration	\$	1,219,719	\$	1,211,373
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300
GRF 235-417	Ohio Learning Network	\$	3,413,046	\$	3,327,720
GRF 235-418	Access Challenge	\$	67,568,622	\$	67,568,622
GRF 235-420	Success Challenge	\$	51,113,077	\$	56,113,077
GRF 235-428	Appalachian New Economy Partnership	\$	1,179,893	\$	1,147,895
GRF 235-451	Eminent Scholars	\$	0	\$	1,462,500
GRF 235-454	Research Challenge	\$	18,330,000	\$	18,330,000
GRF 235-455	EnterpriseOhio Network	\$	1,505,262	\$	1,465,650
GRF 235-474	Area Health Education Centers Program Support	\$	1,722,226	\$	1,676,670
GRF 235-477	Access Improvement Projects	\$	1,048,664	\$	1,080,124
GRF 235-501	State Share of Instruction	\$	1,534,189,277	\$	1,559,096,031
GRF 235-502	Student Support Services	\$	870,675	\$	848,908
GRF 235-503	Ohio Instructional Grants	\$	111,966,343	\$	115,325,333
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$	4,672,321
GRF 235-507	OhioLINK	\$	7,028,392	\$	7,028,392
GRF 235-508	Air Force Institute of Technology	\$	2,096,523	\$	2,053,860
GRF 235-509	Displaced Homemakers	\$	204,865	\$	199,743
GRF 235-510	Ohio Supercomputer Center	\$	4,208,472	\$	4,103,260
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863
GRF 235-513	Ohio University Voinovich Center	\$	311,977	\$	305,178

GRF 235-514	Central State Supplement	\$	11,039,203	\$	11,039,203
GRF 235-515	Case Western Reserve University School of Medicine	\$	3,303,612	\$	3,212,271
GRF 235-518	Capitol Scholarship Programs	\$	245,000	\$	245,000
GRF 235-519	Family Practice	\$	5,529,432	\$	5,391,196
GRF 235-520	Shawnee State Supplement	\$	2,082,289	\$	2,082,289
GRF 235-521	The Ohio State University Glenn Institute	\$	311,977	\$	305,178
GRF 235-524	Police and Fire Protection	\$	209,046	\$	203,819
GRF 235-525	Geriatric Medicine	\$	820,696	\$	800,179
GRF 235-526	Primary Care Residencies	\$	2,730,013	\$	2,661,762
GRF 235-527	Ohio Aerospace Institute	\$	1,933,607	\$	1,882,767
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000
GRF 235-531	Student Choice Grants	\$	52,139,646	\$	52,139,646
GRF 235-534	Student Workforce Development Grants	\$	2,437,500	\$	2,437,500
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,830,188	\$	35,830,188
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756
GRF 235-538	Medical College of Ohio at Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107
GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945
GRF 235-543	Ohio College of Podiatric Medicine Clinical Subsidy	\$	424,033	\$	424,033
GRF 235-547	School of International Business	\$	1,264,611	\$	1,232,996
GRF 235-549	Part-time Student Instructional Grants	\$	14,036,622	\$	14,457,721
GRF 235-552	Capital Component	\$	18,711,936	\$	18,711,936
GRF 235-553	Dayton Area Graduate Studies Institute	\$	3,074,550	\$	2,993,937
GRF 235-554	Computer Science Graduate Education	\$	2,577,209	\$	2,512,779
GRF 235-555	Library Depositories	\$	1,775,467	\$	1,731,080
GRF 235-556	Ohio Academic Resources Network	\$	3,657,009	\$	3,803,289
GRF 235-558	Long-term Care Research	\$	230,906	\$	225,134
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	121,586	\$	118,546
GRF 235-572	The Ohio State University Clinic Support	\$	1,400,394	\$	1,362,259
GRF 235-583	Urban University Programs	\$	5,692,236	\$	5,553,506
GRF 235-585	Ohio University Innovation	\$	41,596	\$	40,556

	Center				
GRF 235-587	Rural University Projects	\$	1,224,510	\$	1,224,510
GRF 235-588	Ohio Resource Center for Mathematics, Science, and Reading	\$	853,262	\$	853,262
GRF 235-595	International Center for Water Resources Development	\$	137,352	\$	133,918
GRF 235-596	Hazardous Materials Program	\$	339,647	\$	331,156
GRF 235-599	National Guard Scholarship Program	\$	13,252,916 14,752,916	\$	14,578,208 16,078,208
GRF 235-909	Higher Education General Obligation Debt Service	\$	97,668,000	\$	130,967,600
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>
General Services Fund Group					
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000
456 235-603	Sales and Services	\$	500,002	\$	500,003
TOTAL GSF General Services Fund Group		\$	900,002	\$	900,003
Federal Special Revenue Fund Group					
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001
312 235-609	Tech Prep	\$	183,850	\$	183,850
312 235-611	Gear-up Grant	\$	1,478,245	\$	1,370,691
312 235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960
312 235-615	Professional Development	\$	523,129	\$	523,129
312 235-616	Workforce Investment Act Administration	\$	850,000	\$	850,000
312 235-631	Federal Grants	\$	3,444,949	\$	3,150,590
TOTAL FED Federal Special Revenue Fund Group		\$	10,439,814	\$	10,037,901
State Special Revenue Fund Group					
4E8 235-602	Higher Educational Facility Commission Administration	\$	20,000	\$	20,000
4P4 235-604	Physician Loan Repayment	\$	476,870	\$	476,870
649 235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000
682 235-606	Nursing Loan Program	\$	893,000	\$	893,000
TOTAL SSR State Special Revenue Fund Group		\$	2,149,870	\$	2,149,870
TOTAL ALL BUDGET FUND GROUPS		\$	2,456,983,028 <u>2,458,483,028</u>	\$	2,495,324,375 <u>2,496,824,375</u>

Sec. 89.04. STATE SHARE OF INSTRUCTION

As soon as practicable during each fiscal year of the 2003-2005 biennium in accordance with instructions of the Board of Regents, each state-assisted institution of higher education shall report its actual

enrollment to the Board of Regents.

The Board of Regents shall establish procedures required by the system of formulas set out below and for the assignment of individual institutions to categories described in the formulas. The system of formulas establishes the manner in which aggregate expenditure requirements shall be determined for each of the three components of institutional operations. In addition to other adjustments and calculations described below, the subsidy entitlement of an institution shall be determined by subtracting from the institution's aggregate expenditure requirements income to be derived from the local contributions assumed in calculating the subsidy entitlements. The local contributions for purposes of determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels.

The General Studies and Technical models shall be adjusted by the Board of Regents so that the share of state subsidy earned by those models is not altered by changes in the overall local share. A lower-division fee differential shall be used to maintain the relationship that would have occurred between these models and the baccalaureate models had an assumed share of 37 per cent been funded.

In defining the number of full-time equivalent (FTE) students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made pursuant to section 3333.17 of the Revised Code or employer contracts entered into pursuant to section 3333.32 of the Revised Code.

(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT

(1) INSTRUCTION AND SUPPORT SERVICES

MODEL	FY 2004	FY 2005
General Studies I	\$ 4,947	\$ 4,983
General Studies II	\$ 5,323	\$ 5,336
General Studies III	\$ 6,883	\$ 7,120
Technical I	\$ 5,913	\$ 6,137
Technical III	\$ 9,522	\$ 10,026
Baccalaureate I	\$ 7,623	\$ 7,721
Baccalaureate II	\$ 8,584	\$ 8,864
Baccalaureate III	\$ 12,559	\$ 12,932
Masters and Professional I	\$ 15,867	\$ 18,000
Masters and Professional II	\$ 20,861	\$ 22,141
Masters and Professional III	\$ 27,376	\$ 28,190
Medical I	\$ 30,867	\$ 31,819

Medical II	\$ 41,495	\$ 41,960
MPD I	\$ 14,938	\$ 14,966

(2) STUDENT SERVICES

For this purpose, FTE counts shall be weighted to reflect differences among institutions in the numbers of students enrolled on a part-time basis. The student services subsidy per FTE shall be \$822 in fiscal year 2004 and \$903 in fiscal year 2005 for all models.

(B) PLANT OPERATION AND MAINTENANCE (POM)

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY

Space undergoing renovation shall be funded at the rate allowed for storage space.

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 Doctoral II.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures, which shall also be multiplied by the ratio of subsidy-eligible FTE students to total FTEs reported for each model. From this total amount, the amounts for Doctoral I and Doctoral II shall be subtracted to produce the ~~total~~ square-foot-based POM subsidy.

(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY

(a) The number of subsidy-eligible FTE students in each model shall be multiplied by the following rates for each campus for each fiscal year.

	FY 2004	FY 2005
General Studies I	\$ 552	\$ 560
General Studies II	\$ 696	\$ 705
General Studies III	\$1,608	\$1,651
Technical I	\$ 777	\$ 806
Technical III	\$1,501	\$1,570
Baccalaureate I	\$ 700	\$ 706
Baccalaureate II	\$1,250	\$1,232
Baccalaureate III	\$1,520	\$1,458
Masters and Professional I	\$1,258	\$1,301
Masters and Professional II	\$2,817	\$2,688
Masters and Professional III	\$3,832	\$3,712
Medical I	\$2,663	\$2,669
Medical II	\$3,837	\$4,110
MPD I	\$1,213	\$1,233

(b) The sum of the products for each campus determined in division (B)(2)(a) of this section for all models except Doctoral I and Doctoral II for each fiscal year shall be weighted by a factor to reflect sponsored research activity and job training-related public services expenditures to determine the total activity-based POM subsidy.

(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS

(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS

The calculation of the core subsidy entitlement shall consist of the following components:

(a) For each campus and for each fiscal year, the core subsidy

entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) of this section less assumed local contributions, by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students:

(i) For those medical schools whose current year enrollment, including students repeating terms, is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment including students repeating terms, where the base enrollment is:

The Ohio State University	1010
University of Cincinnati	833
Medical College of Ohio at Toledo	650
Wright State University	433
Ohio University	433
Northeastern Ohio Universities College of Medicine	433

(ii) For those medical schools whose current year enrollment, excluding students repeating terms, is equal to or greater than the base enrollment, the Medical II FTE enrollment shall equal the base enrollment plus the FTE for repeating students.

(iii) Students repeating terms may be no more than five per cent of current year enrollment.

(c) The Board of Regents shall compute the sum of the two calculations listed in division (C)(1)(a) of this section and use the greater sum as the core subsidy entitlement.

The POM subsidy for each campus shall equal the greater of the square-foot-based subsidy or the activity-based POM subsidy component of the core subsidy entitlement.

(d) The state share of instruction provided for doctoral students shall be based on a fixed percentage of the total appropriation. In each fiscal year of the biennium not more than 10.34 per cent of the total state share of instruction shall be reserved to implement the recommendations of the Graduate Funding Commission. It is the intent of the General Assembly that the doctoral reserve not exceed 10.34 per cent of the total state share of instruction to implement the recommendations of the Graduate Funding Commission. The Board of Regents may reallocate up to two per cent in

each fiscal year of the reserve among the state-assisted universities on the basis of a quality review as specified in the recommendations of the Graduate Funding Commission. No such reallocation shall occur unless the Board of Regents, in consultation with representatives of state-assisted universities, determines that sufficient funds are available for this purpose.

The amount so reserved shall be allocated to universities in proportion to their share of the total number of Doctoral I equivalent FTEs as calculated on an institutional basis using the greater of the two-year or five-year FTEs for the period fiscal year 1994 through fiscal year 1998 with annualized FTEs for fiscal years 1994 through 1997 and all-term FTEs for fiscal year 1998 as adjusted to reflect the effects of doctoral review and subsequent changes in Doctoral I equivalent enrollments. For the purposes of this calculation, Doctoral I equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs.

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING GUARANTEE

In addition to and after the other adjustment noted above, in fiscal year 2004, no campus shall receive a state share of instruction allocation that is less than 100 per cent of the prior year's state share of instruction amount. In fiscal year 2005, no campus shall receive a state share of instruction allocation that is less than 99 per cent of what that campus' state share of instruction would have been had the allocation in fiscal year 2004 been not less than 99 per cent, rather than 100 per cent, of the prior year's state share of instruction amount.

(3) CAPITAL COMPONENT DEDUCTION

After all other adjustments have been made, state share of instruction earnings shall be reduced for each campus by the amount, if any, by which debt service charged in Am. H.B. No. 748 of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd General Assembly, Am. H.B. No. 640 of the 123rd General Assembly, and H.B. No. 675 of the 124th General Assembly for that campus exceeds that campus's capital component earnings. The sum of the amounts deducted shall be transferred to appropriation item 235-552, Capital Component, in each fiscal year.

(D) REDUCTIONS IN EARNINGS

If the total state share of instruction earnings in any fiscal year exceed the total appropriations available for such purposes, the Board of Regents shall proportionately reduce the state share of instruction earnings for all campuses by a uniform percentage so that the system wide sum equals available appropriations.

(E) EXCEPTIONAL CIRCUMSTANCES

Adjustments may be made to the state share of instruction payments and other subsidies distributed by the Board of Regents to state-assisted colleges and universities for exceptional circumstances. No adjustments for exceptional circumstances may be made without the recommendation of the Chancellor and the approval of the Controlling Board.

(F) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION

The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation line item 235-501, State Share of Instruction, before the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year.

Any reductions made to appropriation line item 235-501, State Share of Instruction, after the Board of Regents has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION

The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code. Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education according to Board of Regents enrollment estimates. Payments during the last six months of the fiscal year shall be distributed after approval of the Controlling Board upon the request of the Board of Regents.

(H) LAW SCHOOL SUBSIDY

The state share of instruction to state-supported universities for students enrolled in law schools in fiscal year 2004 and fiscal year 2005 shall be calculated by using the number of subsidy-eligible FTE law school students funded by state subsidy in fiscal year 1995 or the actual number of subsidy-eligible FTE law school students at the institution in the fiscal year, whichever is less.

Sec. 89.05. HIGHER EDUCATION - BOARD OF TRUSTEES

Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Board of Regents.

In providing instructional and other services to students, boards of

trustees of state-assisted institutions of higher education shall supplement state subsidies by income from charges to students. Each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. Except for the board of trustees of Miami University, in implementing the pilot tuition restructuring plan recognized by ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly, a tuition surcharge shall be paid by all students who are not residents of Ohio.

The boards of trustees of individual state-assisted universities, university branch campuses, community colleges, state community colleges, and technical colleges shall limit in-state undergraduate instructional and general fee increases for an academic year over the amounts charged in the prior academic year to no more than six per cent. In addition to the six per cent main campus in-state undergraduate instructional and general fee increase limit established in this section, the Board of Trustees of The Ohio State University may authorize an additional university main campus in-state undergraduate instructional and general fee increase of three per cent for academic years 2003-2004 and 2004-2005. Except for the board of trustees of ~~the~~ The Ohio State University, the boards of trustees of individual state-assisted universities, university branch campuses, community colleges, state community colleges, and technical colleges shall not authorize combined instructional and general fee increases of more than six per cent in a single vote. The board of trustees of The Ohio State University shall not authorize combined instructional and general fee increases of more than nine per cent in a single vote. The boards of trustees of individual state-assisted universities, university branch campuses, community colleges, state community colleges, and technical colleges may authorize an additional 3.9 per cent increase in in-state undergraduate instructional and general fees in a separate vote. The additional increase shall only be used for providing scholarships to low-income students, to be known as Access Scholarship Grants, or to provide additional or improved technology services to students. These fee increase limitations apply even if an institutional board of trustees has, prior to the effective date of this

section, voted to assess a higher fee for the 2003-2004 academic year. These limitations shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Board of Regents to the Controlling Board. These limitations may also be modified by the Board of Regents, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Board of Regents.

The board of trustees of a state-assisted institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees. This prohibition is not intended to limit the authority of the board of trustees of Miami University in providing financial assistance to students in implementing the pilot tuition restructuring plan recognized by ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly.

Except for Miami University, in implementing the pilot tuition restructuring plan recognized by ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly, each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the General Assembly that faculty members shall devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per quarter per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of trustees of state-assisted institutions of higher education shall in fact be exercised by

those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the exclusive prerogative of boards of trustees. Any delegation of authority by a board of trustees in other areas of responsibility shall be accompanied by appropriate standards of guidance concerning expected objectives in the exercise of such delegated authority and shall be accompanied by periodic review of the exercise of this delegated authority to the end that the public interest, in contrast to any institutional or special interest, shall be served.

The General Assembly recognizes the pilot tuition restructuring plan of the board of trustees of Miami University for undergraduate students enrolled at the Oxford campus. The purpose of this plan is to make higher education more affordable for moderate income Ohioans, encourage high-achieving Ohio students to stay in Ohio rather than attending colleges in other states, and provide incentives for Ohio students to major in areas crucial to Ohio's priorities and future economic development.

Notwithstanding any limit on in-state undergraduate instructional and general fees imposed by ~~this act~~ Am. Sub. H.B. 95 of the 125th General Assembly, the General Assembly recognizes that the plan will provide that all undergraduate students enrolled at the Oxford campus will be charged combined instructional and general fees in an amount equal to the nonresident instructional and general fees and tuition surcharge. For both resident ~~student~~ students first enrolling on or after the summer term of 2003 and resident students who enrolled prior to this date, any increases in fees approved thereafter by the board of trustees are subject to any instructional and general fee caps imposed by the General Assembly.

The General Assembly recognizes that the plan provides that all students who are residents of Ohio will receive student financial assistance in an amount to be determined by the University.

The General Assembly recognizes that the plan provides that, for any resident student who enrolls at the Miami University Oxford campus prior to August 2004, the plan will have no direct financial impact except for paper changes on invoices so that such a student would only pay instructional and general fees in an amount equivalent to what the student was charged in the preceding year in addition to any increases in fees approved by the board of trustees.

Sec. 89.08. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

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.

CAPITAL SCHOLARSHIP PROGRAM

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.

FAMILY PRACTICE, GERIATRIC MEDICINE, AND PRIMARY CARE RESIDENCIES

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.

SHAWNEE STATE SUPPLEMENT

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

The foregoing appropriation item 235-527, Ohio Aerospace Institute, shall be distributed by the Board of Regents under section 3333.042 of the Revised Code.

ACADEMIC SCHOLARSHIPS

The foregoing appropriation item 235-530, Academic Scholarships, shall be used to provide academic scholarships to students under section 3333.22 of the Revised Code.

STUDENT CHOICE GRANTS

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.

STUDENT WORKFORCE DEVELOPMENT GRANTS

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.

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

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 Management pursuant to section 126.09 of the Revised Code. The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the 2003-2005 biennium for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the center. The Ohio Agricultural Research and Development Center, in conjunction with the Third Frontier Commission, shall provide for an independently evaluated self-study of research excellence and commercial relevance in a manner to be prescribed by the Third Frontier Commission.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$470,164 in fiscal year 2004 and \$458,410 in fiscal year 2005 shall be used to purchase equipment.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$827,141 in fiscal year 2004 and \$806,463 in fiscal year 2005 shall be distributed to the Piketon Agricultural Research and Extension Center.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$217,669 in fiscal year 2004 and \$212,227 in fiscal year 2005 shall be distributed to the Raspberry/Strawberry-Ellagic Acid Research program at ~~the~~ The Ohio State University Medical College in cooperation with ~~the~~ The Ohio State University College of Agriculture.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$43,534 in fiscal year 2004 and \$42,445 in fiscal year 2005 shall be used to support the Ohio Berry Administrator.

Of the foregoing appropriation item 235-535, Ohio Agricultural Research and Development Center, \$87,067 in fiscal year 2004 and \$84,890 in fiscal year 2005 shall be used for the development of agricultural crops and products not currently in widespread production in Ohio, in order to increase the income and viability of family farmers.

STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235-536, The Ohio State University Clinical Teaching; 235-537, University of Cincinnati Clinical Teaching; 235-538, Medical College of Ohio at Toledo Clinical Teaching; 235-539, Wright State University Clinical Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, Northeastern Ohio Universities College of Medicine Clinical Teaching, shall be distributed through the Board of

Regents.

Of the foregoing appropriation item 235-539, Wright State University Clinical Teaching, \$124,644 in each fiscal year of the biennium shall be for the use of Wright State University's Ellis Institute for Clinical Teaching Studies to operate the clinical facility to serve the Greater Dayton area.

SCHOOL OF INTERNATIONAL BUSINESS

Of the foregoing appropriation item 235-547, School of International Business, \$901,975 in fiscal year 2004 and \$879,426 in fiscal year 2005 shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.

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 by the University of Toledo College of Business for expansion of its international business programs.

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.

PART-TIME STUDENT INSTRUCTIONAL GRANTS

The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who are enrolled in degree granting programs.

Eligibility for participation in the program shall include degree granting educational institutions that hold a certificate of registration from the State Board of Career Colleges and Schools, and nonprofit institutions that have a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, as well as state-assisted colleges and universities. Grants shall be given to students on the basis of need, as determined by the college, which, in making these determinations, shall give special consideration to single-parent heads-of-household and displaced homemakers who enroll in an educational degree program that prepares the individual for a career. In determining need, the college also shall consider the availability of educational assistance from a student's employer. It is the intent of the General Assembly that these grants not supplant such assistance.

Sec. 89.11. OHIO RESOURCE CENTER FOR MATHEMATICS,

SCIENCE, AND READING

The foregoing appropriation item 235-588, Ohio Resource Center for Mathematics, Science, and Reading, shall be used to support a resource center for mathematics, science, and reading to be located at a state-assisted university for the purpose of identifying best educational practices in primary and secondary schools and establishing methods for communicating them to colleges of education and school districts. The Ohio Resource Center for Mathematics, Science, and Reading shall not make available resources that are inconsistent with the K-12 science standards and policies as adopted by the State Board of Education.

INTERNATIONAL CENTER FOR WATER RESOURCES DEVELOPMENT

The foregoing appropriation item 235-595, International Center for Water Resources Development, shall be used to support the International Center for Water Resources Development at Central State University. The center shall develop methods to improve the management of water resources for Ohio and for emerging nations.

HAZARDOUS MATERIALS PROGRAM

The foregoing appropriation item 235-596, Hazardous Materials Program, shall be disbursed to Cleveland State University for the operation of a program to certify firefighters for the handling of hazardous materials. Training shall be available to all Ohio firefighters.

Of the foregoing appropriation item 235-596, Hazardous Materials Program, \$130,601 in fiscal year 2004 and \$127,337 in fiscal year 2005 shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University. These funds shall be distributed by the Board of Regents and shall be used by the center targeted toward increasing the role of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars, and professionals representing the public administration, social behavioral, and education disciplines.

NATIONAL GUARD SCHOLARSHIP PROGRAM

The foregoing appropriation item 235-599, National Guard Scholarship Program, shall be used to fund program costs, including summer session, under division (D)(1) of section 5919.34 of the Revised Code. The Board of Regents shall disburse funds from appropriation item 235-599, National Guard Scholarship Program, at the direction of the Adjutant General. The unencumbered and unused balance of appropriation item 235-599, National

Guard Scholarship Program, at the end of fiscal year 2004 is transferred to fiscal year 2005 for use under the same appropriation item.

* PLEDGE OF FEES

Any new pledge of fees, or new agreement for adjustment of fees, made in the 2003-2005 biennium to secure bonds or notes of a state-assisted institution of higher education for a project for which bonds or notes were not outstanding on ~~the effective date of this section~~ September 26, 2003, shall be effective only after approval by the Board of Regents, unless approved in a previous biennium.

HIGHER EDUCATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 235-909, Higher Education General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made pursuant to sections 151.01 and 151.04 of the Revised Code during the period from July 1, 2003, to June 30, 2005. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by an intrastate transfer voucher.

Sec. 145. FEDERAL JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

(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.

(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:

(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 up to \$18,611,156 in state fiscal year 2004 and up to \$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 Fund. The transferred amount plus the federal share associated with this amount is hereby appropriated. The Department of Job and Family Services shall use this appropriation authority to pay claims for Medicaid services.

~~(2) After the amounts in division (B)(1) of this section have been transferred,~~ The Director of Budget and Management shall determine the amount of enhanced reimbursement that is attributable to Medicaid expenditures for which the state share was paid by one of the following entities: county boards of mental retardation and developmental disabilities; boards of mental health; boards of alcohol, drug addiction, and mental health services; boards of alcohol and drug addiction services; and any other entity that qualifies under the Federal Jobs and Growth Tax Relief Reconciliation Act of 2003. On a schedule to be determined by the Office of Budget and Management, the Director of Budget and Management shall make cash transfers of these amounts from the Federal Fiscal Relief Fund to the Interagency Reimbursement Fund. The appropriation in appropriation item 600-655, Interagency Reimbursement, is hereby increased by these amounts in order to transfer the enhanced reimbursement to other agencies. If necessary, the Office of Budget and Management shall seek Controlling Board approval to increase appropriations in federal appropriation items used by the Department of Mental Retardation and Developmental Disabilities, the Department of Mental Health, and the Department of Alcohol and Drug Addiction Services in order for these departments to pass the enhanced federal share to the aforementioned local entities. The Department of Mental Retardation and Developmental Disabilities, the Department of Mental Health, and the Department of Alcohol and Drug Addiction Services shall distribute such amounts to the boards or entities as listed in this section based on the direction of the Office of Budget and Management.

~~(3) On a schedule to be determined by the Office of Budget and Management, the Director of Budget and Management shall~~ may transfer the remainder of cash not required by division (B)(1) or (B)(2) of this section in the Federal Fiscal Relief Fund to the General Revenue Fund on a schedule to be determined by the Office of Budget and Management.

SECTION 765. 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:

Sec. 41.33. (A) As used in this section:

(1) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 and 3313.65 of the Revised Code.

(2) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Individualized education program" has the same meaning as in section 3323.01 of the Revised Code.

(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(5) "Qualified special education child" is a child for whom all of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic;

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child;

(c) The child either:

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year

prior to the year in which a scholarship under this section is first sought for the child;

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child.

(6) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the Department of Education to participate in the program established under this section.

(B) There is hereby established the Pilot Project Special Education Scholarship Program. Under the program, in fiscal years 2004 and 2005, the Department of Education shall pay a scholarship to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the State Board of Education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by a school district other than the school district in which the child is entitled to attend school ~~or~~, by another public entity, ~~to either of which under law the parent is required to pay tuition on behalf of the child,~~ or by a registered private provider. Each scholarship shall be in an amount not to exceed the lesser of the tuition charged for the child by the special education program or fifteen thousand dollars. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of, ~~or in addition to,~~ the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized. A scholarship under this section shall not be awarded to the parent of a child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be ~~awarded to the parent of a child who attends~~ used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child ~~to the parent of a child who attends~~ attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the State Board of Education shall prohibit a

parent whose child attends a public special education program under a contract, compact, or other bilateral agreement, or a parent whose child attends a community school, from applying for and accepting a scholarship under this section so that the parent may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program for which the parent is required to pay for services for the child. A child attending a special education program with a scholarship under this section shall continue to be entitled to transportation to and from that program in the manner prescribed by law.

(C)(1) Notwithstanding anything to the contrary in the Revised Code, a child for whom a scholarship is awarded under this section shall be counted in the formula ADM and the category six special education ADM of the district in which the child is entitled to attend school and not in the formula ADM and the category six special education ADM of any other school district.

(2) In each fiscal year, the Department shall deduct from the amounts paid to each school district under Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships awarded under this section for qualified special education children included in the formula ADM and category six special education ADM of that school district as provided in division (C)(1) of this section. The scholarships deducted shall be considered as an approved special education and related services expense for the purpose of the school district's compliance with division (C)(5) of section 3317.022 of the Revised Code.

(3) From time to time, the Department shall make a payment to the parent of each qualified special education child for whom a scholarship has been awarded under this section. The scholarship amount shall be proportionately reduced in the case of any such child who is not enrolled in the special education program for which a scholarship was awarded under this section for the entire school year. The Department shall make no payments to the parent of a child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The Department shall approve entities that meet the standards established by rule of the State Board for the program established under this section.

(E) The State Board shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement this

section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers. The Board shall adopt the rules so that the program established under this section is operational by January 1, 2004.

(F) The Legislative Office of Education Oversight shall conduct a formative evaluation of the program established under this section and shall report its findings to the General Assembly not later than March 1, 2005. In conducting the evaluation, the Office shall to the extent possible gather comments from parents who have been awarded scholarships under the program, school district officials, representatives of registered private providers, educators, and representatives of educational organizations for inclusion in the report required under this section.

SECTION 68. That existing Section 41.33 of Am. Sub. H.B. 95 of the 125th General Assembly is hereby repealed.

SECTION 69. The amendment by this act of Section 41.33 of Am. Sub. H.B. 95 of the 125th General Assembly, and the items of which the amendment is composed, are not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, the amendment of that section, and the items of which that amendment is composed, go into immediate effect when this act becomes law.

SECTION 70. Notwithstanding section 3302.03 of the Revised Code, no school district shall receive a performance rating, as designated pursuant to division (B) of that section, for the 2003-2004 school year that is lower than the performance rating the district received for the 2002-2003 school year if both of the following apply to the district:

(A) The district's performance index score for the 2003-2004 school year is higher than its performance index score for the 2002-2003 school year;

(B) The district achieves at least the same number of performance indicators created by the State Board of Education under section 3302.02 of the Revised Code for the 2003-2004 school year that it achieved for the 2002-2003 school year from among those indicators based on student performance on the fourth and sixth grade proficiency tests and on the

cumulative results through tenth grade of student performance on the ninth grade proficiency tests.

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.

SECTION 72. TRANSFERS TO THE SCHOOL DISTRICT SOLVENCY ASSISTANCE FUND (FUND 5H3)

Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers of cash to the School District Solvency Assistance Fund (Fund 5H3) from any Department of Education administered fund or the General Revenue Fund to maintain sufficient cash balances in the School District Solvency Assistance Fund (Fund 5H3) in

fiscal years 2004 and 2005 for providing assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources. The Director of Budget and Management shall notify the members of the Controlling Board of any such transfers.

This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

SECTION 73. The Sports Facilities Building Fund (Fund 024) previously created by section 3383.09 of the Revised Code shall be closed and any unexpended balance or earnings shall be transferred and credited to the Arts and Sports Facilities Building Fund (Fund 030) created by section 3383.09 of the Revised Code, as amended by this act, and segregated within the Arts and Sports Facilities Building Fund and used, with any investment earnings on such amounts, to pay costs of Ohio sports facilities.

Any unencumbered and unallotted appropriations set forth in Section 9.01 of H.B. 675 and Section 14 of Am. Sub. H.B. 524 of the 124th General Assembly that were appropriated out of any money in the state treasury to the credit of the Sports Facilities Building Fund are hereby transferred to the Arts and Sports Facilities Building Fund, subject to the conditions specified in those sections. Any encumbrances on the Sports Facilities Building Fund are hereby cancelled and re-established in the Arts and Sports Facilities Building Fund.

Any heretofore unutilized amounts of separate authorizations to issue and sell obligations granted to the Ohio Building Authority by prior acts of the General Assembly pursuant to Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and any other applicable provisions of the Revised Code, to pay costs of capital facilities or improvements for Ohio arts facilities and for Ohio sports facilities are hereby combined into a common authorization. The Ohio Building Authority is hereby authorized to issue and sell those obligations, in accordance with and subject to the applicable limitations in Section 2i of Article VIII, Ohio Constitution, and Chapter 152. and other applicable provisions of the Revised Code, to pay the costs of capital facilities consisting of Ohio arts facilities and Ohio sports facilities, as defined in section 3383.01 of the Revised Code.

SECTION 74. Not later than June 30, 2005, the Director of Mental Health shall revise rule 5122-29-06 of the Administrative Code regarding the

certification standards for the partial-hospitalization community mental health service. As part of the revision, the Director shall address client eligibility criteria.

SECTION 75. JOB AND FAMILY SERVICES - CHILDREN AND FAMILY SUBSIDY

In fiscal year 2004, appropriation item 600-523, Children and Family Subsidy, shall be increased by \$4,524,074 to pay for foster care training that occurred in a prior fiscal year. This amount is hereby appropriated.

This section is not subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, this section goes into immediate effect when this act becomes law.

SECTION 76. ADJUTANT GENERAL - OUTER TACTICAL VESTS WITH CERAMIC INSERTS

In fiscal years 2004 and 2005, if the Adjutant General determines that state funding is needed to purchase outer tactical vests with ceramic inserts for any member of the Ohio National Guard who is sent into "Operation Iraqi Freedom," "Operation Enduring Freedom," or any other combat zone, the Adjutant General, in consultation with the Director of Budget and Management, may seek approval of the Controlling Board for such funding from funds appropriated to General Revenue Fund appropriation item 911-401, Emergency Purposes/Contingencies, of the Controlling Board.

As used in this section, "Operation Iraqi Freedom" means the period of conflict that began March 20, 2003, and ends on a date declared by the President of the United States or the Congress.

As used in this section, "Operation Enduring Freedom" means the period of conflict that began October 7, 2001, and ends on a date declared by the President of the United States or the Congress.

As used in this section, "combat zone" means an area that the President of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

SECTION 77. The amendment by this act of section 6301.03 of the Revised Code applies on and after July 1, 2004. Local areas and sub-recipients of a local area may continue to use the public assistance fund

to facilitate close out of workforce development activities conducted pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, or Chapter 6301. of the Revised Code that occurred prior to July 1, 2004.

SECTION 778. Except as otherwise specifically provided in this act, the codified and uncodified sections of law amended or enacted by this act, and the items of law of which the codified and uncodified sections of law amended or enacted by this act are composed, are subject to the referendum. Therefore, under section 1c of Article II, Ohio Constitution and section 1.471 of the Revised Code, the codified and uncodified sections of law amended or enacted by this act, and the items of law of which the codified and uncodified sections amended or enacted by this act are composed, take effect on the ninety-first day after this act is filed with the Secretary of State. If, however, a referendum petition is filed against any such codified or uncodified section of law as amended or enacted by this act, or against any item of law of which any such codified or uncodified section of law as amended or enacted by this act is composed, the codified or uncodified section of law as amended or enacted, or item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 779. The repeal by this act of sections 152.101 and 901.85 of the Revised Code is subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, the repeals 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 either of the repeals, the repeal, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 780. The amendment by this act of sections 124.15, 124.152, 124.181, 124.183, 124.382, 126.32, 175.21, 3311.059, 4701.03, and 5111.022 of the Revised Code, 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 amendment by this act of those sections, and the items of which the amendments are composed, go into immediate effect when this act becomes law.

SECTION 81. If any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, or if any application of any item of law that constitutes the whole or part of a codified or uncodified section of law contained in this act, is held invalid, the invalidity does not affect other items of law or applications of items of law that can be given effect without the invalid item of law or application. To this end, the items of law of which the codified and uncodified sections of law contained in this act are composed, and their applications, are independent and severable.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

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Passed _____, 20____

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Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

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Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

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File No. _____ ??????????Effective Date _____