

# AN ACT

To amend sections 119.01, 119.03, 121.02, 121.03, 121.32, 124.23, 124.30, 125.24, 126.30, 127.16, 149.01, 153.06, 307.86, 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 329.011, 329.04, 329.05, 329.06, 2151.011, 2301.357, 2705.02, 3313.64, 4112.12, 4141.04, 4141.042, 4141.046, 4141.06, 4141.08, 4141.10, 4141.13, 4141.162, 4141.21, 4141.22, 4141.28, 5101.01, 5101.02, 5101.05, 5101.06, 5101.08, 5101.10, 5101.21, 5101.211, 5101.22, 5101.23, 5101.24, 5101.25, 5101.35, 5101.37, 5101.38, 5101.80, 5101.97, and 5103.02; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 307.984 (307.985), 307.985 (307.986), 307.986 (307.987), and 307.987 (307.988); to enact new section 307.984 and sections 124.301, 329.061, 330.01, 330.02, 330.04, 330.05, 330.07, 763.01, 763.02, 763.05, 763.07, 5101.051, 5101.09, 5101.213, 5101.351, 5101.47, 5107.80, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 6301.07, 6301.08, 6301.09, and 6301.10; and to repeal sections 4141.02, 4141.03, 4141.05, 4141.057, 4141.12, 4141.15, 4141.16, 4141.161, 4141.163, 4141.44, 5101.07, 5101.12, 5101.13, 5101.39, 5101.40, 5101.41, 5101.56, 5103.01, 5103.05, 5103.06, 5103.09, 5103.10, 5103.11, 5103.18, and 5103.19 of the Revised Code and to amend Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly to transfer the functions of the Bureau of Employment Services to the Department of Job and Family Services and the Department of Commerce, rename the Department of

Human Services and the county departments of human services, implement the federal "Workforce Investment Act of 1998" and make other changes to the law governing job and family services, to maintain the provisions of this act on and after April 1, 2001, by amending the version of section 119.03 of the Revised Code that takes effect on that date, to maintain the provisions of this act on and after April 1, 2002, by amending the version of section 119.03 of the Revised Code that takes effect on that date, and to make an appropriation.

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

SECTION 1. That sections 119.01, 119.03, 121.02, 121.03, 121.32, 124.23, 124.30, 125.24, 126.30, 127.16, 149.01, 153.06, 307.86, 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 329.011, 329.04, 329.05, 329.06, 2151.011, 2301.357, 2705.02, 3313.64, 4112.12, 4141.04, 4141.042, 4141.046, 4141.06, 4141.08, 4141.10, 4141.13, 4141.162, 4141.21, 4141.22, 4141.28, 5101.01, 5101.02, 5101.05, 5101.06, 5101.08, 5101.10, 5101.21, 5101.211, 5101.22, 5101.23, 5101.24, 5101.25, 5101.35, 5101.37, 5101.38, 5101.80, 5101.97, and 5103.02 be amended, sections 307.984 (307.985), 307.985 (307.986), 307.986 (307.987), and 307.987 (307.988) be amended for the purpose of adopting new section numbers as indicated in parentheses, and new section 307.984 and sections 124.301, 329.061, 330.01, 330.02, 330.04, 330.05, 330.07, 763.01, 763.02, 763.05, 763.07, 5101.051, 5101.09, 5101.213, 5101.351, 5101.47, 5107.80, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 6301.07, 6301.08, 6301.09, and 6301.10 of the Revised Code be enacted to read as follows:

Sec. 119.01. As used in sections 119.01 to 119.13 of the Revised Code:

(A)(1) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in ~~the bureau of employment services, the civil service commission, the department or, on and after July 1, 1997, the division of~~ liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the functions of any administrative or executive officer, department, division, bureau, board, or commission of the

government of the state specifically made subject to sections 119.01 to 119.13 of the Revised Code, and the licensing functions of any administrative or executive officer, department, division, bureau, board, or commission of the government of the state having the authority or responsibility of issuing, suspending, revoking, or canceling licenses.

Except as otherwise provided in division (I) of this section, sections 119.01 to 119.13 of the Revised Code do not apply to the public utilities commission. Sections 119.01 to 119.13 of the Revised Code do not apply to the utility radiological safety board; to the controlling board; to actions of the superintendent of financial institutions and the superintendent of insurance in the taking possession of, and rehabilitation or liquidation of, the business and property of banks, savings and loan associations, savings banks, credit unions, insurance companies, associations, reciprocal fraternal benefit societies, and bond investment companies; or to any action that may be taken by the superintendent of financial institutions under section 1113.03, 1121.05, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 1155.18, 1157.01, 1157.02, 1157.10, 1163.22, 1165.01, 1165.02, 1165.10, 1733.35, 1733.361, 1733.37, 1733.412, or 1761.03 of the Revised Code.

Sections 119.01 to 119.13 of the Revised Code do not apply to actions of the industrial commission or the bureau of workers' compensation under sections 4123.01 to 4123.94 of the Revised Code with respect to all matters of adjudication, and to the actions of the industrial commission and bureau of workers' compensation under division (D) of section 4121.32 and sections 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 4123.411, 4123.44, 4123.442, and divisions (B), (C), and (E) of section 4131.14 of the Revised Code.

~~Sections 119.01 to 119.13 of the Revised Code do not apply to actions of the bureau of employment services, except those relating~~ (2) "Agency" also means any official or work unit having authority to promulgate rules or make adjudications in the department of job and family services, but only with respect to all both of the following:

~~(1)(a)~~ The adoption, amendment, or rescission of rules that section 5101.09 of the Revised Code requires be adopted in accordance with this chapter;

~~(2)(b)~~ The issuance, suspension, revocation, or cancellation of licenses;

~~(3) Any hearing held pursuant to sections 4115.03 to 4115.16 of the Revised Code or Chapter 4109. or 4111. of the Revised Code.~~

(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person, institution, or entity furnishes medicaid services under a

provider agreement with the department of ~~human~~ job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.

(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.

(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.

(F) "Person" means a person, firm, corporation, association, or partnership.

(G) "Party" means the person whose interests are the subject of an adjudication by an agency.

(H) "Appeal" means the procedure by which a person, aggrieved by a finding, decision, order, or adjudication of any agency, invokes the jurisdiction of a court.

(I) "Rule-making agency" means any board, commission, department, division, or bureau of the government of the state that is required to file proposed rules, amendments, or rescissions under division (D) of section 111.15 of the Revised Code and any agency that is required to file proposed rules, amendments, or rescissions under divisions (B) and (H) of section 119.03 of the Revised Code. "Rule-making agency" includes the public utilities commission. "Rule-making agency" does not include any state-supported college or university.

(J) "Substantive revision" means any addition to, elimination from, or other change in a rule, an amendment of a rule, or a rescission of a rule, whether of a substantive or procedural nature, that changes any of the following:

- (1) That which the rule, amendment, or rescission permits, authorizes, regulates, requires, prohibits, penalizes, rewards, or otherwise affects;
- (2) The scope or application of the rule, amendment, or rescission.

(K) "Internal management rule" means any rule, regulation, or standard governing the day-to-day staff procedures and operations within an agency.

Sec. 119.03. In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;

(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) One copy of the full text of the proposed rule, amendment, or rule to be rescinded, accompanied by one copy of the public notice required under division (A) of this section, shall be filed with the secretary of state. Two copies of the full text of the proposed rule, amendment, or rule to be rescinded, accompanied by two copies of the public notice required under division (A) of this section, shall be filed with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one copy of the notice with the secretary of state and only two copies of the notice with the director for all of the proposed

ules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission and public notice shall be filed as required by this division at least sixty-five days prior to the date on which the agency, in accordance with division (D) of this section, issues an order adopting the proposed rule, amendment, or rescission.

The proposed rule, amendment, or rescission shall be available for at least thirty days prior to the date of the hearing at the office of the agency in printed or other legible form without charge to any person affected by the proposal. Failure to furnish such text to any person requesting it shall not invalidate any action of the agency in connection therewith.

If the agency files a substantive revision in the text of the proposed rule, amendment, or rescission under division (H) of this section, it shall also promptly file one copy of the full text of the proposed rule, amendment, or rescission in its revised form with the secretary of state and two copies thereof with the director of the legislative service commission.

The agency shall attach a copy of the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, to each copy of a proposed rule, amendment, or rescission or proposed rule, amendment, or rescission in revised form that is filed with the secretary of state or the director of the legislative service commission.

The director of the legislative service commission shall publish in the register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; and the full text of a rule summary and fiscal analysis that is filed with the director under this division.

(C) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

At the hearing, the testimony shall be recorded. Such record shall be made at the expense of the agency. The agency is required to transcribe a

record that is not sight readable only if a person requests transcription of all or part of the record and agrees to reimburse the agency for the costs of the transcription. An agency may require the person to pay in advance all or part of the cost of the transcription.

In any hearing under this section the agency may administer oaths or affirmations.

(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue a written order, a copy of which shall be filed with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date copies of the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, are filed as follows: two certified copies of the emergency rule, amendment, or rescission shall be filed with both the secretary of state and the director of the legislative service commission, and one certified copy of the emergency rule, amendment, or rescission shall be filed with the joint committee on agency rule review. If all copies are not filed on the same day, the emergency rule, amendment, or rescission shall be effective on the day on which the latest filing is made. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

The emergency rule, amendment, or rescission shall become invalid at the end of the ninetieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency

rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of this division to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under this division, the emergency rule, amendment, or rescission will continue in effect without interruption for another ninety-day period.

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of ~~taxation~~ job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or ~~of the bureau department of employment services~~ taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file with the joint committee on agency rule review two copies of the full text of the proposed rule, amendment, or rule to be rescinded in the same form and two copies of the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only two copies of the notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file two copies of the full text of the proposed rule, amendment, or rescission in its revised form with the joint committee. The latest version of a proposed rule, amendment, or rescission as filed with the joint committee supersedes each earlier version of the text of the same proposed rule, amendment, or rescission. An agency

shall attach one copy of the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, to each copy of a proposed rule, amendment, or rescission, and to each copy of a proposed rule, amendment, or rescission in revised form, that is filed under this division.

This division does not apply to:

- (1) An emergency rule, amendment, or rescission;
- (2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

- (a) A statement that it is proposed for the purpose of complying with a federal law or rule;

- (b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

- (a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;

- (b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;

- (c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;

- (d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section 121.24 or 127.18 of the Revised Code, or both.

The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty-first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty-fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty-five days after the original version is filed the rule-making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a bill, the time within which that house may adopt the concurrent resolution is extended until it has held five such floor sessions.

Within five days after the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the clerk of the senate shall send the rule-making agency, the secretary of state, and the director of the legislative service commission a certified copy of the resolution together with a certification stating the date on which the resolution takes effect. The secretary of state and the director of the legislative service commission shall each note the invalidity of the proposed rule, amendment, rescission, or part thereof on their copies, and shall each remove the invalid proposed rule, amendment, rescission, or part thereof from the file of proposed rules. The rule-making agency shall not proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, rescission, or part thereof that has been invalidated by concurrent resolution.

Unless the house of representatives and senate adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof within the time specified by this division, the rule-making agency may proceed to adopt in accordance with division (D) of this section, or to

le in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rule, amendment, or rescission as filed with the joint committee. If by concurrent resolution certain of the rules, amendments, rescissions, or parts thereof are specifically invalidated, the rule-making agency may proceed to adopt, in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rules, amendments, rescissions, or parts thereof as filed with the joint committee that are not specifically invalidated. The rule-making agency may not revise or amend any proposed rule, amendment, rescission, or part thereof that has not been invalidated except as provided in this chapter or in section 111.15 of the Revised Code.

(2)(a) A proposed rule, amendment, or rescission that is filed with the joint committee under division (H) of this section or division (D) of section 111.15 of the Revised Code shall be carried over for legislative review to the next succeeding regular session of the general assembly if the original or any revised version of the proposed rule, amendment, or rescission is filed with the joint committee on or after the first day of December of any year.

(b) The latest version of any proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section, as filed with the joint committee, is subject to legislative review and invalidation in the next succeeding regular session of the general assembly in the same manner as if it were the original version of a proposed rule, amendment, or rescission that had been filed with the joint committee for the first time on the first day of the session. A rule-making agency shall not adopt in accordance with division (D) of this section, or file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section until the time for legislative review and invalidation, as contemplated by division (I)(2)(b) of this section, has expired.

(3) Invalidation of any version of a proposed rule, amendment, rescission, or part thereof by concurrent resolution shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the same proposed rule, amendment, rescission, or part thereof for the duration of the general assembly that invalidated the proposed rule, amendment, rescission, or part thereof unless the same general assembly adopts a concurrent resolution permitting the rule-making agency to institute or continue such proceedings.

The failure of the general assembly to invalidate a proposed rule, amendment, rescission, or part thereof under this section shall not be

construed as a ratification of the lawfulness or reasonableness of the proposed rule, amendment, rescission, or any part thereof or of the validity of the procedure by which the proposed rule, amendment, rescission, or any part thereof was proposed or adopted.

(4) In lieu of recommending a concurrent resolution to invalidate a proposed rule, amendment, rescission, or part thereof because the rule-making agency has failed to prepare a complete and accurate fiscal analysis, the joint committee on agency rule review may issue, on a one-time basis, for rules, amendments, rescissions, or parts thereof that have a fiscal effect on school districts, counties, townships, or municipal corporations, a written finding that the rule summary and fiscal analysis is incomplete or inaccurate and order the rule-making agency to revise the rule summary and fiscal analysis and refile it with the proposed rule, amendment, rescission, or part thereof. If an emergency rule is filed as a nonemergency rule before the end of the ninetieth day of the emergency rule's effectiveness, and the joint committee issues a finding and orders the rule-making agency to refile under division (I)(4) of this section, the governor may also issue a written order stating that the emergency rule shall remain in effect for an additional sixty days after the ninetieth day of the emergency rule's effectiveness. Copies of the governor's written orders shall be filed in accordance with division (F) of this section. The joint committee shall send the rule-making agency, the secretary of state, and the director of the legislative service commission a certified copy of the order to revise the rule summary and fiscal analysis, which shall take immediate effect.

A written order issued under division (I)(4) of this section shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the proposed rule, amendment, rescission, or part thereof until the rule-making agency revises the rule summary and fiscal analysis and refiles it with the joint committee along with the proposed rule, amendment, rescission, or part thereof. If the joint committee finds the rule summary and fiscal analysis to be complete and accurate, the joint committee shall issue a new written order noting that the rule-making agency has revised and refiled a complete and accurate rule summary and fiscal analysis. The joint committee shall send the rule-making agency, the secretary of state, and the director of the legislative service commission a certified copy of this new order. The secretary of state and the director of the legislative service commission shall each attach this order to their copies of the proposed rule, amendment, rescission, or part thereof. The rule-making agency may then proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the

Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the written finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

This is an interim section effective until April 1, 2001.

Sec. 121.02. The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be administered by the director of transportation;

(E) The department of agriculture, which shall be administered by the director of agriculture;

(F) The department of natural resources, which shall be administered by the director of natural resources;

(G) The department of health, which shall be administered by the director of health;

(H) The department of ~~human~~ job and family services, which shall be administered by the director of ~~human~~ job and family services;

(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;

(J) The department of public safety, which shall be administered by the director of public safety;

(K) The department of mental health, which shall be administered by the director of mental health;

(L) The department of mental retardation and developmental disabilities, which shall be administered by the director of mental retardation and developmental disabilities;

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;

(N) The department of development, which shall be administered by the director of development;

(O) The department of youth services, which shall be administered by the director of youth services;

(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;

(R) The department of aging, which shall be administered by the director of aging;

(S) The department of alcohol and drug addiction services, which shall be administered by the director of alcohol and drug addiction services.

The director of each department shall exercise the powers and perform the duties vested by law in such department.

Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.

(A) The director of budget and management;

(B) The director of commerce;

(C) The director of transportation;

(D) The director of agriculture;

(E) The director of human job and family services;

(F) Until July 1, 1997, the director of liquor control;

(G) The director of public safety;

(H) The superintendent of insurance;

(I) The director of development;

(J) The tax commissioner;

(K) The director of administrative services;

(L) ~~The administrator of the bureau of employment services;~~

~~(M)~~ The director of natural resources;

~~(N)~~(M) The director of mental health;

~~(O)~~(N) The director of mental retardation and developmental disabilities;

~~(P)~~(O) The director of health;

~~(Q)~~(P) The director of youth services;

~~(R)~~(Q) The director of rehabilitation and correction;

~~(S)~~(R) The director of environmental protection;

~~(T)~~(S) The director of aging;

~~(U)~~(T) The director of alcohol and drug addiction services;

~~(V)~~(U) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code.

Sec. 121.32. The commission on Hispanic-Latino affairs shall:

(A) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning Spanish-speaking people;

(B) Secure appropriate recognition of the accomplishments and contributions of Spanish-speaking people to this state;

(C) Stimulate public awareness of the problems of Spanish-speaking people by conducting a program of public education;

(D) Develop, coordinate, and assist other public and private organizations that serve Spanish-speaking people, including the conducting of training programs for community leadership and service project staff;

(E) Advise the governor, general assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of Spanish-speaking people;

(F) Advise the governor, general assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of Spanish-speaking people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;

(G) Propose new programs concerning Spanish-speaking people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning Spanish-speaking people;

(H) Review and approve grants to be made from federal, state, or private funds which are administered or subcontracted by the office of Spanish-speaking affairs;

(I) Review and approve the annual report prepared by the office of Spanish-speaking affairs;

(J) Create an interagency council consisting of the following persons or their authorized representatives: one member of the senate appointed by the president of the senate; one member of the house of representatives appointed by the speaker of the house of representatives; the directors of administrative services, agriculture, education, development, health, highway safety, human job and family services, ~~industrial relations~~, liquor control, mental health, mental retardation and developmental disabilities, natural resources, rehabilitation and correction, youth services, transportation, environmental protection, and budget and management; the chairperson of the Ohio civil rights commission, ~~and the administrators of the bureau of employment services, the bureau of workers' compensation; and the rehabilitation services commission, and an additional member of the~~ governor's cabinet appointed by the governor. The commission on

Hispanic-Latino affairs, by rule, may designate other state officers or their representatives to be members of the council. The director of the commission shall be the chairperson of the council.

The interagency council shall provide and coordinate the exchange of information relative to the needs of Spanish-speaking people and promote the delivery of state services to such people. The council shall meet at the call of the chairperson.

Sec. 124.23. (A) All applicants for positions and places in the classified service shall be subject to examination, except for applicants for positions as professional or certified service and paraprofessional employees of county boards of mental retardation and developmental disabilities, who shall be hired in the manner provided in section 124.241 of the Revised Code.

(B) Any examination administered under this section shall be public, and open to all citizens of the United States and those persons who have legally declared their intentions of becoming United States citizens, within certain limitations to be determined by the director of administrative services, as to citizenship, residence, age, experience, education, health, habit, and moral character; provided any soldier, sailor, marine, coast ~~guardsman~~ guarder, member of the auxiliary corps as established by congress, member of the army nurse corps or navy nurse corps, or red cross nurse who has served in the army, navy, or hospital service of the United States, and such other military service as is designated by congress, including World War I, World War II, or during the period beginning May 1, 1949, and lasting so long as the armed forces of the United States are engaged in armed conflict or occupation duty, or the selective service or similar conscriptive acts are in effect in the United States, whichever is the later date, who has been honorably discharged therefrom or transferred to the reserve with evidence of satisfactory service, and is a resident of Ohio, may file with the director of administrative services a certificate of service or honorable discharge, whereupon the person shall receive additional credit of twenty per cent of the person's total grade given in the regular examination in which the person receives a passing grade. Such examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. Examinations shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Where minimum or maximum requirements are established for any examination they shall be specified in

the examination announcement.

The director of administrative services shall have control of all examinations, except as otherwise provided in sections 124.01 to 124.64 of the Revised Code. No questions in any examination shall relate to political or religious opinions or affiliations. No credit for seniority, efficiency, or any other reason shall be added to an applicant's examination grade unless the applicant achieves at least the minimum passing grade on the examination without counting such extra credit.

~~Reasonable~~ Except as otherwise provided in sections 124.01 to 124.64 of the Revised Code, the director of administrative services shall give reasonable notice of the time, place, and general scope of every competitive examination for appointment to a position in the civil service, ~~except as otherwise provided in such sections, shall be given by the director.~~ Written The director of administrative services shall send written, printed, or electronic notices of every examination of the state classified service ~~shall be sent by the director to each Ohio bureau of employment services branch office, or, if no such branch office~~ agency of the type the director of job and family services specifies and, in the case of a county in which no such agency is located in a county, to the clerk of the court of common pleas of that county and to the clerk of each city of that county. Such notices, promptly upon receipt, shall be posted in conspicuous public places in the branch office, or in designated agencies and the courthouse of the county, and in the city hall of the city cities, of the counties in which no such agency is located. Such notices shall be posted in a conspicuous place in the office of the director of administrative services for at least two weeks before any examination. In case of examinations limited by the director of administrative services to a district, county, city, or department, the director of administrative services shall provide by rule for adequate publicity of such examinations in the district, county, city, or department within which competition is permitted.

Sec. 124.30. (A) Positions in the classified service may be filled without competition as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director of administrative services is unable to certify to the appointing authority, upon requisition by the latter, a list of persons eligible for appointment to such position after a competitive examination, the appointing authority may nominate a person to the director for noncompetitive examination, and if such nominee is certified by the director as qualified after such noncompetitive examination, the nominee may be appointed provisionally to fill such vacancy until a selection and

appointment can be made after competitive examination; but such provisional appointment shall continue in force only until a regular appointment can be made from eligible lists prepared by the director and such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In the case of provisional appointees in county departments of ~~human~~ job and family services and in the department of ~~human~~ job and family services and department of health, if the salary is paid in whole or in part from federal funds, such eligible lists shall be prepared within six months, provided that an examination for the position must be held within the six-month period from the date of such provisional appointment. In case of an emergency, an appointment may be made without regard to the rules of sections 124.01 to 124.64 of the Revised Code, but in no case to continue longer than thirty days, and in no case shall successive appointments be made. Interim or temporary appointments, made necessary by reason of sickness, disability, or other approved leave of absence of regular officers or employees shall continue only during such period of sickness, disability, or other approved leave of absence, subject to rules to be provided for by the director.

(2) In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can best be filled by a selection of some designated person of high and recognized attainments in such qualities, the director may suspend the provisions of sections 124.01 to 124.64 of the Revised Code, requiring competition in such case, but no suspension shall be general in its application, and all such cases of suspension shall be reported in the annual report of the director with the reasons for the suspension. The director shall suspend the provisions when the director of job and family services provides the director certification under section 5101.051 of the Revised Code that a position with the department of job and family services can best be filled if the provisions are suspended.

(3) Where the services to be rendered by an appointee are for a temporary period, not to exceed six months, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this division. The acceptance or refusal by an eligible of a temporary appointment shall not affect the person's standing

on the register for permanent employment; nor shall the period of temporary service be counted as a part of the probationary service in case of subsequent appointment to a permanent position.

(B) Persons who receive external interim, temporary, or intermittent appointments are in the unclassified civil service and serve at the pleasure of their appointing authority. Interim appointments shall be made only to fill a vacancy that results from an employee's temporary absence, but shall not be made to fill a vacancy that results because an employee receives an interim appointment.

Sec. 124.301. The director of administrative services shall waive any residency requirement for the civil service established by a rule adopted under division (A) of section 124.09 of the Revised Code if the director of job and family services provides the director certification under section 5101.051 of the Revised Code that a position with the department of job and family services can best be filled if the residency requirement is waived.

Sec. 125.24. (A) There is hereby created the Ohio benefit systems data linkage committee, consisting of the directors of administrative services, budget and management, ~~human~~ job and family services, and health, the tax commissioner, the registrar of motor vehicles, a representative of the Ohio human services directors' association and a representative of the county commissioners association of Ohio appointed by the director of administrative services, ~~and the administrators of the bureaus~~ administrator of workers' compensation, and employment services an additional member of the governor's cabinet appointed by the governor. The director of administrative services shall convene the committee.

(B) Not later than July 1, 1994, the Ohio benefit systems data linkage committee shall develop a plan for development and implementation of the state benefit eligibility verification system that links the information systems of the agencies specified in division (C) of this section. The plan shall be submitted to the president of the senate, the speaker of the house of representatives, and the governor.

The plan shall include all of the following:

- (1) Designation of the state agency to be responsible for establishing and implementing the system;
- (2) Specification of the form and manner in which participating agencies must exchange information under the system;
- (3) Specifications regarding the confidential treatment of information obtained and furnished under the system;
- (4) Estimates of the funding required to implement the system;
- (5) A report on the feasibility of directly linking the information system

to other state, federal, and local information systems;

(6) Identification of any federal requirements and limitations applicable to the system.

(C) Not later than July 1, 1996, the state benefit eligibility verification system shall be established and implemented by the chief administrative officer of the agency designated by the Ohio benefit systems data linkage committee. The departments of administrative services, ~~human job and family~~ services, and taxation; the office of budget and management; the office of vital statistics in the department of health; the bureau of motor vehicles in the department of public safety; and the ~~bureaus~~ bureau of ~~employment services and~~ workers' compensation shall participate in the system.

(D) The administrator of the system shall ensure that information obtained or furnished under the system is made available only to the extent necessary to assist in the valid administrative needs of the agency receiving the information and is targeted for use in ways that are most likely to be productive in identifying and preventing erroneous eligibility determinations and incorrect payments. The administrator shall take any other action necessary to provide for the confidential treatment of the information obtained and furnished under the system and shall ensure that the sharing of information under the system is not in conflict with any applicable federal requirements.

Sec. 126.30. (A) Any state agency that purchases, leases, or otherwise acquires any equipment, materials, goods, supplies, or services from any person and fails to make payment for the equipment, materials, goods, supplies, or services by the required payment date shall pay an interest charge to the person in accordance with division (E) of this section, unless the amount of the interest charge is less than ten dollars. Except as otherwise provided in division (B), (C), or (D) of this section, the required payment date shall be the date on which payment is due under the terms of a written agreement between the state agency and the person or, if a specific payment date is not established by such a written agreement, the required payment date shall be thirty days after the state agency receives a proper invoice for the amount of the payment due.

(B) If the invoice submitted to the state agency contains a defect or impropriety, the agency shall send written notification to the person within fifteen days after receipt of the invoice. The notice shall contain a description of the defect or impropriety and any additional information necessary to correct the defect or impropriety. If the agency sends such written notification to the person, the required payment date shall be thirty

days after the state agency receives a proper invoice.

(C) In applying this section to claims submitted to the department of ~~human~~ job and family services by providers of equipment, materials, goods, supplies, or services, the required payment date shall be the date on which payment is due under the terms of a written agreement between the department and the provider. If a specific payment date is not established by a written agreement, the required payment date shall be thirty days after the department receives a proper claim. If the department determines that the claim is improperly executed or that additional evidence of the validity of the claim is required, the department shall notify the claimant in writing or by telephone within fifteen days after receipt of the claim. The notice shall state that the claim is improperly executed and needs correction or that additional information is necessary to establish the validity of the claim. If the department makes such notification to the provider, the required payment date shall be thirty days after the department receives the corrected claim or such additional information as may be necessary to establish the validity of the claim.

(D) In applying this section to invoices submitted to the bureau of workers' compensation for equipment, materials, goods, supplies, or services provided to employees in connection with an employee's claim against the state insurance fund, the public work-relief employees' compensation fund, the coal-workers pneumoconiosis fund, or the marine industry fund as compensation for injuries or occupational disease pursuant to Chapter 4123., 4127., or 4131. of the Revised Code, the required payment date shall be the date on which payment is due under the terms of a written agreement between the bureau and the provider. If a specific payment date is not established by a written agreement, the required payment date shall be thirty days after the bureau receives a proper invoice for the amount of the payment due or thirty days after the final adjudication allowing payment of an award to the employee, whichever is later. Nothing in this section shall supersede any faster timetable for payments to health care providers contained in sections 4121.44 and 4123.512 of the Revised Code.

For purposes of this division, a "proper invoice" includes the claimant's name, claim number and date of injury, employer's name, the provider's name and address, the provider's assigned payee number, a description of the equipment, materials, goods, supplies, or services provided by the provider to the claimant, the date provided, and the amount of the charge. If more than one item of equipment, materials, goods, supplies, or services is listed by a provider on a single application for payment, each item shall be considered separately in determining if it is a proper invoice.

If prior to a final adjudication the bureau determines that the invoice contains a defect, the bureau shall notify the provider in writing at least fifteen days prior to what would be the required payment date if the invoice did not contain a defect. The notice shall contain a description of the defect and any additional information necessary to correct the defect. If the bureau sends a notification to the provider, the required payment date shall be redetermined in accordance with this division after the bureau receives a proper invoice.

For purposes of this division, "final adjudication" means the later of the date of the decision or other action by the bureau, the industrial commission, or a court allowing payment of the award to the employee from which there is no further right to reconsideration or appeal that would require the bureau to withhold compensation and benefits, or the date on which the rights to reconsideration or appeal have expired without an application therefor having been filed or, if later, the date on which an application for reconsideration or appeal is withdrawn. If after final adjudication, the administrator of the bureau of workers' compensation or the industrial commission makes a modification with respect to former findings or orders, pursuant to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant to court order, the adjudication process shall no longer be considered final for purposes of determining the required payment date for invoices for equipment, materials, goods, supplies, or services provided after the date of the modification when the propriety of the invoices is affected by the modification.

(E) The interest charge on amounts due shall be paid to the person for the period beginning on the day after the required payment date and ending on the day that payment of the amount due is made. The amount of the interest charge that remains unpaid at the end of any thirty-day period after the required payment date, including amounts under ten dollars, shall be added to the principal amount of the debt and thereafter the interest charge shall accrue on the principal amount of the debt plus the added interest charge. The interest charge shall be at the rate per calendar month that equals one-twelfth of the rate per annum prescribed by section 5703.47 of the Revised Code for the calendar year that includes the month for which the interest charge accrues.

(F) No appropriations shall be made for the payment of any interest charges required by this section. Any state agency required to pay interest charges under this section shall make the payments from moneys available for the administration of agency programs.

If a state agency pays interest charges under this section, but determines

that all or part of the interest charges should have been paid by another state agency, the state agency that paid the interest charges may request the attorney general to determine the amount of the interest charges that each state agency should have paid under this section. If the attorney general determines that the state agency that paid the interest charges should have paid none or only a part of the interest charges, the attorney general shall notify the state agency that paid the interest charges, any other state agency that should have paid all or part of the interest charges, and the director of budget and management of the attorney general's decision, stating the amount of interest charges that each state agency should have paid. The director shall transfer from the appropriate funds of any other state agency that should have paid all or part of the interest charges to the appropriate funds of the state agency that paid the interest charges an amount necessary to implement the attorney general's decision.

(G) Not later than forty-five days after the end of each fiscal year, each state agency shall file with the director of budget and management a detailed report concerning the interest charges the agency paid under this section during the previous fiscal year. The report shall include the number, amounts, and frequency of interest charges the agency incurred during the previous fiscal year and the reasons why the interest charges were not avoided by payment prior to the required payment date. The director shall compile a summary of all the reports submitted under this division and shall submit a copy of the summary to the president and minority leader of the senate and to the speaker and minority leader of the house of representatives no later than the thirtieth day of September of each year.

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

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

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

(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both

the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.

(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.

(D) Nothing in division (B) of this section shall be construed as:

(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;

(2) Applying 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) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mines and reclamation to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

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

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

(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the

eligibility determinations it makes for applicants of programs administered by the social security administration;

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

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

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

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

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

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;

(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;

(16) Applying to purchases of tickets for passenger air transportation;

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;

(18) Applying to the judicial branch of state government;

(19) Applying to purchases of liquor for resale by the department or, on and after July 1, 1997, the division of liquor control;

(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;

(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;

(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;

(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;

(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;

(26) Applying to payments by the department of ~~human~~ job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;

(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;

(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;

(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.

(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;

(31) Applying to the department of ~~human~~ job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code.

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

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

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

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

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

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

Sec. 149.01. Each elective state officer, the adjutant general, the adult parole authority, the department of agriculture, the director of administrative services, the public utilities commission, the superintendent of insurance, the superintendent of financial institutions, the superintendent of purchases and printing, the state commissioner of soldiers' claims, the fire marshal, the industrial commission, the administrator of workers' compensation, the state department of transportation, the department of health, the state medical board, the state dental board, the board of embalmers and funeral directors, ~~the department of human services~~, the Ohio commission for the blind, the accountancy board of Ohio, the state council of uniform state laws, the board of commissioners of the sinking fund, the department of taxation, the board of tax appeals, the clerk of the supreme court, the division of liquor control, the director of state armories, the trustees of the Ohio state university, and every private or quasi-public institution, association, board, or corporation receiving state money for its use and purpose shall make annually, at the end of each fiscal year, in quadruplicate, a report of the transactions and proceedings of that office or department for that fiscal year, excepting receipts and disbursements unless otherwise specifically required by law. The report shall contain a summary of the official acts of the officer, board, council, commission, institution, association, or corporation and any suggestions and recommendations that are proper. On the first day of August of each year, one of the reports shall be filed with the governor, one with the secretary of state, and one with the state library, and one shall be kept on file in the office of the officer, board, council, commission, institution, association, or corporation.

Sec. 153.06. After the proceedings required by sections 153.01 and 153.04 of the Revised Code have been complied with, the owner referred to in section 153.01 of the Revised Code shall give public notice of the time and place when and where bids will be received for performing the labor and furnishing the materials of such construction, improvement, alteration, addition, or installation, and a contract awarded, except for materials manufactured by the state or labor supplied by ~~the~~ a county department of ~~human~~ job and family services that may enter into the same. The form of bid approved by the department of administrative services shall be used, and a bid shall be invalid and not considered unless such form is used without change, alteration, or addition. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, or upon any thereof, or alternately upon all or any thereof.

Sec. 307.86. Anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, including, but not limited to, any

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

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

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

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

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

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

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

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

(D) Public ~~social~~ family services or workforce development activities are purchased for provision by the county department of ~~human job and family~~ services under section 329.04 of the Revised Code, or program services, such as direct and ancillary client services, child day-care, case management services, residential services, and family resource services, are purchased for provision by a county board of mental retardation and developmental disabilities under section 5126.05 of the Revised Code.

(E) The purchase consists of ~~human and social~~ family services or workforce development activities by the board of county commissioners from nonprofit corporations or associations under programs that are funded entirely by the federal government.

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

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

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

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

(4) Negotiates with such issuers for the purpose of purchasing such policies, contracts, or plans at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child day-care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing

the property, including the desired size and geographic location of the property.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of ~~social~~ family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

Any issuer of policies, contracts, or plans listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's ~~contractor's~~ name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority such name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of such action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and renegotiate with issuers in

accordance with that division at least every three years from the date of the signing of such a contract.

Any consultant employed pursuant to division (F) of this section and any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

Sec. 307.981. (A)(1) As used in ~~sections 307.981 to 307.987~~ of the Revised Code:

~~(1)(a)~~ "County ~~social-service~~ family services agency" means all of the following:

~~(a)(i)~~ A child support enforcement agency;

~~(b)(ii)~~ A county department of ~~human~~ job and family services;

~~(c)(iii)~~ A public children services agency.

~~(2)~~ "Private entity" means any entity other than a government entity.

~~(3)(b)~~ "~~Social-service~~ Family services duty" means a duty state law requires or allows a county ~~social-service~~ family services agency to assume.

~~(2)~~ As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity.

~~(B)~~ To the extent permitted by federal law, including subpart F of 5 C.F.R. part 900, and except as provided in subject to any limitations established by the Revised Code, including division ~~(C)~~(H) of this section, a board of county commissioners may designate any private or government entity within this state to serve as a any of the following:

~~(1)~~ A child support enforcement agency;

~~(2)~~ A county department of ~~human~~ job and family services;

~~(3)~~ A public children services agency;~~two;~~

~~(4)~~ A county department of job and family services and one other of those county ~~social-service~~ family services agencies;~~or all;~~

~~(5)~~ All three of those county ~~social-service~~ family services agencies;

~~(6)~~ A workforce development agency;

~~(7)~~ A workforce development agency and a county department of job and family services;

~~(8)~~ A workforce development agency and a county department of job and family services and one or two of the other county family services agencies. ~~A~~

~~(C)~~ A board of county commissioners may change its the designation it makes under division (B) of this section by designating another private or government entity. ~~Not~~

~~(D)~~ If the director of job and family services determines that a designation under division (B) or (C) of this section constitutes a substantial

change from what is in the current partnership agreement between the director and board of county commissioners under section 5101.21 of the Revised Code, the director may require that the director and board amend the partnership agreement and that the board provide the director assurances that the newly designated private or government entity will meet or exceed all requirements of the family services duties or workforce development activities the entity is to assume.

(E) Not less than sixty days before a board of county commissioners designates an entity under division (B) or (C) of this section, the board shall notify the ~~state department~~ director of human job and family services and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the designation.

(F) A board of county commissioners shall enter into a written contract with each entity it designates under division (B) or (C) of this section specifying the entity's responsibilities and standards the entity is required to meet.

(G) This section does not require a board of county commissioners to abolish the child support enforcement agency, county department of ~~human job and family services~~, or public children services agency serving the county on ~~the effective date of this section~~ October 1, 1997, and designate a different private or government entity to serve as the county's child support enforcement agency, county department of ~~human job and family services~~, or public children services agency.

~~(C)~~(H) If a county children services board appointed under section 5153.03 of the Revised Code serves as a public children services agency for a county, the board of county commissioners may not redesignate the public children services agency unless the board of county commissioners does all of the following:

(1) Notifies the county children services board of its intent to redesignate the public children services agency. In its notification, the board of county commissioners shall provide the county children services board a written explanation of the administrative, fiscal, or performance considerations causing the board of county commissioners to seek to redesignate the public children services agency.

(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs;

(3) If the county children services board, not more than sixty days after receiving the notice under division ~~(C)~~(H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the

redesignation.

Sec. 307.982. (A) To the extent permitted by federal law, including subpart F of 5 C.F.R. part 900, and except as provided in subject to any limitations established by the Revised Code, including division (B) of this section, a board of county commissioners may enter into a written contract with a private or government entity, including a public or private college or university whether or not the college or university is located within the county, for the entity to perform a ~~social-service~~ family services duty or workforce development activity on behalf of a county ~~social-service~~ family services agency or workforce development agency. The entity with which a board contracts is not required to be located in the county the board serves.

(B) A board of county commissioners may not enter into a contract under division (A) of this section regarding a ~~social-service~~ family services duty of a public children services agency if a county children services board appointed under section 5153.03 of the Revised Code serves as the public children services agency for the county. The county children services board may enter into contracts regarding its duties in accordance with division (C)(2) of section 5153.16 of the Revised Code.

Sec. 307.983. Each board of county commissioners shall enter into a written plan of cooperation with the county ~~social-service~~ family services agencies and workforce development agency serving the county to enhance the administration of the Ohio works first program established under Chapter 5107. of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; and other ~~social-service~~ family services duties and workforce development activities the board and agencies agree to include in the plan. Other government entities may be included in a plan of cooperation. The plan shall specify how the county ~~social-service~~ family services agencies, workforce development agency, and other government entities included in the plan are to exchange information and coordinate and enhance services and assistance to individuals and families.

Sec. 307.984. (A) To enhance the administration, delivery, and effectiveness of family services duties and workforce development activities, a board of county commissioners may enter into one or more regional plans of cooperation with the following:

(1) One or more other boards of county commissioners;

(2) The chief elected official of One or more municipal corporations that are the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code;

(3) Both boards of county commissioners and such chief elected

officials.

(B) A regional plan of cooperation must specify how the private and government entities included in the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities.

Sec. ~~307.984~~ 307.985. Each board of county commissioners shall develop a written transportation work plan that establishes policies regarding the transportation needs of low income residents of the county seeking or striving to retain employment. In developing the transportation work plan, the board shall consult with all of the following:

(A) The county department of ~~human~~ job and family services;

(B) If a regional transit authority created under section 306.32 of the Revised Code serves the county, the regional transit authority;

(C) If a community action agency, as defined in section 122.66 of the Revised Code, serves the county, the community action agency;

(D) As designated by the board of county commissioners, representatives of private non-profit and government entities that work with issues related to economic development, employment, and persons with physical disabilities;

(E) Other individuals designated by the board of county commissioners.

Sec. ~~307.985~~ 307.986. Each board of county commissioners shall establish procedures for providing services to children in the county whose families relocate frequently, causing the children to transfer to different schools throughout the year. The board shall establish the procedures with the county department of ~~human~~ job and family services and either each board of education of school districts with territory in the county or the education service center or joint educational service center serving the county.

Sec. ~~307.986~~ 307.987. To the extent federal statutes and regulations and state law permit, a partnership agreement entered into under section 307.98, a contract entered into under section 307.981 or 307.982, a plan of cooperation entered into under section 307.983, a regional plan of cooperation entered into under section 307.984, a transportation work plan developed under section ~~307.984~~ 307.985, and procedures established under section ~~307.985~~ 307.986 of the Revised Code shall permit the exchange of information needed to improve services and assistance to individuals and families and the protection of children. A private or government entity that receives information pursuant to an agreement, contract, plan, or procedures is bound by the same standards of confidentiality as the entity that provides the information.

An agreement, contract, plan, or procedures shall:

(A) Be coordinated and not conflict with another agreement, contract, plan, or procedures or an agreement entered into under section 329.05 of the Revised Code;

(B) Prohibit discrimination in hiring and promotion against applicants for and participants of the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(C) Comply with federal statutes and regulations and state law;

(D) Be adopted by resolution of a board of county commissioners;

(E) Specify how the agreement, contract, plan, or procedures may be amended.

Sec. ~~307.987~~ 307.988. If a board of county commissioners contracts with a religious organization under section 307.981 or 307.982 of the Revised Code, the religious organization shall comply with section 104 of the Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 (P.L. 104-193).

Sec. 329.011. Whenever the county department of welfare ~~or, county department of human services,~~ county director of welfare, ~~or county director of human services~~ is referred to or designated in the Revised Code or any rule, contract, or other document, the reference or designation shall be deemed to refer to the county department of ~~human job and family~~ services or county director of ~~human job and family~~ services, as the case may be.

Sec. 329.04. (A) The county department of ~~human job and family~~ services shall have, exercise, and perform the following powers and duties:

(1) Perform any duties assigned by the state department of ~~human job and family~~ services regarding the provision of public ~~social family~~ services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life:

(a) Services authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and known in this state as the Ohio works first program established by Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 of the Revised Code;

(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by sections 2301.34 to 2301.44 of the Revised Code. The county department may perform the services itself or

contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services.

(2) Administer disability assistance under Chapter 5115. of the Revised Code as required by the state department of ~~human~~ job and family services;

(3) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law;

(4) Cooperate with state and federal authorities in any matter relating to ~~human~~ family services and to act as the agent of such authorities;

(5) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of ~~human~~ job and family services at the close of each fiscal year;

(6) Exercise any powers and duties relating to ~~human~~ family services or workforce development activities imposed upon the county department of ~~human~~ job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace;

(7) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";

(8) If assigned by the state director of ~~human~~ job and family services under section 5101.515 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II;

(9) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section ~~307.984~~ 307.985, establish with the board procedures under section ~~307.985~~ 307.986 for providing services to children whose families relocate frequently, and comply with the ~~partnership agreement the board enters into under section 307.98 and~~ contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

(10) For the purpose of complying with a partnership agreement the board of county commissioners enters into under section 307.98 of the Revised Code, exercise the powers and perform the duties the partnership agreement assigns to the county department;

(11) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of ~~human~~ job and

family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding ~~human~~ family services and workforce development activities. If the new power or duty necessitates the state department of ~~human job and family~~ services changing its federal cost allocation plan, the county department may not implement the power or duty unless the United States department of health and human services approves the changes.

Sec. 329.05. The county department of ~~human job and family~~ services may administer or assist in administering any state or local ~~human family~~ services activity in addition to those mentioned in section 329.04 of the Revised Code, supported wholly or in part by public funds from any source provided by agreement between the board of county commissioners and the officer, department, board, or agency in which the administration of such activity is vested. Such officer, department, board, or agency may enter into such agreement and confer upon the county department of ~~human job and family~~ services, to the extent and in particulars specified in the agreement, the performance of any duties and the exercise of any powers imposed upon or vested in such officer, board, department, or agency, with respect to the administration of such activity. Such agreement shall be in the form of a resolution of the board of county commissioners, accepted in writing by the other party to the agreement, and filed in the office of the county auditor, and when so filed, shall have the effect of transferring the exercise of the powers and duties to which the agreement relates and shall exempt the other party from all further responsibility for the exercise of the powers and duties so transferred, during the life of the agreement.

Such agreement shall be coordinated and not conflict with a partnership agreement entered into under section 307.98, a contract entered into under section 307.981 or 307.982, a plan of cooperation entered into under section 307.983, a regional plan of cooperation entered into under section 307.984, a transportation work plan developed under section ~~307.984~~ 307.985, or procedures for providing services to children whose families relocate frequently established under section ~~307.985~~ 307.986 of the Revised Code. It may be revoked at the option of either party, by a resolution or order of the revoking party filed in the office of the auditor. Such revocation shall become effective at the end of the fiscal year occurring at least six months following the filing of the resolution or order. In the absence of such an express revocation so filed, the agreement shall continue indefinitely.

This section does not permit a county department of ~~human job and family~~ services to manage or control county or district tuberculosis or other

hospitals, humane societies, detention homes, jails or probation departments of courts, or veterans service commissions.

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county ~~human~~ family services planning committee. The board shall appoint a member to represent the county department of ~~human~~ job and family services; an employee in the classified civil service of the county department of ~~human~~ job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the ~~social~~ family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

- (1) Consumers of ~~social~~ family services;
- (2) The public children services agency;
- (3) The child support enforcement agency;
- (4) The county family and children first council;
- (5) Public and private colleges and universities;
- (6) Public entities that provide ~~social~~ family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;
- (7) Private nonprofit and for-profit entities that provide ~~social~~ family services in the county or that advocate for consumers of ~~social~~ family services in the county, including entities that provide services to or advocate for victims of domestic violence;
- (8) Labor organizations;
- (9) Any other group or entity that has an interest in the ~~social~~ family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.

(B) The county ~~human~~ family services planning committee shall do all of the following:

- (1) Serve as an advisory body to the board of county commissioners with regard to the ~~social~~ family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;
- (2) At least once a year, review and analyze the county department of

~~human~~ job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants receive, including medical assistance under Chapter 5111. of the Revised Code, publicly funded child day-care under Chapter 5104. of the Revised Code, food stamp benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of ~~human~~ job and family services regarding the committee's findings.

(3) Provide comments and recommendations to the board prior to the board's entering into or substantially amending a partnership agreement with the director of ~~human~~ job and family services under section 307.98 of the Revised Code;

(4) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(5) At the request of the board, make recommendations and provide assistance regarding the ~~social~~ family services provided in the county;

(6) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the ~~social~~ family services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of ~~social~~ family service programs;

(b) Use of federal, state, and local funds available for ~~social~~ family service programs;

(c) Establishment of goals to be achieved by ~~social~~ family service programs;

(d) Evaluation of the outcomes of ~~social~~ family service programs;

(e) Any other matter the board considers relevant to the provision of ~~social~~ family services.

(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county ~~human~~ family services planning committee,

the board may designate the committee as the county's ~~human~~ family services planning committee and the committee shall serve in that capacity.

Sec. 329.061. Wherever a county human services planning committee is referred to or designated in the Revised Code or any rule, contract, or other document, the reference or designation shall be deemed to refer to a county family services planning committee.

Sec. 330.01. As used in this chapter:

(A) "Private entity" means an entity other than a government entity.

(B) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 330.02. A county that is eligible to be designated as a local workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but does not request such designation, may administer and enforce workforce development activities in accordance with Chapter 6301. of the Revised Code. A county that elects to administer and enforce workforce development activities under Chapter 6301. of the Revised Code shall not operate as a local workforce investment area pursuant to the Workforce Investment Act.

Sec. 330.04. If, for the purpose of Chapter 6301. of the Revised Code, a county is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code, the board of county commissioners serving the county shall adopt a resolution establishing or designating a workforce development agency to provide workforce development activities for the county. The board shall adopt the resolution not later than July 1, 2000.

The board may establish or designate any of the following as the workforce development agency:

(A) The county department of job and family services;

(B) A separate agency under the direct control of the board and administered by an official appointed by the board;

(C) An entity serving the county on the effective date of this section in a capacity similar to the capacity in which a workforce development agency is to serve the county on and after the effective date of this section;

(D) An entity located in or outside the county that provides workforce development activities in the county on the effective date of this section;

(E) Any private or government entity designated under section 307.981 of the Revised Code.

Sec. 330.05. A board of county commissioners that has designated or established a workforce development agency for the county under section 330.04 of the Revised Code shall enter into a contract with the agency. The contract shall specify the workforce development activities the agency is to

provide and establish standards, including performance standards, for the agency's operation. The contract also shall include any other provisions the board considers necessary.

Sec. 330.07. A board of county commissioners that has designated or established a workforce development agency for the county under section 330.04 of the Revised Code may contract with any government or private entity to enhance the agency's administration or the workforce development activities the agency provides. The entity with which the board contracts is not required to be located in the county the board serves.

Sec. 763.01. As used in this chapter:

(A) "Private entity" means an entity other than a government entity.

(B) "Workforce development activity" has the same meaning as in section 6301.01 of the Revised Code.

(C) "Workforce Investment Act" means the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended.

Sec. 763.02. The chief elected official of a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the Workforce Investment Act, 29 U.S.C.A. 2831(a)(2) or (3), but does not request that the governor grant the automatic or temporary designation may administer and enforce workforce development activities in accordance with Chapter 6301. of the Revised Code. A municipal corporation that elects to administer and enforce workforce development activities in accordance with Chapter 6301. of the Revised Code shall not operate as a local workforce investment area pursuant to the Workforce Investment Act.

Sec. 763.05. To the extent permitted by federal law, including subpart F of 5 C.F.R. part 900, and the Revised Code, the chief elected official of a municipal corporation that, for the purpose of Chapter 6301. of the Revised Code, is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code may enter into a written contract with a private or government entity, including a public or private college or university, for the entity to act as the municipal corporation's workforce development agency. The entity with which the chief elected official contracts is not required to be located in the municipal corporation.

Sec. 763.07. To enhance the administration, delivery, and effectiveness of family services duties and workforce development activities, the chief elected official of a municipal corporation that, for the purpose of Chapter 6301. of the Revised Code, is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code may enter into a regional plan of cooperation with one or more boards of county commissioners

pursuant to section 307.984 of the Revised Code. A regional plan of cooperation must specify how the private and government entities subject to the plan will coordinate and enhance the administration, delivery, and effectiveness of family services duties and workforce development activities.

Sec. 2151.011. (A) As used in the Revised Code:

(1) "Juvenile court" means the division of the court of common pleas or a juvenile court separately and independently created having jurisdiction under this chapter.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified pursuant to ~~sections~~ section 5103.03 ~~to 5103.05~~ of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of ~~human~~ job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

- (a) Receives and cares for children for two or more consecutive weeks;
- (b) Participates in the placement of children in family foster homes;
- (c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

(4) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.

(5) "Certified family foster home" means a family foster home operated by persons holding a certificate in force, issued under section 5103.03 of the

Revised Code.

(6)(a) "Child" means a person who is under eighteen years of age, except as otherwise provided in divisions (B)(6)(b) to (f) of this section.

(b) Subject to division (B)(6)(c) of this section, any person who violates a federal or state law or municipal ordinance prior to attaining eighteen years of age shall be deemed a "child" irrespective of that person's age at the time the complaint is filed or the hearing on the complaint is held.

(c) Any person who, while under eighteen years of age, commits an act that would be a felony if committed by an adult and who is not taken into custody or apprehended for that act until after the person attains twenty-one years of age is not a child in relation to that act.

(d) Any person whose case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code shall after the transfer be deemed not to be a child in the transferred case.

(e) Subject to division (B)(6)(f) of this section, any person whose case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code and who subsequently is convicted of or pleads guilty to a felony in that case shall after the transfer be deemed not to be a child in any case in which the person is alleged to have committed prior to or subsequent to the transfer an act that would be an offense if committed by an adult. Division (B)(6)(e) of this section applies to a case regardless of whether the prior or subsequent act that is alleged in the case and that would be an offense if committed by an adult allegedly was committed in the same county in which the case was transferred or in another county and regardless of whether the complaint in the case involved was filed in the same county in which the case was transferred or in another county. Division (B)(6)(e) of this section applies to a case that involves an act committed prior to the transfer only when the prior act alleged in the case has not been disposed of by a juvenile court or trial court.

(f) Notwithstanding division (B)(6)(e) of this section, if a person's case is transferred for criminal prosecution pursuant to division (B) or (C) of section 2151.26 of the Revised Code and if the person subsequently is convicted of or pleads guilty to a felony in that case, thereafter, the person shall be considered a child solely for the following purposes in relation to any act the person subsequently commits that would be an offense if committed by an adult:

(i) For purposes of the filing of a complaint alleging that the child is a delinquent child for committing the act that would be an offense if committed by an adult;

(ii) For purposes of the juvenile court conducting a hearing under

division (B) of section 2151.26 of the Revised Code relative to the complaint described in division (B)(6)(f)(i) of this section to determine whether division (B)(1) of section 2151.26 of the Revised Code applies and requires that the case be transferred for criminal prosecution to the appropriate court having jurisdiction of the offense.

(7) "Child day camp," "child day-care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child day-care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of ~~human job and~~ family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(13) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(14) "Family foster home" means a private residence in which children

are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training twenty-four hours a day. "Family foster home" does not include babysitting care provided for a child in the home of a person other than the home of the parents, guardian, or legal custodian of the child.

(15) "Foster home" means a family home in which any child is received apart from the child's parents for care, supervision, or training.

(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(17) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(18) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(19) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(20) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(21) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(22) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.

(23) "Out-of-home care" means detention facilities, shelter facilities, foster homes, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations,

certified organizations, child day-care centers, type A family day-care homes, child day-care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(24) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Engaging in sexual activity with a child in the person's care;
- (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;
- (c) Use of restraint procedures on a child that cause injury or pain;
- (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;
- (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(25) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;
- (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;
- (c) Failure to develop a process for all of the following:
  - (i) Administration of prescription drugs or psychotropic drugs for the child;
  - (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;
  - (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.
- (d) Failure to provide proper or necessary subsistence, education,

medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(26) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(27) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(28) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(29) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster parent, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;

(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(30) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life

activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

- (a) A substantial impairment of vision, speech, or hearing;
- (b) A congenital orthopedic impairment;
- (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(31) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(32) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(33) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(34) "Probation" means a legal status created by court order following an adjudication that a child is a delinquent child, a juvenile traffic offender, or an unruly child, whereby the child is permitted to remain in the parent's, guardian's, or custodian's home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation.

(35) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child or a juvenile traffic offender to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(36) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(37) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(38) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

(39) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.

(40) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(41) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(42) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(43) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(44) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(45) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(46) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2301.357. (A) Each child support enforcement agency shall adopt a paternity compliance plan, establish a paternity compliance unit, and submit the adopted plan to the division of support of the department of ~~human job~~ and family services in accordance with the rules adopted pursuant to section 5101.324 of the Revised Code, except that, if a child support enforcement agency submitted a corrective action plan to the department pursuant to division ~~(B)(C)~~(1) of section 5101.24 of the Revised Code and if that plan is currently in effect, the agency is not required to comply with this division.

(B) The department of ~~human job~~ and family services shall enter into a contract with local hospitals for the provision of staff by the hospitals to meet with unmarried women who give birth in or en route to the particular

hospital. The contract between the department of ~~human~~ job and family services and a local hospital shall require all of the following:

(1) That the hospital provide a staff person to meet with each unmarried mother who gave birth in or en route to the hospital within twenty-four hours of the birth or before the mother is released from the hospital;

(2) That the staff person attempt to meet with the father of the unmarried mother's child if possible;

(3) That the staff person explain to the unmarried mother and the father, if he is present, the benefit to the child of establishing a parent and child relationship between the father and the child and the various proper procedures for establishing a parent and child relationship;

(4) That the staff person present to the unmarried mother and, if possible, the father the pamphlet or statement regarding the rights and responsibilities of a natural parent that is prepared and provided by the department of ~~human~~ job and family services pursuant to section 5101.324 of the Revised Code;

(5) That the staff person provide the mother and, if possible, the father, all forms and statements necessary to voluntarily establish a parent and child relationship, including, but not limited to, the acknowledgment of paternity affidavit prepared by the department of ~~human~~ job and family services pursuant to section 5101.324 of the Revised Code and required by section 5101.314 of the Revised Code;

(6) That the staff person, at the request of both the mother and father, help the mother and father complete any form or statement necessary to establish a parent and child relationship;

(7) That the hospital provide a notary public to notarize an acknowledgment of paternity affidavit signed by the mother and father;

(8) That the staff person present to an unmarried mother who is not participating in the Ohio works first program established under Chapter 5107. or receiving medical assistance under Chapter 5111. of the Revised Code an application for Title IV-D services;

(9) That the staff person forward any completed acknowledgment of paternity, no later than ten days after it is completed, to the division of child support in the department of ~~human~~ job and family services;

(10) That the department of ~~human~~ job and family services pay the hospital twenty dollars for every correctly signed and notarized acknowledgment of paternity affidavit from the hospital.

On or before April 1, 1998, each hospital shall enter into a contract with the department of ~~human~~ job and family services pursuant to this section regarding the duties imposed by this section and section 3727.17 of the

Revised Code concerning paternity establishment. A hospital that fails to enter into a contract shall not receive the fee from the department for correctly signed and notarized affidavits submitted by the hospital.

(C) Not later than July 1, 1998, and the first day of each July thereafter, the department of human job and family services shall complete a report on the hospitals that have not entered into contracts described in this section. The department shall submit the report to the chairperson and ranking minority member of the committees of the house of representatives and senate with primary responsibility for issues concerning paternity establishment.

(D) If the hospital knows or determines that a man is presumed under section 3111.03 of the Revised Code to be the father of the child described in this section, the hospital shall take no further action with regard to an acknowledgment and shall not send an acknowledgment to the division.

Sec. 2705.02. A person guilty of any of the following acts may be punished as for a contempt:

(A) Disobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer;

(B) Misbehavior of an officer of the court in the performance of official duties, or in official transactions;

(C) A failure to obey a subpoena duly served, or a refusal to be sworn or to answer as a witness, when lawfully required;

(D) The rescue, or attempted rescue, of a person or of property in the custody of an officer by virtue of an order or process of court held by the officer;

(E) A failure upon the part of a person recognized to appear as a witness in a court to appear in compliance with the terms of the person's recognizance;

(F) A failure to comply with an order issued pursuant to section 3111.20, 3111.211, or 3111.22 of the Revised Code or a withholding or deduction notice issued under section 3111.23 of the Revised Code;

(G) A failure to obey a subpoena issued by the department of human job and family services or a child support enforcement agency pursuant to section 5101.37 of the Revised Code;

(H) A willful failure to submit to genetic testing, or a willful failure to submit a child to genetic testing, as required by an order for genetic testing issued under section 3111.22 of the Revised Code.

Sec. 3313.64. (A) As used in this section and in section 3313.65 of the Revised Code:

(1) "Parent" means either parent, unless the parents are separated or

divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, family foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of ~~human~~ job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section ~~5103.06~~ 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under

division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first; or

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first; or

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.357 of the Revised Code by the court at the time it vests custody of the child in the person or government agency.

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the

Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that

school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district where the child's parent is employed, or in the case of a child whose parent is employed by an educational service center, in the district that serves the location where the parent's job is primarily located, provided the district board of education establishes such an admission policy by resolution adopted by a majority of its members. Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such child upon request of the parent. No child may be admitted under this policy after the first day of classes of any school year.

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an

additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, and 3313.716 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the

superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of

public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(J) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(K) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

Sec. 4112.12. (A) There is hereby created the commission on African-American males, which shall consist of not more than forty-one members as follows: the directors or their designees of the departments of health, development, alcohol and drug addiction services, human job and family services, rehabilitation and correction, mental health, and youth services; ~~the administrator or the administrator's designee of the bureau of employment services;~~ the adjutant general or the adjutant general's designee; the equal employment opportunity officer of the department of administrative services or the equal employment opportunity officer's designee; the executive director or the executive director's designee of the Ohio civil rights commission; the director or the director's designee of the office of criminal justice services; the superintendent of public instruction; the chancellor or the chancellor's designee of the Ohio board of regents; two members of the house of representatives appointed by the speaker of the house of representatives; three members of the senate appointed by the president of the senate; and not more than ~~twenty-two~~ twenty-three members appointed by the governor. The members appointed by the governor shall include an additional member of the governor's cabinet and at least one representative of each of the following: the national association for the advancement of colored people; the urban league; an organization representing black elected officials; an organization representing black attorneys; the black religious community; the black business community; the

nonminority business community; and organized labor; at least one black medical doctor, one black elected member of a school board, and one black educator; and at least two representatives of local private industry councils. The remaining members that may be appointed by the governor shall be selected from elected officials, civic and community leaders, and representatives of the employment, criminal justice, education, and health communities.

(B) Terms of office shall be for three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The commission annually shall elect a chairperson from among its members.

(C) Members of the commission and members of subcommittees appointed under division (B) of section 4112.13 of the Revised Code shall not be compensated, but shall be reimbursed for their necessary and actual expenses incurred in the performance of their official duties.

(D)(1) The Ohio civil rights commission shall serve as the commission on African-American males' fiscal agent and shall perform all of the following services:

(a) Prepare and process payroll and other personnel documents that the commission on African-American males approves;

(b) Maintain ledgers of accounts and reports of account balances, and monitor budgets and allotment plans in consultation with the commission on African-American males;

(c) Perform other routine support services that the executive director of the Ohio civil rights commission or the executive director's designee and the Commission on African-American males or its designee consider appropriate to achieve efficiency.

(2) The Ohio civil rights commission shall not approve any payroll or other personnel-related documents or any biennial budget, grant, expenditure, audit, or fiscal-related document without the advice and consent of the commission on African-American males.

(3) The Ohio civil rights commission shall determine fees to be charged to the commission on African-American males for services performed under this division, which shall be in proportion to the services performed for the commission on African-American males.

(4) The commission on African-American males or its designee has:

(a) Sole authority to draw funds for any federal program in which the commission is authorized to participate;

(b) Sole authority to expend funds from accounts for programs and any other necessary expenses the commission on African-American males may incur;

(c) The duty to cooperate with the Ohio civil rights commission to ensure that the Ohio civil rights commission is fully apprised of all financial transactions.

(E) The commission on African-American males shall appoint an executive director, who shall be in the unclassified civil service. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive director shall do all things necessary for the efficient and effective implementation of the duties of the commission.

The responsibilities assigned to the executive director do not relieve the members of the commission from final responsibility for the proper performance of the requirements of this division.

(F) The commission on African-American males shall:

(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;

(2) Maintain its office in Columbus;

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.

(4) Prepare and submit to the office of budget and management a budget for each biennium in accordance with sections 101.55 and 107.03 of the Revised Code. The budget submitted shall cover the costs of the commission and its staff in the discharge of any duty imposed upon the commission by law. The commission shall pay its own payroll and other operating expenses from appropriation items designated by the general assembly. The commission shall not delegate any authority to obligate funds.

(5) Establish the overall policy and management of the commission in

accordance with this chapter;

(6) Follow all state procurement requirements;

(7) Pay fees owed to the Ohio civil rights commission under division (D) of this section from the commission on African-American males' general revenue fund or from any other fund from which the operating expenses of the commission on African-American males are paid. Any amounts set aside for a fiscal year for the payment of such fees shall be used only for the services performed for the commission on African-American males by the Ohio civil rights commission in that fiscal year.

(G) The commission on African-American males may:

(1) Hold sessions at any place within the state;

(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission on African-American males as necessary to achieve the most efficient performance of its functions.

Sec. 4141.04. ~~The Ohio state employment service is hereby established as a division of the bureau of employment~~ director of job and family services and shall ~~establish and maintain free~~ or ensure the existence of public employment offices that are free to the general public. These offices shall exist in such number and in such places as are necessary for the proper administration of ~~sections 4141.01 to 4141.46 of the Revised Code~~ this chapter, to perform such duties as are within the purview of the act of congress entitled "an act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933, as amended, which is known as the "Wagner-Peyser Act." ~~The division shall be administered by a full-time salaried director, who shall cooperate with any official or agency of the United States having powers or duties under said~~ that act of congress and shall do and perform all things necessary to secure to this state the benefits of said that act of congress in the promotion and maintenance of a system of public employment offices. Said That act of congress is hereby accepted by this state, in conformity with sections 4141.23 to 4141.26 of the Revised Code that act of congress and Title III of the "Social Security Act," and the "Federal Unemployment Tax Act," 26 U.S.C.A. 3301, as amended, and this state will observe and comply with the requirements thereof. The Ohio state employment service department of job and family services is hereby designated and constituted the agency of this state for the purposes of ~~said that act of congress.~~

The ~~administrator of the bureau of employment services~~ director may cooperate with or enter into agreements with the railroad retirement board

with respect to the establishment, maintenance, and use of ~~free~~ employment service facilities that are free to the general public. ~~The administrator shall appoint the director, other officers, and employees of the Ohio state employment service. Such appointment shall be made in accordance with regulations prescribed by the director of the United States employment service.~~

All moneys received by this state under ~~said~~ the act of congress known as the Wagner-Peyser Act shall be paid into the special employment service account in the unemployment compensation administration fund, and ~~said those~~ moneys are hereby made available to the ~~Ohio state employment service~~ director to be expended as provided by this section and by ~~said that~~ act of congress. For the purpose of establishing and maintaining ~~free~~ public employment offices that are free to the general public, the ~~division~~ director may enter into agreements with the railroad retirement board or any other agency of the United States charged with the administration of an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization and as a part of any such agreement the ~~administrator~~ director may accept moneys, services, or quarters as a contribution to the employment service account.

The director shall maintain labor market information and employment statistics as necessary for the administration of this chapter.

The ~~administrator of the bureau of employment services~~ director shall appoint an ~~individual from the employment service division~~ employee of the department to serve as an ex officio member of the governor's council to maintain a liaison between the ~~bureau of employment services~~ department and the governor's council on people with disabilities.

Sec. 4141.042. ~~(A) There is created within the bureau of employment services a women's division, whose~~ The director of job and family services shall be appointed by the administrator.

~~(B) The women's division shall take affirmative steps to promote programs to improve the employment competencies and upward mobility of women and to enhance their employment opportunities, giving.~~ The director shall place particular attention to emphasis on education, child care, labor conditions, equality of entrance requirements, and eligibility for promotion. In pursuance thereof, the ~~division~~ director shall:

~~(1)(A)~~ Serve as a clearinghouse for information;

~~(2)(B)~~ Assist state and local government agencies workforce development providers in improving the employment competencies of and opportunities for women;

~~(C) The division also may:~~

~~(1) Conduct studies and research on subjects related to its functions and responsibilities;~~

~~(2)(C)~~ Evaluate and make recommendations to the ~~administrator~~ director regarding legislation affecting the employment competencies of and opportunities for women.

Sec. 4141.046. No compensation or fee, either directly or indirectly, shall be charged or received from any person seeking employment ~~or any person desiring to employ labor~~ through a ~~free~~ public employment office described in section 4141.04 of the Revised Code. No ~~officer or employee of the Ohio state employment service person~~ shall violate this section.

Sec. 4141.06. There is hereby created an unemployment compensation review commission consisting of three full-time members appointed by the governor, with the advice and consent of the senate. Terms of office shall be staggered and shall be for six years, commencing on the twenty-eighth day of February and ending on the twenty-seventh day of February. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which 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 the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The chairperson of the commission and each member shall be paid a salary fixed pursuant to section 124.14 of the Revised Code. The governor, at any time, may remove any member for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

Not more than one of the appointees to the commission shall be a person who, on account of the appointee's previous vocation, employment, or affiliations, can be classed as a representative of employers, and not more than one of the appointees shall be a person who, on account of the appointee's previous vocation, employment, or affiliations, can be classed as a representative of employees. Not more than two of the members of the commission shall belong to the same political party. No member of the commission shall hold any position of trust or profit or engage in any occupation or business interfering or inconsistent with the member's duties as a member and no member shall serve on any committee of any political party. The commission shall elect a chairperson and a vice-chairperson. The vice-chairperson shall exercise the powers of the chairperson in the chairperson's absence.

No commission member shall participate in the disposition of any

appeal in which the member has an interest in the controversy. Challenges to the interest of any commission member may be made by any interested party defined in division (I) of section 4141.01 of the Revised Code and shall be in writing. All challenges shall be decided by the chairperson of the advisory council, who, if the challenge is found to be well taken, shall advise the governor, who shall appoint a member of the advisory council representing the same affiliations to act and receive the same compensation for serving in place of such member.

The commission may appoint a secretary to hold office at its pleasure. The secretary shall have such powers and shall perform such duties as the commission prescribes and shall keep a record of the proceedings of the commission and of its determinations. The secretary shall receive a salary fixed pursuant to section 124.14 of the Revised Code. Notwithstanding division (A)(8) of section 124.11 of the Revised Code, each member of the commission may appoint a private secretary who shall be in the classified service of the state and hold office at the pleasure of such member.

Two members of the commission constitute a quorum and no action of the commission is valid unless it has the concurrence of at least two members. A vacancy on the commission does not impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

Hearings before the commission are held at the hearing officer level and the review level. Unless otherwise provided in this chapter, initial hearings involving claims for compensation and other unemployment compensation issues are conducted at the hearing officer level by hearing officers appointed by the commission. Hearings at the review level are conducted by hearing officers appointed by the commission, by members of the commission acting either individually or collectively, and by members of the commission and hearing officers acting jointly. In all hearings conducted at the review level, the commission shall designate the hearing officer or officers who are to conduct the hearing. When the term "hearing officer" is used in reference to hearings conducted at the review level, the term includes members of the commission. All decisions issued at the review level are issued by the commission.

The commission and its hearing officers shall hear appeals arising from determinations of the ~~administrator~~ director of the ~~bureau of employment job and family~~ services involving claims for compensation and other unemployment compensation issues. The commission shall adopt, amend, or rescind rules of procedure, and undertake such investigations, and take such action required for the hearing and disposition of appeals as it deems

cessary and consistent with ~~sections 4141.01 to 4141.46 of the Revised Code~~ this chapter. The rules adopted by the commission shall be effective to the extent that the rules are consistent with ~~such sections~~ this chapter.

The commission, subject to Chapter 124. of the Revised Code, and with the approval of the governor, shall appoint such hearing officers as are necessary. The hearing officers shall be classified by the department of administrative services. Any promotions or increases in compensation of the hearing officers may be recommended by the commission subject to classifications which are made by the department of administrative services. The members of the commission and hearing officers may conduct hearings for unemployment compensation appeals coming before the commission. The members and hearing officers may exercise all powers provided by section 4141.17 of the Revised Code.

The commission, subject to Chapter 124. of the Revised Code, may employ such support personnel as are needed to carry out the duties of the commission. The salaries of such employees are fixed pursuant to section 124.14 of the Revised Code. The commission shall further provide itself and its employees with such offices, equipment, and supplies as are necessary, using those already provided for the ~~central office of the bureau or its branch offices~~ department of job and family services wherever possible.

The commission shall have access to ~~all~~ only the records of the ~~bureau~~ department of employment job and family services ~~that are necessary for the administration of this chapter and~~ needed in the performance of its official duties. The commission shall have the right to request of the ~~administrator~~ director necessary information from any ~~division work unit~~ of the ~~bureau~~ department having that information.

The commission shall prepare and submit to the ~~administrator~~ director an annual budget financing the costs necessary to administer its duties under this chapter. The fund request shall relate to, but not be limited to, the United States department of labor's allocations for the commission's functions. The ~~administrator~~ director shall approve the commission's request unless funds are insufficient to finance the request. The ~~administrator~~ director shall notify the commission of the amount of funds available for its operation, as soon as possible, but not later than thirty days after receiving the allocation from the United States department of labor.

In the event that the ~~administrator~~ director determines that sufficient funds are not available to approve the request as submitted and a revised budget is not agreed to within thirty days of the ~~administrator's~~ director's notification to the commission, the director of budget and management shall review and determine the funding levels for the commission and notify the

commission and the ~~administrator~~ director of ~~its~~ the determination by the director of budget and management.

Sec. 4141.08. (A) There is hereby created an unemployment compensation advisory council appointed as follows:

(1) Three members who on account of their vocation, employment, or affiliations can be classed as representative of employers and three members who on account of their vocation, employment, or affiliation can be classed as representatives of employees appointed by the governor with the advice and consent of the senate. All appointees shall be persons whose training and experience qualify them to deal with the difficult problems of unemployment compensation, particularly with respect to the legal, accounting, actuarial, economic, and social aspects of unemployment compensation;

(2) The chairpersons of the standing committees of the senate and the house of representatives to which legislation pertaining to Chapter 4141. of the Revised Code is customarily referred;

(3) Two members of the senate appointed by the president of the senate; and

(4) Two members of the house of representatives appointed by the speaker of the house of representatives.

The speaker and the president shall arrange that of the six legislative members appointed to the council, not more than three are members of the same political party.

(B) Members appointed by the governor shall serve for a term of four years, each term ending on the same day as the date of their original appointment. Legislative members shall serve during the session of the general assembly to which they are elected and for as long as they are members of the general assembly. Vacancies shall be filled in the same manner as the original appointment but only for the unexpired part of a term.

(C) Members of the council shall serve without salary but, notwithstanding section 101.26 of the Revised Code, shall be paid fifty dollars per day each and their actual and necessary expenses while engaged in the performance of their duties as members of the council which shall be paid from funds allocated to pay the expenses of the council pursuant to this section.

(D) The council shall organize itself and select a chairperson or co-chairpersons and other officers and committees as it considers necessary. Seven members constitute a quorum and the council may act only upon the affirmative vote of seven members. The council shall meet at least once

h calendar quarter but it may meet more often as the council considers necessary or at the request of the chairperson.

(E) The council may employ professional and clerical assistance as it considers necessary and may request of the ~~administrator~~ director of the bureau of employment job and family services assistance as it considers necessary. The ~~administrator~~ director shall furnish the council with office and meeting space as requested by the council.

(F) The ~~administrator~~ director shall pay the operating expenses of the council as determined by the council from moneys in the unemployment compensation special administrative fund established in section 4141.11 of the Revised Code.

(G) The council shall have access to only the records of the ~~bureau~~ department of employment job and family services ~~that are necessary for the administration of this chapter~~ and to the reasonable services of the employees of the ~~bureau~~ department. It may request the ~~administrator~~ director, or any of the employees appointed by the ~~administrator~~ director, or any employer or employee subject to ~~Chapter 4141. of the Revised Code~~ this chapter, to appear before it and to testify relative to the functioning of ~~such sections~~ this chapter and to other relevant matters. The council may conduct research of its own, make and publish reports, and recommend to the ~~administrator~~ director, the unemployment compensation review commission, the governor, or the general assembly needed changes in ~~Chapter 4141. of the Revised Code~~ this chapter, or in the rules of the ~~bureau~~ department as it considers necessary.

Sec. 4141.10. (A) There is hereby created the unemployment compensation administration fund as a special fund in the state treasury. All moneys ~~which that~~ are deposited or paid into this fund are available to the ~~bureau~~ director of employment job and family services only for the administration of this chapter. All moneys in this fund ~~which that~~ are received from the United States or any agency thereof or ~~which that~~ are appropriated by this state for the purposes described in section 4141.04 of the Revised Code, shall be expended solely for the purposes and in the amounts found necessary by the proper agency of the United States for the proper and efficient administration of ~~sections 4141.01 to 4141.46, inclusive, of the Revised Code~~ this chapter. The fund shall consist of all moneys appropriated by this state, and all moneys received from the United States or any agency thereof, including the proper agency of the United States, the railroad retirement board, and the United States ~~employment service~~ department of labor, or from any other source, for such purpose, except that moneys received from the railroad retirement board as

nsation for services or facilities supplied to ~~said~~ that board shall be paid into this fund ~~or the special employment service account thereof, provided for in division (B) of this section,~~ on the same basis as expenditures are made for such services or facilities from such fund and account. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are other special funds in the state treasury. The treasurer of state is liable on ~~his~~ the treasurer of state's official bond for the faithful performance of ~~his~~ the treasurer of state's duties in connection with this fund. Any balances in this fund shall not lapse at any time, but shall be continuously available to the ~~bureau~~ director for expenditure.

~~(B) A special employment service account shall be maintained as a part of the fund for the purpose of maintaining the public employment offices established pursuant to section 4141.04 of the Revised Code and for the purpose of co-operating with the United States employment service.~~

~~(C) If any moneys received after June 30, 1941, from the proper agency of the United States under title Title III of the "Social Security Act," or any unencumbered balances in the fund as of that date, or any moneys granted after that date to this state pursuant to the Wagner-Peyser acts, or any moneys made available by this state or its political subdivisions and matched by such moneys granted to this state pursuant to the Wagner-Peyser acts are found by the proper agency of the United States because of any action or contingency, to have been lost or expended for purposes other than, or in amounts in excess of, those found necessary by the proper agency of the United States for the proper administration of sections 4141.01 to 4141.46, inclusive, of the Revised Code this chapter,~~ such moneys shall be replaced by moneys appropriated for such purpose from the general funds of this state to the unemployment compensation administration fund for expenditure as provided in division (A) of this section. Upon receipt of notice of such a finding by the proper agency of the United States, the ~~administrator of the bureau of employment services~~ director shall promptly report the amount required for such replacement to the governor and the governor shall at the earliest opportunity submit to the general assembly a request for the appropriation of such amount. ~~Division (C) of this section does not relieve this state of its obligation with respect to funds received prior to July 1, 1941, pursuant to title III of the "Social Security Act."~~

Sec. 4141.13. In addition to all other duties imposed on the ~~administrator~~ director of the ~~bureau of employment~~ job and family services and powers granted by this chapter, the ~~administrator~~ director may:

(A) Adopt and enforce reasonable rules relative to the exercise of the

~~administrator's~~ director's powers and authority, and proper rules to govern the ~~administrator's~~ director's proceedings and to regulate the mode and manner of all investigations and hearings;

(B) Prescribe the time, place, and manner of making claims for benefits under such sections, the kind and character of notices required thereunder, the procedure for investigating, hearing, and deciding claims, the nature and extent of the proofs and evidence and the method of furnishing and taking such proofs and evidence to establish the right to benefits, and the method and time within which adjudication and awards shall be made;

(C) Adopt rules with respect to the collection, maintenance, and disbursement of the unemployment and administrative funds;

(D) Amend and modify any of the ~~administrator's~~ director's rules from time to time in such respects as the ~~administrator~~ director finds necessary or desirable;

(E) ~~Employ, subject to Chapter 124. of the Revised Code, secretaries, deputies, accountants, managers of district offices, clerks, stenographers, and other assistants that are required for the administration of this chapter, sections 4101.25 to 4101.30 and 4115.03 to 4115.16, and Chapters 4109., 4111., and 4167. of the Revised Code, and determine their salaries and duties; provided that notwithstanding Chapter 124. of the Revised Code, no provisional appointments shall extend for a period of more than six months, except that for the duration of the war emergency such provisional appointments may be extended upon compliance with the personnel standards of the proper agency of the United States relating thereto, and such six months limitation does not apply to the appointment of employees engaged in the physical maintenance of buildings occupied by the bureau of employment services; Authorize a designee to hold or undertake an investigation, inquiry, or hearing that the director is authorized to hold or undertake. An order of a designee authorized pursuant to this section is the order of the director.~~

(F) Appoint advisors or advisory employment committees, by local districts or by industries, who shall, without compensation but with reimbursements for necessary expenses, assist the ~~administrator~~ director in the execution of the ~~administrator's~~ director's duties;

(G) Require all employers, including employers not otherwise subject to this chapter, to furnish to the ~~administrator~~ director information concerning the amount of wages paid, the number of employees employed and the regularity of their employment, the number of employees hired, laid off, and discharged from time to time and the reasons therefor and the numbers that quit voluntarily, and other and further information respecting any other facts

required for the proper administration of this chapter;

(H) Classify generally industries, businesses, occupations, and employments, and employers individually, as to the hazard of unemployment in each business, industry, occupation, or employment, and as to the particular hazard of each employer, having special reference to the conditions of regularity and irregularity of the employment provided by such employer and of the fluctuations in payrolls of such employer;

(I) Determine the contribution rates upon employers subject to this chapter, and provide for the levy and collection of the contributions from such employers;

(J) Receive, hear, and decide claims for unemployment benefits, and provide for the payment of such claims as are allowed;

(K) Promote the regularization of employment and the prevention of unemployment;

(L) Encourage and assist in the adoption of practical methods of vocational training, retraining, and vocational guidance;

(M) Investigate, recommend, and advise and assist in the establishment and operation by municipal corporations, counties, school districts, and the state of prosperity reserves of public work to be prosecuted in times of business depression and unemployment;

(N) Promote the re-employment of unemployed workers throughout the state in any other way that may be feasible, and take all appropriate steps within the ~~administrator's~~ director's means to reduce and prevent unemployment;

(O) Carry on and publish the results of any investigations and research that the ~~administrator~~ director deems relevant;

(P) Make such reports to the proper agency of the United States created by the "Social Security Act" as that agency requires, and comply with such provisions as the agency finds necessary to assure the correctness and verification of such reports;

(Q) Make available upon request to any agency of the United States charged with the administration of public works or assistance through public employment the name, address, ordinary occupation, and employment status of each recipient of unemployment benefits under this chapter, and a statement of such recipient's rights to further benefits under this chapter;

(R) Make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided by this section with respect to the administration of this chapter, as the ~~administrator~~ director deems necessary or appropriate to facilitate the administration of the unemployment compensation law or

public employment service laws of this state and of other states and the United States, and in like manner accept and utilize information, services, and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service laws;

(S) Enter into or cooperate in arrangements whereby facilities and services provided under the unemployment compensation law of Canada may be utilized for the taking of claims and the payment of benefits under the unemployment compensation law of this state or under a similar law of Canada;

(T) Transfer surplus computers and computer equipment directly to a chartered public school within the state, notwithstanding sections 125.12 to 125.14 of the Revised Code. The computers and computer equipment may be repaired or refurbished prior to the transfer, and the public school may be charged a service fee not to exceed the direct cost of repair or refurbishing.

Sec. 4141.162. (A) The ~~administrator~~ director of the ~~bureau of employment job and family~~ services shall establish an income and eligibility verification system that complies with section 1137 of the "Social Security Act." The programs included in the system are all of the following:

(1) Unemployment compensation pursuant to section 3304 of the "Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. of the Revised Code;

(3) Medicaid pursuant to Title XIX of the "Social Security Act";

(4) Food stamps pursuant to the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended;

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

Wage information provided by employers to the ~~bureau~~ director shall be furnished to the income and eligibility verification system. Such information shall be used by the ~~bureau~~ director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A)(2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

The ~~bureau~~ director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.

Information furnished under the system shall also be made available to

the appropriate state or local child support enforcement agency for the purposes of an approved plan under Title IV-D of the "Social Security Act" and to the appropriate federal agency for the purposes of Titles II and XVI of the "Social Security Act."

(B) The ~~administrator~~ director shall adopt rules as necessary under which the ~~bureau of employment services, the department of human job and family services;~~ and other state agencies ~~that the administrator~~ director determines must participate in order to ensure compliance with section 1137 of the "Social Security Act" exchange information with each other or authorized federal agencies about individuals who are applicants for or recipients of benefits under any of the programs enumerated in division (A) of this section. The rules shall extend to all of the following:

(1) A requirement for standardized formats and procedures for a participating agency to request and receive information about an individual, which information shall include the individual's social security number;

(2) A requirement that all applicants for and recipients of benefits under any program enumerated in division (A) of this section be notified at the time of application, and periodically thereafter, that information available through the system may be shared with agencies that administer other benefit programs and utilized in establishing or verifying eligibility or benefit amounts under the other programs enumerated in division (A) of this section;

(3) A requirement that information is made available only to the extent necessary to assist in the valid administrative needs of the program receiving the information and is targeted for use in ways which are most likely to be productive in identifying and preventing ineligibility and incorrect payments;

(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;

(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the ~~administrator~~ director be reimbursed by the participating programs for any actual costs incurred in operating the system;

(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the ~~administrator~~ director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."

(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the ~~administrator~~ director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."

(D) Notwithstanding the information disclosure requirements of this section and ~~sections 4141.16, 4141.161, section 4141.21, and division (D)(4)(a) of section 4141.28 of the Revised Code, the~~ administrator ~~director~~ shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."

(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.

Sec. 4141.21. Except as provided in ~~sections 4141.16, 4141.161, section 4141.162, and 4141.163~~ of the Revised Code, and subject to section 4141.43 of the Revised Code, the information maintained by the ~~administrator of the bureau~~ director of employment job and family services or furnished to the ~~administrator~~ director by employers or employees pursuant to this chapter is for the exclusive use and information of the ~~bureau~~ department of employment job and family services in the discharge of its duties and shall not be open to the public or be used in any court in any action or proceeding pending therein, or be admissible in evidence in any action, other than one arising under those sections. All of the information and records necessary or useful in the determination of any particular claim for benefits or necessary in verifying any charge to an employer's account under sections 4141.23 to 4141.26 of the Revised Code shall be available for examination and use by the employer and the employee involved or their authorized representatives in the hearing of such cases, and that information may be tabulated and published in statistical form for the use and information of the state departments and the public.

Sec. 4141.22. (A) No person shall disclose any information that was maintained by the ~~administrator~~ director of the bureau of employment job and family services or furnished to the ~~administrator~~ director by employers or employees pursuant to ~~Chapter 4141. of the Revised Code~~ this chapter, unless such disclosure is permitted under section 4141.21 of the Revised Code.

(B) No person in the employ of the ~~administrator~~ director of the bureau of employment job and family services or a county family services agency or a workforce development agency, or who has been in the employ of the

~~administrator~~ director or those agencies, at any time, shall divulge any information maintained by or furnished to the director under this chapter and secured by the person while so employed, in respect to the transactions, property, business, or mechanical, chemical, or other industrial process of any person, firm, corporation, association, or partnership to any person other than the ~~administrator~~ director or other employees of the ~~bureau~~ department of employment job and family services or a county family services agency or workforce development agency, as required by the person's duties, or to other persons as authorized by the ~~administrator~~ director under section 4141.43 of the Revised Code.

Whoever violates this section shall be disqualified from holding any appointment or employment by the ~~administrator~~ director or a county family services agency or workforce development agency.

Sec. 4141.28. (A) Applications for determination of benefit rights and claims for benefits shall be filed with a deputy of the ~~administrator~~ director of the bureau of employment job and family services designated for the purpose. Such applications and claims may also be filed with an employee of another state or federal agency charged with the duty of accepting applications and claims for unemployment benefits or with an employee of the unemployment insurance commission of Canada.

When a former employee of a state agency, board, or commission that has terminated its operations files an application under this division, the former employee shall give notice that the agency, board, or commission has terminated its operations. All notices or information required to be sent under this chapter to or furnished by the applicant's employer shall be sent to or furnished by the director of administrative services.

(B)(1) When an unemployed individual files an application for determination of benefit rights, the ~~administrator~~ director of job and family services shall furnish the individual with the information specified in division (A) of section 4141.321 of the Revised Code and with a pamphlet giving instructions for the steps an applicant may take if the applicant's claim for benefits is disallowed. The pamphlet shall state the applicant's right of appeal, clearly describe the different levels of appeal, and explain where and when each appeal must be filed. In filing an application, the individual shall, for the individual's most recent employment, furnish the ~~administrator~~ director with either:

(a) The information furnished by the employer as provided for in division (B)(2) of this section;

(b) The name and address of the employer for whom the individual performed services and the individual's written statement of the reason for

separation from the employer.

Where the claimant has furnished information in accordance with division (B)(1)(b) of this section, the ~~administrator~~ director shall promptly send a notice in writing that such filing has been made to the individual's most recent separating employer, which notice shall request from the employer the reason for the individual's unemployment. The ~~administrator~~ director also may request from any base period employer information necessary for the determination of the claimant's rights to benefits. Information as to the reason for unemployment preceding an additional claim shall be obtained in the same manner. Requests for such information shall be dated by the ~~administrator~~ director with the date on which they are mailed. If the employer fails to mail or deliver such information within ten working days from the date the ~~administrator~~ director mailed and dated such request, and if necessary to assure prompt payment of benefits when due, the ~~administrator~~ director shall make the determination, and shall base the determination on such information as is available to the ~~administrator~~ director, which shall include the claimant's statement made under division (B)(1)(b) of this section. The determination, as it relates to the claimant's determination of benefit rights, shall be amended upon receipt of correct remuneration information at any time within the benefit year and any benefits paid and charged to an employer's account prior to the receipt of such information shall be adjusted, effective as of the beginning of the claimant's benefit year.

(2) An employer who separates within any seven-day period fifty or more individuals because of lack of work, and these individuals upon separation will be unemployed as defined in division (R) of section 4141.01 of the Revised Code, shall furnish notice to the ~~administrator~~ director of the dates of separation and the approximate number of individuals being separated. The notice shall be furnished at least three working days prior to the date of the first day of such separations. In addition, at the time of separation the employer shall furnish to the individual being separated or to the ~~administrator~~ director separation information necessary to determine the individual's eligibility, on forms and in a manner approved by the ~~administrator~~ director.

An employer who operates multiple business establishments at which both the effective authority for hiring and separation of employees and payroll information is located and who, because of lack of work, separates a total of fifty or more individuals at two or more business establishments is exempt from the first paragraph of division (B)(2) of this section. This paragraph shall not be construed to relieve an employer who operates

multiple business establishments from complying with division (B)(2) of this section where the employer separates fifty or more individuals at any business establishment within a seven-day period.

An employer of individuals engaged in connection with the commercial canning or commercial freezing of fruits and vegetables is exempt from the provision of division (B)(2) of this section that requires an employer to furnish notice of separation at least three working days prior to the date of the first day of such separations.

(3) Where an individual at the time of filing an application for determination of benefit rights furnishes separation information provided by the employer or where the employer has provided the ~~administrator~~ director with the information in accordance with division (B)(2) of this section, the ~~administrator~~ director shall make a determination of eligibility on the basis of the information furnished. The ~~administrator~~ director shall promptly notify all interested parties under division (D)(1) of this section of the determination.

(4) Where an employer has furnished separation information under division (B)(2) of this section which is insufficient to enable the ~~administrator~~ director to make a determination of a claim for benefits of an individual, or where the individual fails at the time of filing an application for determination of benefit rights to produce the separation information furnished by an employer, the ~~administrator~~ director shall follow the provisions specified in division (B)(1) of this section.

(C) The ~~administrator~~ director shall promptly examine any application for determination of benefit rights filed, and on the basis of any facts found by the ~~administrator~~ director shall determine whether or not the application is valid, and if valid, the date on which the benefit year shall commence and the weekly benefit amount. The claimant, the most recent employer, and any other employer in the claimant's base period shall promptly be notified of the determination and the reasons therefor. In addition, the determination issued to the claimant shall include the total amount of benefits payable, and the determination issued to each chargeable base period employer shall include the total amount of benefits which may be charged to the employer's account.

(D)(1) The ~~administrator~~ director shall examine the first claim for benefits filed in any benefit year, and any additional claim, and on the basis of any facts found by the ~~administrator~~ director shall determine whether division (D) of section 4141.29 of the Revised Code is applicable to the claimant's most recent separation and, to the extent necessary, prior separations from work, and whether the separation reason is qualifying or

disqualifying for the ensuing period of unemployment. Notice of such determination shall be mailed to the claimant, the claimant's most recent separating employer, and any other employer involved in the determination.

(a) Whenever the ~~administrator~~ director has reason to believe that the unemployment of twenty-five or more individuals relates to a labor dispute, the ~~administrator~~ director, within five calendar days after their claims are filed, shall schedule a hearing concerning the reason for unemployment. Notice of the hearing shall be sent to all interested parties, including the duly authorized representative of the parties, as provided in division (D)(1) of this section. The hearing date shall be scheduled so as to provide at least ten days' prior notice of the time and date of the hearing. A similar hearing, in such cases, may be scheduled when there is a dispute as to the duration or ending date of the labor dispute.

(b) The ~~administrator~~ director shall appoint a hearing officer to conduct the hearing of the case under division (D)(1)(a) of this section. The hearing officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but shall take any steps that are reasonable and necessary to obtain the facts and determine whether the claimants are entitled to benefits under the law. The failure of any interested party to appear at the hearing shall not preclude a decision based upon all the facts available to the hearing officer. The proceeding at the hearing shall be recorded by mechanical means or by other means prescribed by the ~~administrator~~ director. The record need not be transcribed unless an application for appeal is filed on the decision and the chairperson of the unemployment compensation review commission requests a transcript of the hearing within fourteen days after the application for appeal is received by the commission. The ~~administrator~~ director shall prescribe rules concerning the conduct of the hearings and all related matters and appoint an attorney to direct the operation of this function.

(c) The ~~administrator~~ director shall issue the hearing officer's decisions and reasons therefor on the case within ten calendar days after the hearing. The hearing officer's decision issued by the ~~administrator~~ director is final unless an application for appeal is filed with the review commission within twenty-one days after the decision was mailed to all interested parties. The ~~administrator~~ director, within the twenty-one-day appeal period, may remove and vacate the decision and issue a revised determination and appeal date.

(d) Upon receipt of the application for appeal, the full review commission shall review the ~~administrator's~~ director's decision and either schedule a further hearing on the case or disallow the application. The

review commission shall review the ~~administrator's~~ director's decision within fourteen days after receipt of the decision or the receipt of a transcript requested under division (D)(1)(b) of this section, whichever is later.

(i) When a further hearing is granted, the commission shall make the ~~administrator's~~ director's decision and record of the case, as certified by the ~~administrator~~ director, a part of the record and shall consider the ~~administrator's~~ director's decision and record in arriving at a decision on the case. The commission's decision affirming, modifying, or reversing the ~~administrator's~~ director's decision, following the further appeal, shall be mailed to all interested parties within fourteen days after the hearing.

(ii) A decision of the disallowance of a further appeal shall be mailed to all interested parties within fourteen days after the commission makes the decision to disallow. The disallowance is deemed an affirmation of the ~~administrator's~~ director's decision.

(iii) The time limits specified in divisions (D)(1)(a), (b), (c), and (d) of this section may be extended by agreement of all interested parties or for cause beyond the control of the ~~administrator~~ director or the commission.

(e) An appeal of the commission's decision issued under division (D)(1)(d) of this section may be taken to the court of common pleas as provided in division (O) of this section.

(f) A labor dispute decision involving fewer than twenty-five individuals shall be determined under division (D)(1) of this section and the review commission shall determine any appeal from the decision pursuant to division (M) of this section and within the time limits provided in division (D)(1)(d) of this section.

(2) The determination of a first or additional claim, including the reasons therefor, shall be mailed to the claimant, the claimant's most recent separating employer, and any other employer involved in the determination.

When the determination of a continued claim results in a disallowed claim, the ~~administrator~~ director shall notify the claimant of such disallowance and the reasons therefor.

(3) Where the claim for benefits is directly attributable to unemployment caused by a major disaster, as declared by the president of the United States pursuant to the "Disaster Relief Act of 1970," 84 Stat. 1745, 42 U.S.C.A. 4402, and the individual filing the claim would otherwise have been eligible for disaster unemployment assistance under that act, then upon application by the employer any benefits paid on the claim shall not be charged to the account of the employer who would have been charged on such claim but instead shall be charged to the mutualized account described in section 4141.25 of the Revised Code, provided that this division is not

applicable to an employer electing reimbursing status under section 4141.241 of the Revised Code, except reimbursing employers for whom benefit charges are charged to the mutualized account pursuant to division (D)(2) of section 4141.24 of the Revised Code.

(4)(a) An individual filing a new claim for unemployment compensation shall disclose, at the time of filing, whether or not the individual owes child support obligations. In such a case, the ~~administrator~~ director shall notify the ~~state~~ appropriate work unit within the department or the local child support enforcement agency enforcing the obligation only if the claimant has been determined to be eligible for unemployment compensation.

(b) The ~~administrator~~ director shall deduct and withhold from unemployment compensation payable to an individual who owes child support obligations:

(i) Any amount required to be deducted and withheld from the unemployment compensation pursuant to legal process, as that term is defined in section 459(i)(5) of the "Social Security Act," as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 100 Stat. 2105, 42 U.S.C. 659, and properly served upon the ~~administrator~~ director, as described in division (D)(4)(c) of this section; or

(ii) Where division (D)(4)(b)(i) of this section is inapplicable, in the amount determined pursuant to an agreement submitted to the ~~administrator~~ director under section 454(19)(B)(i) of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, by the state or local child support enforcement agency; or

(iii) If neither division (D)(4)(b)(i) nor (ii) of this section is applicable, then in the amount specified by the individual.

(c) The ~~administrator~~ director shall receive all legal process described in division (D)(4)(b)(i) of this section from each local child support enforcement agency, which legal process was issued by the agency under section 2301.371 of the Revised Code or otherwise was issued by the agency. ~~The processing of cases under part D of Title IV of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, shall be determined pursuant to agreement between the administrator and the state department of human services. The department shall pay, pursuant to that agreement, all of the costs of the bureau of employment services that are associated with a deduction and withholding under division (D)(4)(b)(i) and (ii) of this section.~~

(d) The amount of unemployment compensation subject to being withheld pursuant to division (D)(4)(b) of this section is that amount which remains payable to the individual after application of any recoupment

provisions for recovery of overpayments and after deductions which have been made under this chapter for deductible income received by the individual. Effective for applications to establish unemployment compensation benefit rights filed after December 27, 1997, the amount withheld with respect to a week of unemployment benefits shall not exceed fifty per cent of the individual's weekly benefit amount as determined by the ~~administrator~~ director.

(e) Any amount deducted and withheld under division (D)(4)(b) of this section shall be paid to the appropriate state or local child support enforcement agency in the following manner:

(i) The ~~administrator~~ director shall determine the amounts that are to be deducted and withheld on a per county basis.

(ii) For each county, the ~~administrator~~ director shall forward to the local child support enforcement agency of the county, ~~at intervals to be determined pursuant to the agreement referred to in division (D)(4)(e) of this section,~~ the amount determined for that county under division (D)(4)(e)(i) of this section for disbursement to the obligees or assignees of such support obligations.

(f) Any amount deducted and withheld under division (D)(4)(b) of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support agency in satisfaction of the individual's child support obligations.

(g) Division (D)(4) of this section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the ~~administrator~~ director under this section which are associated with or attributable to child support obligations being enforced by the state or local child support enforcement agency.

(h) As used in division (D)(4) of this section:

(i) "Child support obligations" means only obligations which are being enforced pursuant to a plan described in section 454 of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, which has been approved by the United States secretary of health and human services under part D of Title IV of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended.

(ii) "State child support enforcement agency" means the work unit within the department of human job and family services, bureau of child support or the state agency of another state, designated as the single state agency for the administration of the program of child support enforcement

pursuant to part D of Title IV of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended.

(iii) "Local child support enforcement agency" means a child support enforcement agency or any other agency of a political subdivision of the state operating pursuant to a plan mentioned in division (D)(4)(h)(i) of this section.

(iv) "Unemployment compensation" means any compensation payable under this chapter including amounts payable by the ~~administrator~~ director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(E)(1) Any base period or subsequent employer of a claimant who has knowledge of specific facts affecting such claimant's right to receive benefits for any week may notify the ~~administrator~~ director in writing of such facts. The ~~administrator~~ director shall prescribe a form to be used for such eligibility notice, but failure to use the prescribed form shall not preclude the ~~administrator's~~ director's examination of any notice.

(2) An eligibility notice is timely filed if received by the ~~administrator~~ director or postmarked prior to or within forty-five calendar days after the end of the week with respect to which a claim for benefits is filed by the claimant. An employer who does not timely file an eligibility notice shall not be an interested party with respect to the claim for benefits which is the subject of the notice.

(3) The ~~administrator~~ director shall consider the information contained in the eligibility notice, together with other facts found by the ~~administrator~~ director and, after giving notice to the claimant, shall determine, unless a prior determination on the same eligibility issue has become final, whether such claim shall be allowed or disallowed, and shall mail notice of such determination to the notifying employer who timely filed the eligibility notice, to the claimant, and to other interested parties. If the determination disallows benefits for any week in question, the payment of benefits with respect to that week shall be withheld pending further appeal, or an overpayment order shall be issued by the ~~administrator~~ director as prescribed in section 4141.35 of the Revised Code, if applicable.

(F) In making determinations, the ~~administrator~~ director shall follow decisions of the unemployment compensation review commission which have become final with respect to claimants similarly situated.

(G)(1) Until October 1, 1998, any interested party notified of a determination of an application for determination of benefit rights or a claim for benefits may, within twenty-one calendar days after the notice was mailed to the party's last known post-office address, apply in writing for a

reconsideration of the ~~administrator's~~ director's determination.

On and after October 1, 1998, any party notified of a determination may appeal within twenty-one calendar days after notice was mailed to the party's last known post-office address or within an extended period pursuant to division (Q) of this section. Upon receipt of the appeal, the ~~administrator~~ director either shall issue a redetermination within twenty-one days of receipt or transfer the appeal to the commission, which shall acquire jurisdiction over the appeal. If the ~~administrator~~ director issues a redetermination, the redetermination shall void the prior determination. A redetermination under this section is appealable to the same extent that a determination is appealable.

(2) If the ~~administrator~~ director finds within the benefit year that the determination was erroneous due to an error in an employer's report other than a report to correct remuneration information as provided in division (B) of this section or any typographical or clerical error in the ~~administrator's~~ director's determination, the ~~administrator~~ director shall issue a corrected determination to all interested parties, which determination shall take precedence over and void the prior determination of the ~~administrator~~ director, provided no appeal has been filed with the commission.

(3) If benefits are allowed by the ~~administrator~~ director in a determination, or in a decision by a hearing officer, the review commission, or a court, the benefits shall be paid promptly, notwithstanding any further appeal, provided that if benefits are denied on appeal, of which the parties have notice and an opportunity to be heard, the payment of benefits shall be withheld pending a decision on any further appeal.

(4) Any benefits paid to a claimant under this section prior to a final determination of the claimant's right to the benefits shall be charged to the employer's account as provided in division (D) of section 4141.24 of the Revised Code, provided that if there is no final determination of the claim by the subsequent thirtieth day of June, the employer's account will be credited with the total amount of benefits which has been paid prior to that date, based on the determination which has not become final. The total amount credited to the employer's account shall be charged to a suspense account which shall be maintained as a separate bookkeeping account and administered as a part of section 4141.24 of the Revised Code, and shall not be used in determining the account balance of the employer for the purpose of computing the employer's contribution rate under section 4141.25 of the Revised Code. If it is finally determined that the claimant is entitled to all or a part of the benefits in dispute, the suspense account shall be credited and the appropriate employer's account charged with the benefits. If it is finally

determined that the claimant is not entitled to all or any portion of the benefits in dispute, the benefits shall be credited to the suspense account and a corresponding charge made to the mutualized account established in division (B) of section 4141.25 of the Revised Code, provided that, except as otherwise provided in this division, if benefits are chargeable to an employer or group of employers who is required or elects to make payments to the fund in lieu of contributions under section 4141.241 of the Revised Code, the benefits shall be charged to the employer's account in the manner provided in division (D) of section 4141.24 and division (B) of section 4141.241 of the Revised Code, and no part of the benefits may be charged to the suspense account provided in this division. To the extent that benefits which have been paid to a claimant and charged to the employer's account are found not to be due the claimant and are recovered by the ~~administrator~~ director as provided in section 4141.35 of the Revised Code, they shall be credited to the employer's account.

(H) Until October 1, 1998, any interested party may appeal the ~~administrator's~~ director's decision on reconsideration to the commission and unless an appeal is filed from such decision on reconsideration with the commission within twenty-one calendar days after such decision was mailed to the last known post-office address of the appellant, or within an extended period pursuant to division (Q) of this section, such decision on reconsideration is final and benefits shall be paid or denied in accordance therewith. The date of the mailing provided by the ~~administrator~~ director on determination or decision on reconsideration is sufficient evidence upon which to conclude that the determination or decision on reconsideration was mailed on that date.

On and after October 1, 1998, the date of the mailing provided by the ~~administrator~~ director on the determination or redetermination is sufficient evidence upon which to conclude that the determination or redetermination was mailed on that date.

(I) Appeals may be filed with the ~~administrator~~ director, commission, with an employee of another state or federal agency charged with the duty of accepting claims, or with the unemployment insurance commission of Canada.

(1) Any timely written notice that the interested party desires to appeal shall be accepted.

(2) The ~~administrator~~ director, commission, or authorized agent must receive the appeal within the specified appeal period in order for the appeal to be deemed timely filed, except that:

(a) If the United States postal service is used as the means of delivery,

he enclosing envelope must have a postmark date, as governed by United States postal regulations, that is on or before the last day of the specified appeal period; and

(b) Where the postmark date is illegible or missing, the appeal is timely filed if received no later than the end of the third calendar day following the last day of the specified appeal period.

(3) The ~~administrator~~ director may adopt rules pertaining to alternate methods of filing appeals.

(J) When an appeal from a determination of the ~~administrator~~ director is taken to the commission at the hearing officer level, all interested parties shall be notified and the commission, after affording such parties reasonable opportunity for a fair hearing, shall affirm, modify, or reverse the determination of the ~~administrator~~ director in the manner that appears just and proper. However, the commission may refer a case to the ~~administrator~~ director for a redetermination if the commission decides that the case does not require a hearing. In the conduct of a hearing by a hearing officer or any other hearing on appeal to the commission which is provided in this section, the hearing officers are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The hearing officers shall take any steps in the hearings, consistent with the impartial discharge of their duties, which appear reasonable and necessary to ascertain the facts and determine whether the claimant is entitled to benefits under the law. The hearings shall be de novo, except that the ~~administrator's~~ director's file pertaining to a case shall be included in the record to be considered.

The hearing officers may conduct any such hearing in person or by telephone. The commission shall adopt rules which designate the circumstances under which hearing officers may conduct a hearing by telephone, grant a party to the hearing the opportunity to object to a hearing by telephone, and govern the conduct of hearings by telephone. An interested party whose hearing would be by telephone pursuant to the commission rules may elect to have an in-person hearing, provided that the party electing the in-person hearing agrees to have the hearing at the time and place the commission determines pursuant to rule.

(1) The failure of the claimant or other interested party to appear at a hearing, unless the claimant or interested party is the appealing party, shall not preclude a decision in the claimant's or interested party's favor, if on the basis of all the information in the record, including that contained in the file of the ~~administrator~~ director, the claimant or interested party is entitled to the decision.

(2) If the party appealing fails to appear at the hearing, the hearing

officer shall dismiss the appeal, provided that the hearing officer or commission shall vacate the dismissal upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for the failure to appear is shown to the commission within fourteen days after the hearing date. No further appeal from the decision may thereafter be instituted by such party. If the other party fails to appear at the hearing, the hearing officer shall proceed with the hearing and shall issue a decision based on the evidence of record, including the ~~administrator's~~ director's file. The commission shall vacate the decision upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for such party's failure to appear is shown to the commission within fourteen days after the hearing date.

(3) Where a party requests that a hearing be scheduled in the evening because the party is employed during the day, the commission shall schedule the hearing during such hours as the party is not employed.

(4) The interested parties may waive, in writing, the hearing. If the parties waive the hearing, the hearing officer shall issue a decision based on the evidence of record, including the ~~administrator's~~ director's file.

(K) The proceedings at the hearing before the hearing officer, shall be recorded by mechanical means or otherwise as may be prescribed by the commission. In the absence of further proceedings, the record that is made need not be transcribed.

(L) All interested parties shall be notified of the hearing officer's decision, which shall include the reasons therefor. The hearing officer's decision shall become final unless, within twenty-one days after the decision was mailed to the last known post-office address of such parties, or within an extended period pursuant to division (Q) of this section, the commission on its own motion removes or transfers such claim to the review level, or upon a request for review that is filed by an interested party and is allowed by the commission.

(M) In the conduct of a hearing by the commission or a hearing officer at the review level, the commission and the hearing officers are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure. The commission and the hearing officers shall take any steps in the hearings, consistent with the impartial discharge of their duties, that appear reasonable and necessary to ascertain the facts and determine whether the claimant is entitled to benefits under the law.

(1) The review commission, or a hearing officer designated by the commission, shall consider an appeal at the review level under the following circumstances:

(a) When an appeal is required to be heard initially by the commission pursuant to this chapter;

(b) When the commission on its own motion removes an appeal within twenty-one days after a hearing officer issues the hearing officer's decision in the case;

(c) When a hearing officer refers an appeal to the commission within twenty-one days after the hearing officer issues the hearing officer's decision in the case;

(d) When an interested party files a request for review with the commission within twenty-one days after the date a hearing officer issues the hearing officer's decision in the case. The commission shall disallow the request for review if it is not timely filed.

The commission may remove, and a hearing officer may refer, appeals involving decisions of potentially precedential value.

(2) If a request for review is timely filed, the commission shall decide whether to allow or disallow the request for review.

If the request for review is disallowed, the commission shall notify all interested parties of that fact. The disallowance of a request for review constitutes a final decision by the commission for purposes of appeal to court. If the request for review is allowed, the commission shall notify all interested parties of that fact, and the commission shall provide a reasonable period of time, as the commission defines by rule, in which interested parties may file a response. After that period of time, the commission, based on the record before it, shall do one of the following at the review level:

(a) Affirm the decision of the hearing officer;

(b) Order that the case be heard or reheard by a hearing officer;

(c) Order that the case be heard or reheard by a hearing officer as a potential precedential decision;

(d) Order that the decision be rewritten.

(3) The commission shall send notice to all interested parties when it orders a case to be heard or reheard. The notice shall include the reasons for the hearing or rehearing. If the commission identifies an appeal as a potentially precedential case, the commission shall notify the ~~administrator~~ director and other interested parties of the special nature of the hearing.

(N) Whenever the ~~administrator~~ director and the chairperson of the review commission determine in writing and certify jointly that a controversy exists with respect to the proper application of this chapter to more than five hundred claimants similarly situated whose claims are pending before the ~~administrator~~ director or the review commission or both on redetermination or appeal applied for or filed by three or more employers

or by such claimants, the chairperson of the review commission shall select one such claim which is representative of all such claims and assign it for a fair hearing and decision. Any other claimant or employer in the group who makes a timely request to participate in the hearing and decision shall be given a reasonable opportunity to participate as a party to the proceeding.

Such joint certification by the ~~administrator~~ director and the chairperson of the commission shall constitute a stay of further proceedings in the claims of all claimants similarly situated until the issue or issues in controversy are adjudicated by the supreme court of Ohio. At the time the decision of the commission is issued, the chairperson shall certify the commission's decision directly to the supreme court of Ohio and the chairperson shall file with the clerk of the supreme court a certified copy of the transcript of the proceedings before the commission pertaining to such decision. Hearings on such issues shall take precedence over all other civil cases. If upon hearing and consideration of such record the court decides that the decision of the commission is unlawful, the court shall reverse and vacate the decision or modify it and enter final judgment in accordance with such modification; otherwise such court shall affirm such decision. The notice of the decision of the commission to the interested parties shall contain a certification by the chairperson of the commission that the decision is of great public interest and that a certified transcript of the record of the proceedings before the commission has been filed with the clerk of the supreme court as an appeal to the court. Promptly upon the final judgment of the court, the ~~administrator~~ director and the commission shall decide those claims pending before them where the facts are similar and shall notify all interested parties of such decision and the reason therefor in the manner provided for in this section. Nothing in this division shall be construed so as to deny the right of any such claimant, whose claim is pending before the ~~administrator~~ director on redetermination or before the commission, to apply for and be granted an opportunity for a fair hearing to show that the facts in the claimant's case are different from the facts in the claim selected as the representative claim as provided in this division, nor shall any such claimant be denied the right to appeal the decision of the ~~administrator~~ director or the commission which is made as a result of the decision of the court in the representative case.

(O)(1) Any interested party as defined in division (I) of section 4141.01 of the Revised Code, within thirty days after notice of the decision of the commission was mailed to the last known post-office address of all interested parties, may appeal from the decision of the commission to the court of common pleas of the county where the appellant, if an employee, is resident or was last employed or of the county where the appellant, if an

employer, is resident or has the principal place of business in this state. The commission shall provide on its decision the names and addresses of all interested parties. Such appeal shall be taken within such thirty days by the appellant by filing a notice of appeal with the clerk of the court of common pleas. Such filing shall be the only act required to perfect the appeal and vest jurisdiction in the court. Failure of an appellant to take any step other than timely filing of a notice of appeal does not affect the validity of the appeal, but is grounds only for such action as the court deems appropriate, which may include dismissal of the appeal. Such notice of appeal shall set forth the decision appealed from. The appellant shall mail a copy of the notice of appeal to the commission and to all interested parties by certified mail to their last known post-office address and proof of the mailing of the notice shall be filed with the clerk within thirty days of filing the notice of appeal. All interested parties shall be made appellees. The commission upon receipt of the notice of appeal shall within thirty days file with the clerk a certified transcript of the record of the proceedings before the commission pertaining to the decision complained of, and mail a copy of the transcript to the appellant's attorney or to the appellant, if not represented by counsel. The appellant shall file a statement of the assignments of error presented for review within sixty days of the filing of the notice of appeal with the court. The appeal shall be heard upon such record certified by the commission. After an appeal has been filed in the court, the commission may, by petition, be made a party to such appeal. If the court finds that the decision was unlawful, unreasonable, or against the manifest weight of the evidence, it shall reverse and vacate such decision or it may modify such decision and enter final judgment in accordance with such modification; otherwise such court shall affirm such decision. Any interested party shall have the right to appeal from the decision of the court as in civil cases.

(2) If an appeal is filed after the thirty-day appeal period established in division (O)(1) of this section, the court of common pleas shall conduct a hearing to determine whether the appeal was timely filed pursuant to division (Q) of this section. At the hearing, additional evidence may be introduced and oral arguments may be presented regarding the timeliness of the filing of the appeal. If the court of common pleas determines that the time for filing the appeal is extended as provided in division (Q) of this section and that the appeal was filed within the extended time provided in that division, the court shall thereafter make its decision on the merits of the appeal. If the court of common pleas determines that the time for filing the appeal may not be extended as provided in division (Q) of this section, the court shall dismiss the appeal accordingly. The determination on timeliness

by the court of common pleas may be appealed to the court of appeals as in civil cases, and such appeal shall be consolidated with any appeal from the decision by the court of common pleas on the merits of the appeal.

(P) Any appeal from a determination or redetermination of the ~~administrator~~ director or a decision or order of the commission may be executed in behalf of any party or any group of claimants by an agent.

(Q) The time for filing an appeal, a request for review, or a court appeal under this section shall be extended as follows:

(1) When the last day of an appeal period is a Saturday, Sunday, or legal holiday, the appeal period is extended to the next work day after the Saturday, Sunday, or legal holiday; ~~or.~~

(2) When an interested party provides certified medical evidence stating that the interested party's physical condition or mental capacity prevented the interested party from filing a an appeal or request for review pursuant to division (G), (H), or (L) of this section within the appropriate twenty-one-day period, the appeal period is extended to twenty-one days after the end of the physical or mental condition and the appeal, or request for review is considered timely filed if filed within that extended period; ~~2~~

(3) When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive the determination or decision within the applicable appeal period pursuant to division (G), (H), or (L) of this section, and the ~~administrator~~ director or the commission finds that the interested party did not actually receive the determination or decision within the applicable appeal period, then the appeal period is extended to twenty-one days after the interested party actually receives the determination or decision.

(4) When an interested party provides evidence, which evidence may consist of testimony from the interested party, that is sufficient to establish that the party did not actually receive a decision within the thirty-day appeal period provided in division (O)(1) of this section, and a court of common pleas finds that the interested party did not actually receive the decision within that thirty-day appeal period, then the appeal period is extended to thirty days after the interested party actually receives the decision.

(R) No finding of fact or law, decision, or order of the ~~administrator~~ director, hearing officer, or the review commission, or a reviewing court pursuant to this section, shall be given collateral estoppel or res judicata effect in any separate or subsequent judicial, administrative, or arbitration proceeding, other than a proceeding arising under this chapter.

Sec. 5101.01. As used in the Revised Code, the "department of public

welfare" ~~means~~ and the "department of human services;" mean the department of job and family services and the "director of public welfare" ~~means~~ and the "director of human services" mean the director of job and family services. Whenever the department or director of public welfare or the department or director of human services is referred to or designated in any statute, rule, contract, grant, or other document, the reference or designation shall be deemed to refer to the department or director of ~~human~~ job and family services, as the case may be.

Sec. 5101.02. The director of ~~human~~ job and family services is the executive head of the department of ~~human~~ job and family services. All duties conferred on the various ~~offices, divisions, bureaus, sections, and institutions~~ work units of the department by law or by order of the director shall be performed under such rules as the director prescribes, and shall be under the director's control.

Sec. 5101.05. ~~Except as otherwise provided as to appointments by chiefs of divisions, the~~ The director of ~~human~~ job and family services shall ~~may~~ may appoint such employees as are necessary for the efficient ~~conduct~~ operation of the department ~~and of job and family services~~. The director ~~may prescribe their titles~~ the title and duties of the employees.

Sec. 5101.051. If the director of job and family services determines that a position with the department of job and family services can best be filled in accordance with division (A)(2) of section 124.30 of the Revised Code or without regard to a residency requirement established by a rule adopted by the director of administrative services, the director of job and family services shall provide the director of administrative services certification of the determination.

Sec. 5101.06. The director of ~~human~~ job and family services may establish ~~offices, divisions, bureaus, and sections~~ and prescribe their powers and duties ~~work units within the department of job and family services as necessary for the efficient operation of the department. The director shall appoint the chief of each work unit.~~

Sec. 5101.08. The ~~department~~ director of ~~human~~ job and family services ~~shall~~ may require any of ~~its~~ the employees ~~and each officer and employee of every institution under its control~~ of the department of job and family services who may be charged with custody or control of any public money or property ~~belonging to the state~~ or who is required to give bond, to give a ~~surety company~~ bond, properly conditioned, in a sum to be fixed by the ~~department~~ director which when approved by the ~~department~~ director, shall be filed in the office of the secretary of state. The cost of such bonds, when approved by the ~~department~~ director, shall be paid from funds available for

the department. The bonds required or authorized by this section may, in the discretion of the director of ~~human services~~, be individual, schedule, or blanket bonds.

Sec. 5101.09. (A) When the director of job and family services is authorized by the Revised Code to adopt a rule, the director shall adopt the rule in accordance with the following:

(1) Chapter 119. of the Revised Code if any of the following apply:

(a) The rule concerns the administration or enforcement of Chapter 4141. of the Revised Code;

(b) The rule concerns a program administered by the department of job and family services, unless the statute authorizing the rule requires that it be adopted in accordance with section 111.15 of the Revised Code;

(c) The statute authorizing the rule requires that the rule be adopted in accordance with Chapter 119. of the Revised Code.

(2) Section 111.15 of the Revised Code, excluding divisions (D) and (E) of that section, if either of the following apply:

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including divisions (D) and (E) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.

(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, a county family services agency, or a workforce development agency subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this division, "workforce development agency" has the same meaning as in section 6301.01 of the Revised Code.

Sec. 5101.10. The director of ~~human~~ job and family services may expend funds appropriated or available to the department of ~~human~~ job and family services ~~for the purposes of the administration of, and training, education, and research in, human services~~ from public or private entities,

including other governmental agencies; public or private institutions, organizations, agencies, and corporations; and individuals. For purposes of this section, the director may enter into contracts or agreements with public and private entities and make grants to public and private entities. To the extent permitted by federal law, the director may advance funds to a grantee when necessary for the grantee to perform duties under the grant as specified by the director.

The ~~department~~ director may adopt internal management rules in accordance with section 111.15 of the Revised Code to define terms and adopt procedures and other provisions necessary to implement this section.

Sec. 5101.21. (A) As used in sections 5101.21 to ~~5101.25~~ 5101.24 of the Revised Code, ~~county social service~~ "workforce development agency" and ~~social service duty~~ "workforce development activity" have the same meanings as in section ~~307.981~~ 6301.01 of the Revised Code.

(B) The director of human job and family services shall enter into a written partnership agreement with each board of county commissioners.

~~(C)~~(1) Each partnership agreement shall include provisions regarding the administration and design of all of the following:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code, ~~the~~;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code, ~~duties~~;

(c) Duties assumed by a county department of human job and family services pursuant to an agreement entered into under section 329.05 of the Revised Code, ~~and~~;

(d) Any other county department of human job and family services' duties that the director and board mutually agree to include in the agreement;

(e) If, for the purpose of Chapter 6301. of the Revised Code, the county the board serves is a local area defined in division (A)(2) or (3) of section 6301.01 of the Revised Code, workforce development activities provided by the workforce development agency established or designated for the local area ~~The director and board may include in the~~

(2) Each partnership agreement may include provisions regarding the administration and design of the duties of child support enforcement agencies and public children services agencies included in a plan of cooperation entered into under section 307.983 of the Revised Code that the director and board mutually agree to include in the agreement. ~~Social service~~

(D) Family services duties and workforce development activities

included in ~~the a~~ partnership agreement shall be vested in the board of county commissioners. The agreement shall comply with federal statutes and regulations, state statutes, and, except as provided in division ~~(B)~~(D)(9) of this section, state rules governing the ~~social-service~~ family services duties or workforce development activities included in the agreement.

A partnership agreement shall include responsibilities that the state department of ~~human job and family services~~ and, county social-service family services agencies administering ~~social-service family services~~ duties included in the agreement, and workforce development agencies administering workforce development activities included in the agreement must satisfy. The agreement shall establish, specify, or provide for all of the following:

(1) Requirements governing the administration and design of, and county ~~social-service family services~~ agencies' or workforce development agencies' cooperation to enhance, ~~social-service family services~~ duties or workforce development activities included in the agreement;

(2) Outcomes that county ~~social-service family services~~ agencies or workforce development agencies are expected to achieve from the administration and design of ~~social-service family services~~ duties or workforce development activities included in the agreement and assistance, services, and technical support the state department will provide the county ~~social-service family services~~ agencies or workforce development agencies to aid the agencies in achieving the expected outcomes;

(3) Performance and other administrative standards county ~~social-service family services~~ agencies or workforce development agencies are required to meet in the design, administration, and outcomes of ~~social-service family services~~ duties or workforce development activities included in the agreement and assistance, services, and technical support the state department will provide the county ~~social-service family services~~ agencies or workforce development agencies to aid the agencies in meeting the performance and other administrative standards;

(4) Criteria and methodology the state department will use to evaluate whether expected outcomes are achieved and performance and other administrative standards are met and county ~~social-service family services~~ agencies or workforce development agencies will use to evaluate whether the state department is providing agreed upon assistance, services, and technical support;

(5) Annual financial, administrative, or other incentive awards, if any, to be provided in accordance with section 5101.23 of the Revised Code ~~for exceeding performance and other administrative standards;~~

(6) The state department taking action ~~against a county social service agency~~ pursuant to division ~~(B)~~(C) of section 5101.24 of the Revised Code if division ~~(A)~~(B)(1), (2), or (3) of that section applies ~~to the agency~~;

(7) The funding of ~~social service~~ family services duties or workforce development activities included in the agreement and whether the state department will ~~provide funding for two or more county department of human services' duties included in the agreement pursuant to establish a combined consolidated~~ funding allocation under division ~~(C)~~(E) of this section. The agreement shall either specify the amount of payments to be made for the ~~social service~~ family services duties or workforce development activities included in the agreement or the method that will be used to determine the amount of payments.

(8) Audits required by federal statutes and regulations and state law and requirements for prompt release of audit findings and prompt action to correct problems identified in an audit;

(9) Which, if any, of the state department's rules will be waived so that a policy provided for in the agreement may be implemented;

(10) The method of amending or terminating the agreement and an expedited process for correcting terms or conditions of the agreement that the director and board of county commissioners agree are erroneous;

(11) Dispute resolution procedures for anticipated and unanticipated disputes. The agreement may establish different dispute resolution procedures for different types of disputes. Dispute resolution procedures may include negotiation, mediation, arbitration, adjudication conducted by a hearing officer or fact-finding panel, and other procedures.

(12) The date the agreement is to commence or end. An agreement may not commence before it is entered into nor end later than the last day of the state fiscal biennium for which it is entered into.

(13) If workforce development activities are included in the agreement, all of the following:

(a) The workforce development plan prepared under section 6301.07 of the Revised Code to be attached to and incorporated into the agreement;

(b) A description of the services, and a list of the core services, provided in the one-stop system for workforce development activities the county served by the board participates in under section 6301.06 of the Revised Code to be included in the agreement;

(c) IF THE COUNTY SERVED BY THE BOARD OF COUNTY COMMISSIONERS IS IN THE TYPE OF LOCAL AREA DEFINED IN DIVISION (A)(3) OF SECTION 6301.01 OF THE REVISED CODE, THE METHOD AND MANNER BY WHICH THE BOARD OF COUNTY

COMMISSIONERS OF EACH COUNTY AND THE CHIEF ELECTED OFFICIAL OF A MUNICIPAL CORPORATION IN THE LOCAL AREA SHALL COORDINATE WORKFORCE DEVELOPMENT ACTIVITIES AND RESOLVE DISAGREEMENTS CONCERNING EITHER OF THE FOLLOWING:

(i) CHOICES CONCERNING SPECIFICALLY WHO TO APPOINT TO THE WORKFORCE POLICY BOARD CREATED UNDER SECTION 6301.06 OF THE REVISED CODE, WITHIN THE CRITERIA FOR MEMBERSHIP SET FORTH IN THAT SECTION;

(ii) WHETHER A MEMBER OF THE WORKFORCE POLICY BOARD IS PERFORMING SATISFACTORILY FOR PURPOSES OF SERVING AT THE PLEASURE OF THE CHIEF ELECTED OFFICIALS OF THE LOCAL AREA.

(14) Other provisions determined necessary by the state department ~~and the board~~, county ~~social services~~ family services agency, and workforce development agency

~~(C)~~(E) The state department shall make payments authorized by a partnership agreement on vouchers it prepares and may include any funds appropriated or allocated to it for carrying out ~~social service~~ family services duties or workforce development activities vested in the board of county commissioners under the agreement, including funds for personal services and maintenance.

(F)(1) To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the ~~department~~ director may establish a consolidated funding allocation for ~~two~~ any of the following:

(a) ~~Two or more of a county department of human services'~~ family services duties included in the agreement;

(b) Two or more workforce development activities included in the agreement;

(c) One or more family services duties and workforce development activities included in the agreement.

(2) The consolidated funding allocation may be for either of the following:

(a) A county that is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code;

(b) Two or more counties, or a municipal corporation and one or more counties, in the type of local area defined in division (A)(3) of section 6301.01 of the Revised Code that are coordinating and integrating workforce development activities in the local area A

~~(3) A county department of human family services agency or workforce development agency shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.~~

~~(D) The director of human services may enter into partnership agreements with one or more boards of county commissioners at a time but an agreement must be entered into with each board not later than January 1, 2000. Until a partnership agreement with a board is entered into and implemented, a county social service agency serving the county that the board serves shall perform its social service duties in the manner they are performed on October 1, 1997, with the exception that a county social services agency may implement changes authorized by federal statutes or regulations, state statutes, or state department rules.~~

Sec. 5101.211. The director of human job and family services may enter into a written agreement with one or more state agencies, as defined in section 117.01 of the Revised Code, and state universities and colleges to assist in the coordination, provision, or enhancement of the social service family services duties of a county social service family services agency or the workforce development activities of a workforce development agency. The director also may enter into written agreements or contracts with, or issue grants to, private and government entities under which funds are provided for the enhancement or innovation of human service family services or workforce development activities on the state or local level. The terms of an agreement, contract, or grant under this section may be incorporated into a partnership agreement the director enters into with a board of county commissioners under section 5101.21 or with the chief elected official of a municipal corporation under section 5101.213 of the Revised Code, if the director and board or chief elected official and state agency, state university or college, or private or government entity agree.

The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. 5101.213. (A) The director of job and family services shall enter into a written partnership agreement with the chief elected official of a municipal corporation required by section 6301.05 of the Revised Code to enter into a partnership agreement under this section. A partnership agreement shall include the types of provisions regarding workforce development activities that a partnership agreement entered into under section 5101.21 of the Revised Code is required to include.

(B) To the extent practicable and not in conflict with federal statutes or regulations, state law, or an appropriation made by the general assembly, the director may establish a consolidated funding allocation for two or more

workforce development activities included in a partnership agreement. The consolidated funding allocation may be for either of the following:

(1) A municipal corporation that is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code;

(2) Two or more counties, or a municipal corporation and one or more counties, in the type of local area defined in division (A)(3) of section 6301.01 of the Revised Code that are coordinating and integrating workforce development activities in the local area.

A workforce development agency shall use funds available in a consolidated funding allocation only for the purpose for which the funds were appropriated.

Sec. 5101.22. The department of ~~human job and family~~ services may establish performance and other administrative standards for the administration and outcomes of ~~social-service~~ family services duties and workforce development activities and determine at intervals the department decides the degree to which a county ~~social-service~~ family services agency or workforce development agency complies with a performance or other administrative standard. The department may use statistical sampling, performance audits, case reviews, or other methods it determines necessary and appropriate to determine compliance with performance and administrative standards.

A performance or other administrative standard established under this section for a ~~social-service~~ family service duty or workforce development activity does not apply to a county ~~social-service~~ family services agency or workforce development agency administering the duty if a different performance or administrative standard is specified for the agency's administration of the duty or activity pursuant to a partnership agreement entered into under section 5101.21 or 5101.213 of the Revised Code.

Sec. 5101.23. Subject to the availability of funds, the department of ~~human job and family~~ services may provide annual financial, administrative, or other incentive awards to county ~~social-service~~ family services agencies ~~that exceed performance and other administrative standards specified in a partnership agreement entered into under section 5101.21 or established under section 5101.22 of the Revised Code. The amount of a financial incentive award shall be based on the degree to which a county social service agency exceeds a performance or other administrative standard and the amount of money available in the social services incentive fund established under this section and workforce development agencies.~~ A county ~~social-service~~ family services agency or workforce development agency may spend funds provided as a financial incentive award only for the

purpose for which the funds are appropriated. The department may adopt internal management rules in accordance with section 111.15 of the Revised Code to establish the amounts of awards, methodology for distributing the awards, types of awards, and standards for administration by the department.

There is hereby created in the state treasury the social services incentive fund. The director of ~~human job and family~~ services may request that the director of budget and management transfer funds in the Title IV-A reserve fund created under section 5101.82 of the Revised Code and other funds appropriated for ~~social service~~ family services duties or workforce investment activities into the fund. If the director of budget and management determines that the funds identified by the director of ~~human job and family~~ services are available and appropriate for transfer, the director of budget and management shall make the transfer. Money in the fund shall be used to provide incentive awards under this section.

Sec. 5101.24. (A) As used in this section, "responsible entity" means the following:

(1) If the family services duty or workforce development activity involved is included in a partnership agreement a board of county commissioners and the director of job and family services enters into under section 5101.21 of the Revised Code, the board regardless of the fact that a county family services agency performs the family services duty or a workforce development agency performs the workforce development activity.

(2) If the family services duty or workforce development activity involved is not included in a partnership agreement, the county family services agency or workforce development agency.

(B) The department of ~~human job and family~~ services may take action against a county social service agency under division (B)(C) of this section against the responsible entity if the department determines any of the following apply to the county family services agency as ~~regards a social service performing the family services~~ duty or workforce development agency providing the workforce development activity:

(1) The agency fails to meet a performance standard specified in a partnership agreement entered into under section 5101.21 or established under section 5101.22 of the Revised Code for the duty or activity;

(2) The agency fails to comply with a requirement established by federal statute or regulations, state statute, or a department rule for the duty or activity;

(3) The agency is solely or partially responsible for, ~~or contributes to,~~ an adverse audit or quality control finding, final disallowance of federal

financial participation, or other sanction or penalty regarding the duty or activity.

~~(B)~~(C) The department may take one or more of the following actions against ~~a county social service agency~~ the responsible entity if division ~~(A)~~(B)(1), (2), or (3) of this section applies ~~to the agency~~:

(1) Require the ~~agency~~ responsible entity to submit to and comply with a corrective action plan pursuant to a time schedule specified by the department;

(2) Require the responsible entity to do one of the following:

(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty;

(b) Reimburse the department the amount the department pays to the federal government or another entity that represents the amount the agency is responsible for of an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity;

(c) Pay the federal government or another entity the amount that represents the amount the agency is responsible for of an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government or other entity.

(3) Impose a financial or administrative sanction or adverse audit issued by the department against the agency, which may include requiring the agency to share with the department a final disallowance of federal financial participation or other sanction or penalty responsible entity A sanction may be increased if the department has previously taken action against the agency responsible entity under this division.

~~(3)~~(4) Perform a social service, or contract with a government or private entity for the entity to perform, the family services duty for the agency or workforce development activity until the department is satisfied that the agency responsible entity ensures that the duty or activity will perform the duty be performed satisfactorily. If the department administers performs or contracts with an entity to perform a social service family services duty or workforce development activity under division ~~(B)~~(3) (C)(4) of this section, the department may spend do either of the following:

(a) Spend funds in the county treasury appropriated for the duty or activity;

(b) Withhold funds allocated to the responsible entity for the duty or activity and spend the funds for the duty or activity

~~(4)~~(5) Request that the attorney general bring mandamus proceedings to compel the agency responsible entity to take or cease the action that causes

division ~~(A)~~(B)(1), (2), or (3) of this section to apply ~~to the agency~~. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request.

~~(C)~~(D) If the department decides to take action against ~~a county social service agency~~ the responsible entity under division ~~(B)~~(C) of this section, the department shall notify the ~~agency, board of county commissioners,~~ responsible entity and county auditor. The notice shall be in writing.

The ~~county social service agency~~ responsible entity may request an administrative review of the a proposed action, other than a proposed action under division (C)(5) of this section, by sending a written request to the department not later than the following:

(1) In the case of a proposed action under division (C)(1) of this section, fifteen days after the department mails the notice to the responsible entity. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen days following the day it receives the request. The department and responsible entity shall attempt to resolve any dispute during that fifteen-day period.

(2) In the case of a proposed action under division (C)(2) of this section, forty-five days after the department mails the notice to the responsible entity. The administrative review shall be limited solely to the issue of the amount the responsible entity shall share with the department, reimburse the department, or pay to the federal government or another entity under division (C)(2) of this section. The department and responsible entity shall attempt to resolve any dispute within sixty days.

(3) In the case of a proposed action under division (C)(3) or (4) of this section, forty-five days after the department mails the notice to the ~~agency~~ responsible entity. ~~If an administrative review is requested, the department and agency may enter into a written agreement setting forth the dispute resolution procedures to be used to resolve the dispute and any other procedural matters the department and agency agree will assist in reaching a prompt, fair, and equitable resolution. If~~ The department and responsible entity shall attempt to resolve any dispute within sixty days.

If the department and ~~agency~~ responsible entity fail to enter into such an agreement not later than sixty days after the agency requests the administrative review resolve any dispute within the required time, the department shall conduct a hearing in accordance with Chapter 119. of the Revised Code, except that the department, notwithstanding section 119.07 of the Revised Code, is not required to schedule the hearing within fifteen days of the ~~agency's~~ responsible entity's request.

(E) The director of job and family services may adopt rules in

ordance with Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 5101.25. The department of human services, in consultation with county representatives, shall develop annual training goals and model training curriculum for employees of county ~~social~~ family services agencies and identify a variety of state funded training opportunities to meet the proposed goals.

Sec. 5101.35. (A) As used in this section:

(1) "Agency" means the following entities that administer a ~~human~~ family services program:

- (a) The department of ~~human~~ job and family services;
- (b) A county department of ~~human~~ job and family services;
- (c) A public children services agency;

(d) A private or government entity administering, in whole or in part, a ~~human~~ family services program for or on behalf of the department of ~~human~~ job and family services or a county department of ~~human-service~~ job and family services or public children services agency.

(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a ~~human~~ family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3) "~~Human~~ Family services program" means assistance provided under Chapter 5104., 5107., 5108., 5111., or 5115. or section 173.35, 5101.141, 5101.46, 5101.54, 5153.163, or 5153.165 of the Revised Code, other than assistance provided under section 5101.46 of the Revised Code by the department of mental health, the department of mental retardation and developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of mental retardation and developmental disabilities.

(B) An appellant who appeals under federal or state law a decision or order of an agency administering a ~~human~~ family services program shall, at the appellant's request, be granted a state hearing by the department of ~~human~~ job and family services. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be tape-recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. A state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of ~~human~~ job and family services or a court of common pleas.

(C) An appellant who disagrees with a state hearing decision may make

an administrative appeal to the director of ~~human~~ job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. Any person designated to make an administrative appeal decision on behalf of the director shall have been admitted to the practice of law in this state. An administrative appeal decision is the final decision of the department and is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of ~~human~~ job and family services or a public children services agency fails to comply within these time limits, the department may take action pursuant to section 5101.24 of the Revised Code. If another agency fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of ~~human~~ job and family services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common pleas of Franklin county if the person does not reside in this state.

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(3) The appellant shall mail the notice of appeal to the department of ~~human~~ job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the

department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of ~~human~~ job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

- (1) State hearings under division (B) of this section;
- (2) Administrative appeals under division (C) of this section;
- (3) Time limits for complying with a decision issued under division (B) or (C) of this section;
- (4) Sanctions that may be applied against an agency under division (D) of this section.

(G) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.351. The department of job and family services may employ or contract with hearing officers to draft and recommend state hearing decisions under division (B) of section 5101.35 of the Revised Code. The department may employ or contract with hearing authorities to issue state hearing decisions under division (B) of section 5101.35 of the Revised Code. A hearing authority employed or contracted with on or after the effective date of this section shall have been admitted to the practice of law in this state. A hearing authority employed or contracted with before the effective date of this section is not required to have been admitted to the practice of law in this state.

Sec. 5101.37. (A) The department of ~~human~~ job and family services and each county department of ~~human~~ job and family services and child support enforcement agency may make any investigations that are necessary in the performance of their duties, and to that end they shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department and each county department and agency shall keep a record of their investigations stating the time, place, charges or subject, witnesses summoned and examined, and their conclusions.

~~In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy of the report, with all documents introduced, kept on file at the office of the department, county department, or agency.~~

The fees of witnesses for attendance and travel shall be the same as in the court of common pleas, ~~but no officer or employee of the institution under investigation is entitled to such fees.~~

(B) In conducting hearings pursuant to sections 3113.21 to 3113.216 or pursuant to division (B) of section 5101.35 of the Revised Code, the department and each child support enforcement agency have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers. The department and each agency shall keep a record of those hearings stating the time, place, charges or subject, witnesses summoned and examined, and their conclusions.

The issuance of a subpoena by the department or a child support enforcement agency to enforce attendance and testimony of witnesses and the production of books or papers at a hearing is discretionary and the department or agency is not required to pay the fees of witnesses for attendance and travel.

(C) Any judge of any division of the court of common pleas, upon application of the department or a county department or child support enforcement agency, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the department, county department, or agency, by a judgment for contempt or otherwise, in the same manner as in cases before those courts.

Sec. 5101.38. The department of ~~human~~ job and family services may appoint and commission any competent officer, employee, agency, or person to serve as a special agent, investigator, or representative to perform a designated duty for and in behalf of the department. Specific credentials shall be given by the department to each person so designated, and each credential shall state:

- (A) The person's name;
- (B) Agency with which such person is connected;
- (C) Purpose of appointment;
- (D) Date of expiration of appointment, if appropriate;
- (E) Such information as the department considers proper.

Sec. 5101.47. (A) The director of job and family services may accept applications, determine eligibility, and perform related administrative activities for one or more of the following:

(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I and II provided for under sections 5101.50 and 5101.51 of the Revised Code;

(3) Publicly funded child day-care provided under Chapter 5104. of the Revised Code;

(4) Other programs the director determines are supportive of children or families with at least one employed member.

(B) If the director elects to accept applications, determine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:

(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program.

(2) The director is subject to federal and state law that require, permit, or prohibit an action regarding accepting applications, determining eligibility, and performing related administrative activities for the program.

(C) The director may adopt rules as necessary to implement this section.

Sec. 5101.80. (A) The department of ~~human~~ job and family services shall do all of the following:

(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan, and amendments to the plan that the department determines necessary, for the Ohio works first program established under Chapter 5107. of the Revised Code and the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of ~~human~~ job and family services, and other matters related to the Ohio works first program and the prevention, retention, and contingency program;

(3) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding the Ohio works first program and the prevention, retention, and contingency program;

(4) Require reports and information from each county department of ~~human~~ job and family services as may be necessary or advisable regarding the Ohio works first program and the prevention, retention, and contingency program;

(5) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, the Ohio works first program or the prevention, retention, and contingency program aggrieved by a decision regarding either program;

(6) Administer and expend, pursuant to Chapters 5107. and 5108. of the Revised Code, any sums appropriated by the general assembly for the

purpose of those chapters and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;

(7) Conduct investigations as are necessary regarding the Ohio works first program and the prevention, retention, and contingency program;

(8) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents;

(9) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following:

(a) Examine issues of process, practice, impact, and outcomes;

(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received assistance or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;

(c) Provide the department an initial report of the evaluation not later than two years after ~~the effective date of this amendment~~ October 1, 1997, and provide subsequent reports at times the department specifies.

(10) Not later than March 1, 1998, and the first day of each September and March thereafter until September 1, 2001, prepare a county by county report concerning individuals who cease to participate in Ohio works first that contains the reasons the individuals ceased to participate, including employment, marital status, and relocation;

(11) Not later than January 1, 2001, and the first day of each January and July thereafter, prepare a report containing information on the following:

(a) A county by county breakdown of individuals who cease to participate in Ohio works first and the reasons the individuals ceased to participate, including exhausting the time limits for participation set forth in section 5107.18 of the Revised Code.

(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.

(12) Not later than January 1, 2001, and on a quarterly basis thereafter until December 1, 2003, prepare, to the extent the necessary data is available to the department, a report based on information determined under section

5107.80 of the Revised Code that states how many former Ohio works first participants entered the workforce during the most recent previous quarter for which the information is known and includes information regarding the earnings of those former participants. The report shall include a county-by-county breakdown and shall not contain the names or social security numbers of former participants.

(B) The department shall provide copies of the reports it receives under division (A)(9) of this section and prepares under divisions (A)(10) ~~and~~, (11), ~~and~~ (12) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(C) An authorized representative of the department or a county department of ~~human job and family~~ services shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section.

Sec. 5101.97. (A)(1) Not later than ~~January 1, 1998, and~~ the first day of each July and January ~~thereafter~~, the department of ~~human job and family~~ services shall complete a report on the characteristics of the individuals who participate in or receive services through the programs operated by the department and the outcomes of the individuals' participation in or receipt of services through the programs. The report shall include information on the following:

(a) Work activities, developmental activities, and alternative work activities established under sections 5107.40 to 5107.69 of the Revised Code;

(b) Programs of publicly funded child day-care, as defined in section 5104.01 of the Revised Code;

(c) Child support enforcement programs;

(d) Births to recipients of the medical assistance program established under Chapter 5111. of the Revised Code.

(2) Not later than ~~July 1, 1999, and~~ the first day of each July ~~thereafter~~, the department shall complete a progress report on the partnership agreements between the director of ~~human job and family~~ services and boards of county commissioners under section 5101.21 of the Revised Code. The report shall include a review of whether the county ~~social service family services~~ agencies and workforce development agencies satisfied performance standards included in the agreements and whether the department provided assistance, services, and technical support specified in the agreements to aid the agencies in meeting the performance standards.

(3) The department shall submit the reports required under divisions (A)(1) and (2) of this section to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the legislative budget officer, the director of budget and management, and each board of county commissioners. The department shall provide copies of each report to any person or government entity on request.

In designing the format for each report, the department shall consult with individuals, organizations, and government entities interested in the programs operated by the department, so that the reports are designed to enable the general assembly and the public to evaluate the effectiveness of the programs and identify any needs that the programs are not meeting.

(B) Whenever the federal government requires that the department submit a report on a program that is operated by the department or is otherwise under the department's jurisdiction, the department shall prepare and submit the report in accordance with the federal requirements applicable to that report. To the extent possible, the department may coordinate the preparation and submission of a particular report with any other report, plan, or other document required to be submitted to the federal government, as well as with any report required to be submitted to the general assembly. The reports required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) may be submitted as an annual summary.

Sec. 5103.02. As used in sections 5103.03 to ~~5103.19~~ 5103.17 of the Revised Code:

(A) "Institution" or "association" includes any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; any individual who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; and any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage, or is the appointed guardian of such children; provided, that any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health, or the department of mental retardation and developmental

s, or any individual who provides care for only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being within the purview of these sections.

(B) "Family foster home" has the same meaning as in section 2151.011 of the Revised Code.

(C) "Treatment foster home" means a family foster home that incorporates special psychological or medical treatment designed to care for the specific needs of the children received in the family foster home and that receives and cares for children who are emotionally or behaviorally disturbed, medically fragile requiring special medical treatment due to physical ailment or condition, mentally retarded, or developmentally disabled.

Sec. 5107.80. The director of job and family services, using information provided by employers under section 5101.312 of the Revised Code, shall determine quarterly whether individuals who have ceased to participate in Ohio works first have entered the workforce.

Sec. 6301.01. As used in this chapter:

(A) "Local area" means any of the following:

(1) A municipal corporation that is authorized to administer and enforce the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, under this chapter and is not joining in partnership with any other political subdivisions in order to do so;

(2) A single county;

(3) A consortium of any of the following political subdivisions:

(a) A group of two or more counties in the state;

(b) One or more counties and one municipal corporation in the state;

(c) One or more counties with or without one municipal corporation in the state and one or more counties with or without one municipal corporation in another state, on the condition that those in another state share a labor market area with those in the state.

"Local area" does not mean a region for purposes of determinations concerning administrative incentives.

(B) "Municipal corporation" means a municipal corporation that is eligible for automatic or temporary designation as a local workforce investment area pursuant to section 116(a)(2) or (3) of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2831(a)(2) or (3), but that does not request that the governor grant such automatic or temporary designation, and that instead elects to administer and enforce workforce development activities pursuant to this chapter.

(C) "County" means a county that is eligible to be designated as a local

workforce investment area pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, but that does not request such designation, and instead elects to administer and enforce workforce development activities pursuant to this chapter.

(D) "Workforce development agency" means the entity given responsibility for workforce development activities that is designated by the board of county commissioners in accordance with section 330.04 of the Revised Code, the chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code, or the chief elected officials of a local area defined in division (A)(3) of this section.

(E) "Workforce development activity" means a program, grant, or other function, the primary goal of which is to do one or more of the following:

- (1) Help individuals maximize their employment opportunities;
- (2) Help employers gain access to skilled workers;
- (3) Help employers retain skilled workers;
- (4) Help develop or enhance the skills of incumbent workers;
- (5) Improve the quality of the state's workforce;

(6) Enhance the productivity and competitiveness of the state's economy.

(F) "Chief elected officials," when used in reference to a local area, means the board of county commissioners of the county or of each county in the local area or, if the county has adopted a charter under Section 3 of Article X, Ohio Constitution, the chief governing body of that county, and the chief elected official of the municipal corporation, if the local area includes a municipal corporation, except that when the local area is the type defined in division (A)(1) of this section, "chief elected officials" means the chief elected official of the municipal corporation.

Sec. 6301.02. The director of job and family services shall administer 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, and the funds received pursuant to those acts. In administering those acts and funds received pursuant to those acts, the director shall establish and administer a workforce development system that is designed to provide leadership, support, and oversight to locally designed workforce development and family services systems and that provides the maximum amount of flexibility and authority to counties and municipal corporations, as permitted under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended. The director shall conduct investigations and hold hearings as necessary for the administration of this chapter.

To the extent permitted by state and federal law, the director may adopt

rules pursuant to Chapter 119. of the Revised Code to establish any program or pilot program for the purposes of providing workforce development activities or family services to individuals who do not meet eligibility criteria for those activities or services under applicable federal law. Prior to the initiation of any program of that nature, the director of budget and management shall certify to the governor that sufficient funds are available to administer a program of that nature.

Unless otherwise prohibited by state or federal law, every state agency, board, or commission shall provide to the director all information and assistance requested by the director in furtherance of workforce development activities.

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 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.

Sec. 6301.04. The governor shall establish a state workforce policy board and appoint members to the board, who serve at the governor's pleasure, to perform duties under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, as authorized by the governor. The board is not subject to section 101.84 of the Revised Code. The director of job and family services may assist the board in the performance of its duties.

Sec. 6301.05. The chief elected official of a municipal corporation that is the type of local area defined in division (A)(1) of section 6301.01 of the Revised Code or is in the type of local area defined in division (A)(3) of that section shall enter into a written partnership agreement with the director of job and family services in accordance with section 5101.213 of the Revised Code.

The board of county commissioners of a county that is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code or is in the type of local area defined in division (A)(3) of that section shall enter into a written partnership agreement with the director of job and family services in accordance with section 5101.21 of the Revised Code.

Sec. 6301.06. (A) The chief elected officials of a local area shall create a workforce policy board, which shall consist of the following individuals:

(1) The chief elected official from the municipal corporation with the largest population in the local area, except that if the municipal corporation is a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, the chief elected official of that municipal corporation may determine whether to be a member of the board. Notwithstanding division (B) of section 6301.01 of the Revised Code, as used in division (A)(1) of this section, "municipal corporation" means any municipal corporation.

(2) The following individuals appointed to the board by the chief elected officials of the local area, who shall make those appointments according to all of the following specifications:

(a) At least five members of the board shall be representatives of private sector businesses in the general labor market area that includes that local area, and shall be appointed from among individuals nominated by local business organizations and business trade associations. Among these members, at least one shall represent small businesses, at least one shall represent medium-sized businesses, and at least one shall represent large businesses. When determining what constitutes small, medium-sized, and large businesses for purposes of this division, the chief elected officials of the local area shall define those sizes as those sizes are generally understood within the labor market area that includes that local area. A majority of the members of the board shall be representatives of private sector businesses.

(b) At least two members of the board shall represent organized labor and shall be appointed from nominations submitted by local federations of labor representing workers employed in the local area.

(c) At least two members of the board shall be representatives of local educational entities. For purposes of this division, "local educational entities" includes local educational agencies, school district boards of education, entities providing educational and literacy activities, and post-secondary educational institutions.

(d) At least one member of the board shall be a representative of consumers of workforce development activities.

(e) Any other individuals the chief elected officials of the local area determine are necessary.

(B) Members of the board serve at the pleasure of the chief elected officials of the local area. Members shall not be compensated but may be reimbursed for actual, reasonable, and necessary expenses incurred in the performance of their duties as board members. Those expenses shall be paid from funds allocated pursuant to section 6301.03 of the Revised Code.

The chief elected officials of a local area may provide office space, staff, or other administrative support as needed to the board. For purposes of section 102.02 of the Revised Code, members of the board are not public officials or employees.

(C) The chief elected officials of a local area other than a local area as defined in division (A)(1) of section 6301.01 of the Revised Code, shall coordinate the workforce development activities of the county family services planning committees and the workforce policy boards in the local area in any manner that is efficient and effective to meet the needs of the local area. The chief elected officials of the local area may, but are not required to, consolidate all boards and committees as they determine appropriate into a single board for purposes of workforce development activities. A majority of the members of that consolidated board shall represent private sector businesses. The membership of that consolidated board shall include a representative from each group granted representation as described in division (A) of this section and also a member who represents consumers of family services and a member who represents the county department of job and family services. The membership of that consolidated board may include a representative of one or more groups and entities that may be represented on a county family services planning committee, as specified in section 329.06 of the Revised Code.

Sec. 6301.07. (A) Every workforce policy board, with the agreement of the chief elected officials of the local area, and after holding public hearings that allow public comment and testimony, shall prepare a workforce development plan and incorporate that plan into and attach that plan to the partnership agreement required under section 6301.05 of the Revised Code. The plan shall accomplish all of the following:

(1) Identify the workforce investment needs of businesses in the local area, identify projected employment opportunities, and identify the job skills necessary to obtain those opportunities;

(2) Identify the local area's workforce development needs for youth, dislocated workers, adults, displaced homemakers, incumbent workers, and any other group of workers identified by the workforce policy board;

(3) Determine the distribution of workforce development resources and funding to be distributed for each workforce development activity to meet

the identified needs, utilizing the funds allocated pursuant to the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended;

(4) Review the minimum curriculum required by the state workforce policy board for certifying training providers and identify any additional curriculum requirements to include in contracts between the training providers and the chief elected officials of the local area;

(5) Establish performance standards for service providers that reflect local workforce development needs;

(6) Describe any other information the chief elected officials of the local area require.

(B) A workforce policy board may provide policy guidance and recommendations to the chief elected officials of a local area for any workforce development activities.

(C) Nothing in this section prohibits the chief elected officials of a local area from assigning, through a partnership agreement, any duties in addition to the duties under this section to a workforce policy board, except that a workforce policy board cannot contract with itself for the direct provision of services in its local area. A workforce policy board may consult with the chief elected officials of its local area and make recommendations regarding the workforce development activities provided in its local area at any time.

Sec. 6301.08. Every local area shall participate in a one-stop system for workforce development activities. Each board of county commissioners and the chief elected official of a municipal corporation shall ensure that at least one physical location is available in the local area for the provision of workforce development activities.

A one-stop system may be operated by a private entity or a public agency, including a workforce development agency, any existing facility or organization that is established to administer workforce development activities in the local area, and a county family services agency.

A one-stop system shall include representatives of all the partners required under the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended. Additionally, at least one representative from a county department of job and family services shall staff a one-stop system to represent all of the county family services agencies within the local area.

Sec. 6301.09. The provision under division (g) of section 111 of the "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C.A. 2801, as amended, applies to the state workforce policy board created under section 6301.04 of the Revised Code. The provision under division (e) of section 117 of the "Workforce Investment Act of 1998" applies to the workforce policy boards established pursuant to section 6301.04 of the Revised Code.

Sec. 6301.10. Beginning January 1, 2001, and each calendar quarter thereafter, the director of job and family services shall prepare a report concerning the state of Ohio's workforce. The director shall distribute the report to the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the state workforce policy board, the governor's office of Appalachian Ohio, and the commission on African-American males.

SECTION 2. That existing sections 119.01, 119.03, 121.02, 121.03, 121.32, 124.23, 124.30, 125.24, 126.30, 127.16, 149.01, 153.06, 307.86, 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 307.987, 329.011, 329.04, 329.05, 329.06, 2151.011, 2301.357, 2705.02, 3313.64, 4112.12, 4141.04, 4141.042, 4141.046, 4141.06, 4141.08, 4141.10, 4141.13, 4141.162, 4141.21, 4141.22, 4141.28, 5101.01, 5101.02, 5101.05, 5101.06, 5101.08, 5101.10, 5101.21, 5101.211, 5101.22, 5101.23, 5101.24, 5101.25, 5101.35, 5101.37, 5101.38, 5101.80, 5101.97, and 5103.02 and sections 4141.02, 4141.03, 4141.05, 4141.057, 4141.12, 4141.15, 4141.16, 4141.161, 4141.163, 4141.44, 5101.07, 5101.12, 5101.13, 5101.39, 5101.40, 5101.41, 5101.56, 5103.01, 5103.05, 5103.06, 5103.09, 5103.10, 5103.11, 5103.18, and 5103.19 of the Revised Code are hereby repealed.

SECTION 3. That the version of section 119.03 of the Revised Code, as scheduled to take effect on April 1, 2001, be amended to read as follows:

Sec. 119.03. In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;

(4) The date, time, and place of a hearing on the proposed action, which

shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in both print and electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the secretary of state and with the director for all of the proposed rules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission and public notice shall be filed as required by this division at least sixty-five days prior to the date on which the agency, in accordance with division (D) of this section, issues an order adopting the proposed rule, amendment, or rescission.

The proposed rule, amendment, or rescission shall be available for at least thirty days prior to the date of the hearing at the office of the agency in printed or other legible form without charge to any person affected by the proposal. Failure to furnish such text to any person requesting it shall not invalidate any action of the agency in connection therewith.

If the agency files a substantive revision in the text of the proposed rule, amendment, or rescission under division (H) of this section, it shall also promptly file the full text of the proposed rule, amendment, or rescission in its revised form in both print and electronic form with the secretary of state and with the director of the legislative service commission.

The agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in both print and electronic form along with a proposed rule, amendment, or rescission or proposed rule, amendment, or rescission in revised form that is filed with the secretary of state or the director of the legislative service commission.

The director of the legislative service commission shall publish in the

register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; and the full text of a rule summary and fiscal analysis that is filed with the director under this division.

(C) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

At the hearing, the testimony shall be recorded. Such record shall be made at the expense of the agency. The agency is required to transcribe a record that is not sight readable only if a person requests transcription of all or part of the record and agrees to reimburse the agency for the costs of the transcription. An agency may require the person to pay in advance all or part of the cost of the transcription.

In any hearing under this section the agency may administer oaths or affirmations.

(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order adopting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a

rule, the governor shall issue an order, the text of which shall be filed in both print and electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, are filed in both print and electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. If all filings are not completed on the same day, the emergency rule, amendment, or rescission shall be effective on the day on which the latest filing is completed. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

The emergency rule, amendment, or rescission shall become invalid at the end of the ninetieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of this division to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under this division, the emergency rule, amendment, or rescission will continue in effect without interruption for another ninety-day period.

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of ~~taxation job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or of the bureau department of employment services~~ taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority

within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file in both print and electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file the full text of the proposed rule, amendment, or rescission in its revised form in both print and electronic form with the joint committee. The latest version of a proposed rule, amendment, or rescission as filed with the joint committee supersedes each earlier version of the text of the same proposed rule, amendment, or rescission. An agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in both print and electronic form along with a proposed rule, amendment, or rescission, and along with a proposed rule, amendment, or rescission in revised form, that is filed under this division.

This division does not apply to:

- (1) An emergency rule, amendment, or rescission;
- (2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:

- (a) A statement that it is proposed for the purpose of complying with a federal law or rule;

- (b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the

adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

(a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;

(b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;

(c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;

(d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section 121.24 or 127.18 of the Revised Code, or both.

The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty-first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty-fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty-five days after the original version is filed the rule-making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a bill, the time within which that house may adopt the concurrent resolution is extended until it has held five such floor sessions.

Within five days after the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the clerk of the senate shall send the rule-making agency, the secretary of state, and the director of the legislative service commission in both print and electronic form a certified text of the resolution together with a certification stating the date on which the resolution takes effect. The secretary of state and the director of the legislative service commission shall each note the invalidity of the proposed rule, amendment, rescission, or part thereof, and shall each remove the invalid proposed rule, amendment, rescission, or part thereof from the file of proposed rules. The rule-making agency shall not proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, rescission, or part thereof that has been invalidated by concurrent resolution.

Unless the house of representatives and senate adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof within the time specified by this division, the rule-making agency may proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rule, amendment, or rescission as filed with the joint committee. If by concurrent resolution certain of the rules, amendments, rescissions, or parts thereof are specifically invalidated, the rule-making agency may proceed to adopt, in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rules, amendments, rescissions, or parts thereof as filed with the joint committee that are not specifically invalidated. The rule-making agency may not revise or amend any proposed rule, amendment, rescission, or part thereof that has not been invalidated except as provided in this chapter or in section 111.15 of the Revised Code.

(2)(a) A proposed rule, amendment, or rescission that is filed with the joint committee under division (H) of this section or division (D) of section 111.15 of the Revised Code shall be carried over for legislative review to the next succeeding regular session of the general assembly if the original or any revised version of the proposed rule, amendment, or rescission is filed with the joint committee on or after the first day of December of any year.

(b) The latest version of any proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section, as filed with the joint committee, is subject to legislative review and invalidation in the next succeeding regular session of the general assembly in the same manner as if

it were the original version of a proposed rule, amendment, or rescission that had been filed with the joint committee for the first time on the first day of the session. A rule-making agency shall not adopt in accordance with division (D) of this section, or file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section until the time for legislative review and invalidation, as contemplated by division (I)(2)(b) of this section, has expired.

(3) Invalidation of any version of a proposed rule, amendment, rescission, or part thereof by concurrent resolution shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the same proposed rule, amendment, rescission, or part thereof for the duration of the general assembly that invalidated the proposed rule, amendment, rescission, or part thereof unless the same general assembly adopts a concurrent resolution permitting the rule-making agency to institute or continue such proceedings.

The failure of the general assembly to invalidate a proposed rule, amendment, rescission, or part thereof under this section shall not be construed as a ratification of the lawfulness or reasonableness of the proposed rule, amendment, rescission, or any part thereof or of the validity of the procedure by which the proposed rule, amendment, rescission, or any part thereof was proposed or adopted.

(4) In lieu of recommending a concurrent resolution to invalidate a proposed rule, amendment, rescission, or part thereof because the rule-making agency has failed to prepare a complete and accurate fiscal analysis, the joint committee on agency rule review may issue, on a one-time basis, for rules, amendments, rescissions, or parts thereof that have a fiscal effect on school districts, counties, townships, or municipal corporations, a finding that the rule summary and fiscal analysis is incomplete or inaccurate and order the rule-making agency to revise the rule summary and fiscal analysis and refile it with the proposed rule, amendment, rescission, or part thereof. If an emergency rule is filed as a nonemergency rule before the end of the ninetieth day of the emergency rule's effectiveness, and the joint committee issues a finding and orders the rule-making agency to refile under division (I)(4) of this section, the governor may also issue an order stating that the emergency rule shall remain in effect for an additional sixty days after the ninetieth day of the emergency rule's effectiveness. The governor's orders shall be filed in accordance with division (F) of this section. The joint committee shall send in both print and electronic form to the rule-making agency, the secretary of

state, and the director of the legislative service commission a certified text of the finding and order to revise the rule summary and fiscal analysis, which shall take immediate effect.

An order issued under division (I)(4) of this section shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the proposed rule, amendment, rescission, or part thereof until the rule-making agency revises the rule summary and fiscal analysis and refiles it in both print and electronic form with the joint committee along with the proposed rule, amendment, rescission, or part thereof. If the joint committee finds the rule summary and fiscal analysis to be complete and accurate, the joint committee shall issue a new order noting that the rule-making agency has revised and refiled a complete and accurate rule summary and fiscal analysis. The joint committee shall send in both print and electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of this new order. The secretary of state and the director of the legislative service commission shall each attach and link this order to the proposed rule, amendment, rescission, or part thereof. The rule-making agency may then proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

This is an interim section effective April 1, 2001, until April 1, 2002.

SECTION 4. That all existing versions of section 119.03 of the Revised Code are hereby repealed.

SECTION 5. Sections 3 and 4 of this act take effect April 1, 2001.

SECTION 6. That the version of section 119.03 of the Revised Code, as scheduled to take effect on April 1, 2002, be amended to read as follows:

Sec. 119.03. In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency

determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;

(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The full text of the proposed rule, amendment, or rule to be rescinded, accompanied by the public notice required under division (A) of this section, shall be filed in electronic form with the secretary of state and with the director of the legislative service commission. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has prepared a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the secretary of state and with the director for all of the proposed rules, amendments, or rescissions to which the notice applies.) The proposed rule, amendment, or rescission and public notice shall be filed as required by this division at least sixty-five days prior to the date on which the agency, in accordance with division (D) of this section, issues an order adopting the proposed rule, amendment, or rescission.

The proposed rule, amendment, or rescission shall be available for at least thirty days prior to the date of the hearing at the office of the agency in printed or other legible form without charge to any person affected by the proposal. Failure to furnish such text to any person requesting it shall not

invalidate any action of the agency in connection therewith.

If the agency files a substantive revision in the text of the proposed rule, amendment, or rescission under division (H) of this section, it shall also promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the secretary of state and with the director of the legislative service commission.

The agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission or proposed rule, amendment, or rescission in revised form that is filed with the secretary of state or the director of the legislative service commission.

The director of the legislative service commission shall publish in the register of Ohio the full text of the original and each revised version of a proposed rule, amendment, or rescission; the full text of a public notice; and the full text of a rule summary and fiscal analysis that is filed with the director under this division.

(C) On the date and at the time and place designated in the notice, the agency shall conduct a public hearing at which any person affected by the proposed action of the agency may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule, amendment, or rescission, if adopted or effectuated, will be unreasonable or unlawful. An agency may permit persons affected by the proposed rule, amendment, or rescission to present their positions, arguments, or contentions in writing, not only at the hearing, but also for a reasonable period before, after, or both before and after the hearing. A person who presents a position or arguments or contentions in writing before or after the hearing is not required to appear at the hearing.

At the hearing, the testimony shall be recorded. Such record shall be made at the expense of the agency. The agency is required to transcribe a record that is not sight readable only if a person requests transcription of all or part of the record and agrees to reimburse the agency for the costs of the transcription. An agency may require the person to pay in advance all or part of the cost of the transcription.

In any hearing under this section the agency may administer oaths or affirmations.

(D) After complying with divisions (A), (B), (C), and (H) of this section, and when the time for legislative review and invalidation under division (I) of this section has expired, the agency may issue an order

pting the proposed rule or the proposed amendment or rescission of the rule, consistent with the synopsis or general statement included in the public notice. At that time the agency shall designate the effective date of the rule, amendment, or rescission, which shall not be earlier than the tenth day after the rule, amendment, or rescission has been filed in its final form as provided in section 119.04 of the Revised Code.

(E) Prior to the effective date of a rule, amendment, or rescission, the agency shall make a reasonable effort to inform those affected by the rule, amendment, or rescission and to have available for distribution to those requesting it the full text of the rule as adopted or as amended.

(F) If the governor, upon the request of an agency, determines that an emergency requires the immediate adoption, amendment, or rescission of a rule, the governor shall issue an order, the text of which shall be filed in electronic form with the agency, the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review, that the procedure prescribed by this section with respect to the adoption, amendment, or rescission of a specified rule is suspended. The agency may then adopt immediately the emergency rule, amendment, or rescission and it becomes effective on the date the rule, amendment, or rescission, in final form and in compliance with division (A)(2) of section 119.04 of the Revised Code, are filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. If all filings are not completed on the same day, the emergency rule, amendment, or rescission shall be effective on the day on which the latest filing is completed. The director shall publish the full text of the emergency rule, amendment, or rescission in the register of Ohio.

The emergency rule, amendment, or rescission shall become invalid at the end of the ninetieth day it is in effect. Prior to that date the agency may adopt the emergency rule, amendment, or rescission as a nonemergency rule, amendment, or rescission by complying with the procedure prescribed by this section for the adoption, amendment, and rescission of nonemergency rules. The agency shall not use the procedure of this division to readopt the emergency rule, amendment, or rescission so that, upon the emergency rule, amendment, or rescission becoming invalid under this division, the emergency rule, amendment, or rescission will continue in effect without interruption for another ninety-day period.

This division does not apply to the adoption of any emergency rule, amendment, or rescission by the tax commissioner under division (C)(2) of section 5117.02 of the Revised Code.

(G) Rules adopted by an authority within the department of ~~taxation job and family services for the administration or enforcement of Chapter 4141. of the Revised Code or of the bureau department of employment services~~ taxation shall be effective without a hearing as provided by this section if the statutes pertaining to such agency specifically give a right of appeal to the board of tax appeals or to a higher authority within the agency or to a court, and also give the appellant a right to a hearing on such appeal. This division does not apply to the adoption of any rule, amendment, or rescission by the tax commissioner under division (C)(1) or (2) of section 5117.02 of the Revised Code, or deny the right to file an action for declaratory judgment as provided in Chapter 2721. of the Revised Code from the decision of the board of tax appeals or of the higher authority within such agency.

(H) When any agency files a proposed rule, amendment, or rescission under division (B) of this section, it shall also file in electronic form with the joint committee on agency rule review the full text of the proposed rule, amendment, or rule to be rescinded in the same form and the public notice required under division (A) of this section. (If in compliance with this division an agency files more than one proposed rule, amendment, or rescission at the same time, and has given a public notice under division (A) of this section that applies to more than one of the proposed rules, amendments, or rescissions, the agency shall file only one notice with the joint committee for all of the proposed rules, amendments, or rescissions to which the notice applies.) If the agency makes a substantive revision in a proposed rule, amendment, or rescission after it is filed with the joint committee, the agency shall promptly file the full text of the proposed rule, amendment, or rescission in its revised form in electronic form with the joint committee. The latest version of a proposed rule, amendment, or rescission as filed with the joint committee supersedes each earlier version of the text of the same proposed rule, amendment, or rescission. An agency shall file the rule summary and fiscal analysis prepared under section 121.24 or 127.18 of the Revised Code, or both, in electronic form along with a proposed rule, amendment, or rescission, and along with a proposed rule, amendment, or rescission in revised form, that is filed under this division.

This division does not apply to:

- (1) An emergency rule, amendment, or rescission;
- (2) Any proposed rule, amendment, or rescission that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule

contains both of the following:

- (a) A statement that it is proposed for the purpose of complying with a federal law or rule;
- (b) A citation to the federal law or rule that requires verbatim compliance.

If a rule or amendment is exempt from legislative review under division (H)(2) of this section, and if the federal law or rule pursuant to which the rule or amendment was adopted expires, is repealed or rescinded, or otherwise terminates, the rule or amendment, or its rescission, is thereafter subject to legislative review under division (H) of this section.

(I)(1) The joint committee on agency rule review may recommend the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof if it finds any of the following:

- (a) That the rule-making agency has exceeded the scope of its statutory authority in proposing the rule, amendment, or rescission;
- (b) That the proposed rule, amendment, or rescission conflicts with another rule, amendment, or rescission adopted by the same or a different rule-making agency;
- (c) That the proposed rule, amendment, or rescission conflicts with the legislative intent in enacting the statute under which the rule-making agency proposed the rule, amendment, or rescission;
- (d) That the rule-making agency has failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission as required by section 121.24 or 127.18 of the Revised Code, or both.

The joint committee shall not hold its public hearing on a proposed rule, amendment, or rescission earlier than the forty-first day after the original version of the proposed rule, amendment, or rescission was filed with the joint committee.

The house of representatives and senate may adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof. The concurrent resolution shall state which of the specific rules, amendments, rescissions, or parts thereof are invalidated. A concurrent resolution invalidating a proposed rule, amendment, or rescission shall be adopted not later than the sixty-fifth day after the original version of the text of the proposed rule, amendment, or rescission is filed with the joint committee, except that if more than thirty-five days after the original version is filed the rule-making agency either files a revised version of the text of the proposed rule, amendment, or rescission, or revises the rule summary and fiscal analysis in accordance with division (I)(4) of this section, a

concurrent resolution invalidating the proposed rule, amendment, or rescission shall be adopted not later than the thirtieth day after the revised version of the proposed rule or rule summary and fiscal analysis is filed. If, after the joint committee on agency rule review recommends the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the house of representatives or senate does not, within the time remaining for adoption of the concurrent resolution, hold five floor sessions at which its journal records a roll call vote disclosing a sufficient number of members in attendance to pass a bill, the time within which that house may adopt the concurrent resolution is extended until it has held five such floor sessions.

Within five days after the adoption of a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof, the clerk of the senate shall send the rule-making agency, the secretary of state, and the director of the legislative service commission in electronic form a certified text of the resolution together with a certification stating the date on which the resolution takes effect. The secretary of state and the director of the legislative service commission shall each note the invalidity of the proposed rule, amendment, rescission, or part thereof, and shall each remove the invalid proposed rule, amendment, rescission, or part thereof from the file of proposed rules. The rule-making agency shall not proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, rescission, or part thereof that has been invalidated by concurrent resolution.

Unless the house of representatives and senate adopt a concurrent resolution invalidating a proposed rule, amendment, rescission, or part thereof within the time specified by this division, the rule-making agency may proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rule, amendment, or rescission as filed with the joint committee. If by concurrent resolution certain of the rules, amendments, rescissions, or parts thereof are specifically invalidated, the rule-making agency may proceed to adopt, in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the latest version of the proposed rules, amendments, rescissions, or parts thereof as filed with the joint committee that are not specifically invalidated. The rule-making agency may not revise or amend any proposed rule, amendment, rescission, or part thereof that has not been invalidated except as provided in this chapter or in section 111.15

of the Revised Code.

(2)(a) A proposed rule, amendment, or rescission that is filed with the joint committee under division (H) of this section or division (D) of section 111.15 of the Revised Code shall be carried over for legislative review to the next succeeding regular session of the general assembly if the original or any revised version of the proposed rule, amendment, or rescission is filed with the joint committee on or after the first day of December of any year.

(b) The latest version of any proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section, as filed with the joint committee, is subject to legislative review and invalidation in the next succeeding regular session of the general assembly in the same manner as if it were the original version of a proposed rule, amendment, or rescission that had been filed with the joint committee for the first time on the first day of the session. A rule-making agency shall not adopt in accordance with division (D) of this section, or file in accordance with division (B)(1) of section 111.15 of the Revised Code, any version of a proposed rule, amendment, or rescission that is subject to division (I)(2)(a) of this section until the time for legislative review and invalidation, as contemplated by division (I)(2)(b) of this section, has expired.

(3) Invalidation of any version of a proposed rule, amendment, rescission, or part thereof by concurrent resolution shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the same proposed rule, amendment, rescission, or part thereof for the duration of the general assembly that invalidated the proposed rule, amendment, rescission, or part thereof unless the same general assembly adopts a concurrent resolution permitting the rule-making agency to institute or continue such proceedings.

The failure of the general assembly to invalidate a proposed rule, amendment, rescission, or part thereof under this section shall not be construed as a ratification of the lawfulness or reasonableness of the proposed rule, amendment, rescission, or any part thereof or of the validity of the procedure by which the proposed rule, amendment, rescission, or any part thereof was proposed or adopted.

(4) In lieu of recommending a concurrent resolution to invalidate a proposed rule, amendment, rescission, or part thereof because the rule-making agency has failed to prepare a complete and accurate fiscal analysis, the joint committee on agency rule review may issue, on a one-time basis, for rules, amendments, rescissions, or parts thereof that have a fiscal effect on school districts, counties, townships, or municipal corporations, a finding that the rule summary and fiscal analysis is

incomplete or inaccurate and order the rule-making agency to revise the rule summary and fiscal analysis and refile it with the proposed rule, amendment, rescission, or part thereof. If an emergency rule is filed as a nonemergency rule before the end of the ninetieth day of the emergency rule's effectiveness, and the joint committee issues a finding and orders the rule-making agency to refile under division (I)(4) of this section, the governor may also issue an order stating that the emergency rule shall remain in effect for an additional sixty days after the ninetieth day of the emergency rule's effectiveness. The governor's orders shall be filed in accordance with division (F) of this section. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of the finding and order to revise the rule summary and fiscal analysis, which shall take immediate effect.

An order issued under division (I)(4) of this section shall prevent the rule-making agency from instituting or continuing proceedings to adopt any version of the proposed rule, amendment, rescission, or part thereof until the rule-making agency revises the rule summary and fiscal analysis and refiles it in electronic form with the joint committee along with the proposed rule, amendment, rescission, or part thereof. If the joint committee finds the rule summary and fiscal analysis to be complete and accurate, the joint committee shall issue a new order noting that the rule-making agency has revised and refiled a complete and accurate rule summary and fiscal analysis. The joint committee shall send in electronic form to the rule-making agency, the secretary of state, and the director of the legislative service commission a certified text of this new order. The secretary of state and the director of the legislative service commission shall each link this order to the proposed rule, amendment, rescission, or part thereof. The rule-making agency may then proceed to adopt in accordance with division (D) of this section, or to file in accordance with division (B)(1) of section 111.15 of the Revised Code, the proposed rule, amendment, rescission, or part thereof that was subject to the finding and order under division (I)(4) of this section. If the joint committee determines that the revised rule summary and fiscal analysis is still inaccurate or incomplete, the joint committee shall recommend the adoption of a concurrent resolution in accordance with division (I)(1) of this section.

SECTION 7. That all existing versions of section 119.03 of the Revised Code are hereby repealed.

SECTION 8. Sections 6 and 7 of this act take effect April 1, 2002.

SECTION 9. Except as otherwise specifically provided in this act, the codified and uncoded items of law contained in this act are subject to the referendum. Therefore, under Ohio Constitution, Article II, Section 1c and section 1.471 of the Revised Code, and except as otherwise specified in this act, the codified and uncoded items of law contained in this act take effect on the ninety-first day after the act is filed with the Secretary of State. If, however, a referendum petition is filed against a codified or uncoded item of law contained in this act, the item of law, unless rejected at the referendum, takes effect at the earliest time permitted by law.

SECTION 10. Sections 1 and 2 of this act, other than sections 307.981, 307.982, 307.983, 307.984, 307.985, 307.986, 307.987, 307.988, 329.04, 329.05, 330.01, 330.02, 330.04, 330.05, 330.07, 763.01, 763.02, 763.05, 763.07, 5101.21, 5101.211, 5101.213, 5101.22, 5101.23, 5101.24, 6301.01, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, 6301.07, and 6301.08 of the Revised Code as amended or enacted by this act, shall take effect July 1, 2000.

SECTION 11. Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the renaming of the Department of Human Services as the Department of Job and Family Services and the reassignment of the functions and duties of the Bureau of Employment Services by this act are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

SECTION 12. On July 1, 2000:

(A) The Bureau of Employment Services shall cease to exist. Employees of the Bureau of Employment Services are hereby transferred to the Department of Job and Family Services or the Department of Commerce, as appropriate. The vehicles and equipment assigned to the employees are transferred to the Department of Job and Family Services or the Department of Commerce, as appropriate.

(B) The assets, liabilities, other equipment not provided for, and records, irrespective of form or medium, of the Bureau of Employment

Services are transferred to the Department of Job and Family Services or the Department of Commerce, as appropriate. The Department of Job and Family Services and the Department of Commerce are successors to, assume the obligations of, and otherwise constitute the continuation of, the Bureau of Employment Services.

(C) Business commenced but not completed by the Administrator or the Bureau of Employment Services on July 1, 2000, shall be completed by the Director or Department of Job and Family Services or the Director or Department of Commerce, as appropriate, in the same manner, and with the same effect, as if completed by the Administrator or Bureau of Employment Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director or Department of Job and Family Services or the Director or Department of Commerce, as appropriate.

(D) The rules, orders, and determinations pertaining to the Bureau of Employment Services continue in effect as rules, orders, and determinations of the Department of Job and Family Services or the Department of Commerce, as appropriate, until modified or rescinded by those Departments.

(E) No judicial or administrative action or proceeding pending on July 1, 2000, is affected by the transfer of functions from the Administrator or Bureau of Employment Services to the Director or Department of Job and Family Services or the Director or Department of Commerce, and shall be prosecuted or defended in the name of the Director or Department of Job and Family Services or the Director or Department of Commerce, as appropriate. On application to the court or other tribunal, the Director or Department of Job and Family Services or the Director or Department of Commerce, whichever is appropriate, shall be substituted as a party in such actions and proceedings.

(F) When the Administrator or Bureau of Employment Services is referred to in any statute, rule, contract, grant, or other document, the reference is hereby deemed to refer to the Director or Department of Job and Family Services or the Director or Department of Commerce, as appropriate.

#### SECTION 13. Effective July 1, 2000:

(A) No person shall disclose any information that was maintained by the former Administrator of the Bureau of Employment Services or furnished to the former Administrator by employers or employees pursuant to Chapter 4141. of the Revised Code, unless disclosure is permitted under section

4141.21 of the Revised Code.

(B) No person who was in the employ of the former Administrator of the Bureau of Employment Services shall divulge to any person information maintained by or furnished to the former Administrator under Chapter 4141. of the Revised Code and secured by the person while so employed, in respect to the transactions, property, business, or mechanical, chemical, or other industrial process of any person, firm, corporation, association, or partnership to any person other than the Director of Job and Family Services.

(C) Whoever violates this section shall be disqualified from holding any appointment or employment by the Department of Job and Family Services or a county family services agency as defined in section 307.981 of the Revised Code or workforce development agency as defined in section 6301.01 of the Revised Code.

SECTION 14. Nothing in this act shall be construed as diminishing program responsibilities or altering benefits administration for veterans. It is the intent of the General Assembly that, beginning July 1, 2000, the Department of Job and Family Services administer federally funded employment and training programs consistent with the principles outlined in section 5903.11 of the Revised Code and applicable federal law.

SECTION 15. Effective July 1, 2000, the functions the Bureau of Employment Services performs under a grant agreement with the United States Department of Labor pursuant to sections 21(c) and 7(c)(1) of the "Occupational Safety and Health Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, are assigned to the Department of Commerce.

SECTION 16. Effective July 1, 2000, except as provided in Section 15 of this act, the functions the Bureau of Employment Services performs under a grant agreement with the United States Department of Labor are assigned to the Department of Job and Family Services.

SECTION 17. On and after July 1, 2000, if necessary to ensure the integrity of the numbering of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules of the Bureau of Employment Services and the Department of Human Services to reflect their transfer to the Department of Job and Family Services and the

Department of Commerce.

SECTION 18. On and after July 1, 2000, in addition to the positions described in division (A)(26) of section 124.11 of the Revised Code, the Director of Job and Family Services may appoint up to five additional positions to the unclassified service that the Director determines to be involved in policy development and implementation. These additional positions shall expire no later than June 30, 2002.

SECTION 19. During the period beginning July 1, 2000, and ending June 30, 2002, the Director of Job and Family Services has the authority to establish, change, and abolish positions for the Department of Job and Family Services, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Job and Family Services who are not subject to Chapter 4117. of the Revised Code.

This authority includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director determines that the bargaining unit classification is the proper classification for that employee. The Director's actions shall be consistent with the requirements of 5 C.F.R. 900.603 for those employees subject to such requirements. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Director, or in the case of a transfer outside the Department, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

Actions taken by the Director of Job and Family Services or the Director of Administrative Services pursuant to this section are not subject to appeal to the State Personnel Board of Review.

SECTION 20. Until July 1, 2000, whenever the following sections of the Revised Code, as amended or enacted by this act, refer to the Director or Department of Job and Family Services, the county department of job and family services, or the family services planning committee, the reference is deemed to refer to the Administrator or Bureau of Employment Services,

Director or Department of Human Services, the county department of human services, or the human services planning committee, respectively: 307.981, 307.985, 307.986, 329.04, 329.05, 330.04, 5101.21, 5101.211, 5101.213, 5101.22, 5101.23, 5101.24, 6301.02, 6301.03, 6301.04, 6301.05, 6301.06, and 6301.08. A reference in those sections to the Director or Department of Job and Family Services that concerns a family services duty, as defined in section 307.981 of the Revised Code, is deemed to refer to the Director or Department of Human Services. A reference in those sections to the Director or Department of Job and Family Services that concerns a workforce development activity, as defined in section 6301.01 of the Revised Code, is deemed to refer to the Administrator or Bureau of Employment Services.

SECTION 21. The Director of Human Services and the Administrator of the Bureau of Employment Services may jointly or separately enter into one or more contracts with private or government entities for staff training and development to facilitate the transfer of the staff and duties of the Bureau of Employment Services to the Department of Job and Family Services. Division (B) of section 127.16 of the Revised Code does not apply to contracts entered into under this section.

SECTION 22. The Director of Human Services and the Administrator of the Bureau of Employment Services, the boards of county commissioners, and the chief elected official of municipal corporations may enter into negotiations to amend an existing partnership agreement or to enter into a new partnership agreement consistent with this act. Any such amended or new partnership agreement shall be drafted in the name of the Department of Job and Family Services. The amended or new partnership agreement may be executed before July 1, 2000, if the amendment or agreement does not become effective sooner than July 1, 2000.

SECTION 23. The Bureau of Employment Services shall enter into an interagency agreement with the Department of Commerce to implement the transfer of the duties and responsibilities under Chapters 4109., 4111. (except for sections 4111.25 to 4111.30 of the Revised Code), 4115., and 4167. of the Revised Code. The agreement may provide for the transfer of property and records, pass-through of federal financial participation, modification of any agreements with the United States Department of Labor,

and any other provisions necessary for the transfer and continued administration of program activities.

SECTION 24. On and after July 1, 2000, notwithstanding any provision of law to the contrary, the Director of Budget and Management is authorized to take the actions described in this section with respect to budget changes made necessary by administrative reorganization, program transfers, the creation of new funds, and the consolidation of funds as authorized by this act. The Director may make any transfer of cash balances between funds. At the request of the Director of Budget and Management, the administering agency head shall certify to the Director an estimate of the amount of the cash balance to be transferred to the receiving fund. The Director may transfer the estimated amount when needed to make payments. Not more than thirty days after certifying the estimated amount, the administering agency head shall certify the final amount to the Director. The Director shall transfer the difference between any amount previously transferred and the certified final amount. The Director may cancel encumbrances and re-establish encumbrances or parts of encumbrances as needed in fiscal year 2001 in the appropriate fund and appropriation line item for the same purpose and to the same vendor. As determined by the Director, the appropriation authority necessary to re-establish such encumbrances in fiscal year 2001 in a different fund or appropriation line item within an agency or between agencies is hereby authorized. The Director shall reduce each year's appropriation balances by the amount of the encumbrances canceled in their respective funds and appropriation line items. Any fiscal year 2000 unencumbered or unallocated appropriation balances may be transferred to the appropriate line item to be used for the same purposes, as determined by the Director.

SECTION 25. Notwithstanding division (D) of section 127.14 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying (1) the costs of increases in employee compensation that occur on or after July 1, 2000, pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code, and (2) the costs of salary increases on or after July 1, 2000, for employees who are exempt from collective bargaining that are provided under law. Such

amounts are hereby appropriated.

This section is not subject to the referendum and therefore, under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, goes into immediate effect when this act becomes law.

SECTION 26. That Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly be amended to read as follows:

" Sec. 30. CEB CONTROLLING BOARD

General Revenue Fund

GRF 911-401	Emergency Purposes/Contingencies	\$	6,372,000	\$	6,000,000
GRF 911-402	Employee Compensation Adjustment	\$	0	\$	38,000,000
GRF 911-403	School District Financial Planning	\$	500,000	\$	500,000
GRF 911-404	Mandate Assistance	\$	2,000,000	\$	2,000,000
GRF 911-410	Ohio Veterans' Home	\$	250,000	\$	300,000
GRF 911-419	Foster Caregiver Training	\$	0	\$	3,000,000
GRF 911-441	Ballot Advertising Costs	\$	800,000	\$	800,000
GRF 911-442	Year 2000 Assistance	\$	4,400,000	\$	1,500,000
TOTAL GRF General Revenue Fund		\$	14,322,000	\$	52,100,000

State Special Revenue Fund Group

5E2 911-601	Disaster Services	\$	20,600,000	\$	4,400,000
TOTAL SSR State Special Revenue Fund Group		\$	20,600,000	\$	4,400,000
TOTAL ALL BUDGET FUND GROUPS		\$	34,922,000	\$	56,500,000

Federal Share

In transferring appropriations to or from appropriation items that have federal shares identified in ~~this act~~ Am. Sub. H.B. 283 of the 123rd General Assembly, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in ~~this act~~ Am. Sub. H.B. 283 of the 123rd General Assembly. Such changes are hereby appropriated.

Appropriation Transfers

In fiscal year 2000, the Controlling Board may transfer to the Bureau of Employment Services or to the Department of Human Services or the Department of Commerce all or part of an appropriation that is made to the Department of Job and Family Services for fiscal year 2001. In fiscal year 2001, the Controlling Board may transfer to the Department of Job and Family Services or the Department of Commerce all or part of any balance in an appropriation that is made to the Bureau of Employment Services or to the Department of Human Services for fiscal year 2000.

Disaster Assistance

Pursuant to requests submitted by the Department of Public Safety, the

Controlling Board may approve transfers from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to a Department of Public Safety General Revenue Fund appropriation item to provide funding for assistance to political subdivisions made necessary by natural disasters or emergencies. Such transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use such funding for disaster aid requests that meet Controlling Board criteria for assistance. The department shall submit a report to the Controlling Board quarterly describing all such disaster aid.

Southern Ohio Correctional Facility Cost

The Office of Criminal Justice Services and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.

Project OASIS

The Office of the Attorney General may request, upon approval of the Director of Budget and Management, that the Controlling Board release up to \$372,000 in fiscal year 2000 from the foregoing appropriation item 911-401, Emergency Purposes/Contingencies, to address a funding gap for Project OASIS in the event that federal funding for this program is insufficient or delayed.

Disaster Services

The foregoing appropriation item 911-601, Disaster Services, shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation line item of the state for the payment of state agency program expenses as follows:

- (A) The southern Ohio flooding, referred to as FEMA-DR-1164-OH;
- (B) The flood/storm disaster referred to as FEMA-DR-1227-OH;
- (C) In fiscal year 2000, \$5,000,000 to the Department of Natural Resources to be used for statewide flood mitigation projects;
- (D) In fiscal year 2000, up to \$3,000,000 for reimbursing local governments for costs associated with tornado disaster relief in Hamilton and Warren Counties;
- (E) If the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these disasters, other

disasters declared by the Governor.

Of the amount appropriated in fiscal year 2000 for the foregoing appropriation item 911-601, Disaster Services, \$5,000,000 is the unencumbered and unallotted cash balance that exists in Fund 5E2 on June 30, 1999.

Employee Compensation

Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or a state agency with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the various state agencies, to assist in paying the costs of increases in employee compensation that occur on or after July 1, 2000, that are provided pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation provided for employees that are exempt from collective bargaining.

The Controlling Board may transfer appropriations from the foregoing appropriation item 911-402, Employee Compensation Adjustment, to the various agencies based on requests submitted by the Director of Budget and Management to assist in paying for the General Revenue Fund's share of employee compensation increases resulting from collective bargaining agreements under Chapter 4117. of the Revised Code and the costs of increased compensation that are provided to employees that are exempt from collective bargaining.

School District Financial Planning

The foregoing appropriation item 911-403, School District Financial Planning, shall be used to pay costs of implementing the school district watch and fiscal emergency provisions of sections 3316.01 to 3316.08 of the Revised Code, including the expenses of the school district financial planning and supervision commission. Upon the request of any agency involved in implementing the school district watch or fiscal emergency provisions, the Controlling Board may transfer all or part of the appropriation to the agency.

Mandate Assistance

(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government, school districts, and fire departments for the cost of the following three unfunded state mandates:

(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of

Rehabilitation and Correction and the Department of Youth Services;

(2) The cost, primarily to small villages and townships, of providing firefighter training and equipment or gear;

(3) The cost to school districts of in-service training for child abuse detection.

(B) The State and Local Government Commission may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance, to the state agencies charged with administering the state financial assistance to be provided under this section. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that the commission may propose be used for each program of state financial assistance.

<u>Program</u>	<u>Administering Agency</u>	<u>Estimated Annual Amount</u>
Prosecution Costs	Office of Criminal Justice Services	\$200,000
Firefighter Training Costs	Department of Commerce	\$1,000,000
Child Abuse Detection Training Costs	Department of Education	\$800,000

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the commission may propose to the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the commission, the Controlling Board may, if requested by the commission, transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to one or more of the other programs of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government, school districts, and fire departments under each of the three programs of state financial assistance identified under this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the commission and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the commission and the administering state agency; and the actual costs incurred by local units of government, school districts, and fire departments.

(F) Each of these programs of state financial assistance shall be carried

out as follows:

(1) Prosecution Costs

(a) Appropriations may be transferred to the Office of Criminal Justice Services to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules that the Office of Criminal Justice Services shall adopt, apply to the Office of Criminal Justice Services for a grant to cover all documented costs that are incurred by the county prosecutor's office.

(c) Twice each year, the Office of Criminal Justice Services shall designate counties to receive grants from those counties that have submitted one or more applications in compliance with the rules that have been adopted by the Office of Criminal Justice Services for the receipt of such grants. In each year's first round of grant awards, if sufficient appropriations have been made, up to a total of \$100,000 may be awarded. In each year's second round of grant awards, the remaining appropriations available for this purpose may be awarded.

(d) If for a given round of grants there are insufficient appropriations to make grant awards to all the eligible counties, the first priority shall be given to counties with cases involving aggravated murder and murder, second priority shall be given to cases involving a felony of the first degree, and third priority shall be given to cases involving a felony of the second degree. Within these priorities, the grant awards shall be based on the order in which the applications were received, except that applications for cases involving a felony of the first or second degree shall not be considered in more than two consecutive rounds of grant awards.

(2) Firefighter Training Costs

Appropriations may be transferred to the Department of Commerce for use as full or partial reimbursement to local units of government and fire departments for the cost of firefighter training and equipment or gear. In accordance with rules that the department shall adopt, a local unit of government or fire department may apply to the department for a grant to cover all documented costs that are incurred to provide firefighter training and equipment or gear. The department shall make grants within the limits

of the funding provided, with priority given to fire departments that serve small villages and townships.

(3) Child Abuse Detection Training Costs

Appropriations may be transferred to the Department of Education for disbursement to local school districts as full or partial reimbursement for the cost of providing in-service training for child abuse detection. In accordance with rules that the department shall adopt, a local school district may apply to the department for a grant to cover all documented costs that are incurred to provide in-service training for child abuse detection. The department shall make grants within the limits of the funding provided.

Ohio Veterans' Home

With the approval of the Director of Budget and Management, the Ohio Veterans' Home may request that the Controlling Board transfer all or part of the foregoing appropriation item 911-410, Ohio Veterans' Home, to assist the Ohio Veterans' Home in defraying the operating expenses incurred as a result of its role in the planning and construction of a second veterans' home.

Foster Caregiver Training

Upon the passage of appropriate legislation by the 123rd General Assembly, the Department of Job and Family Services shall request that the Controlling Board transfer up to \$3,000,000 in fiscal year 2001 from the foregoing appropriation item 911-419, Foster Caregiver Training, for the purpose of establishing a program of precertification and continuing training for foster caregivers.

Ballot Advertising Costs

Pursuant to requests submitted by the Ohio Ballot Board, the Controlling Board shall approve transfers from the foregoing appropriation item 911-441, Ballot Advertising Costs, to an Ohio Ballot Board line item in order to reimburse county boards of elections for the cost of public notices associated with statewide ballot initiatives.

Of the foregoing appropriation item 911-441, Ballot Advertising Costs, the Director of Budget and Management shall transfer any amounts that are not needed for the purpose of reimbursing county boards of elections for the cost of public notices associated with statewide ballot initiatives to appropriation item 911-404, Mandate Assistance.

Year 2000 Assistance

The Department of Administrative Services shall make a concerted effort to recover from state agencies its cost of providing Year 2000 compliance assistance to state agencies on or after July 1, 1999. In instances where such cost recovery attempts are impractical or unreasonable, the Department of Administrative Services may request approval of the

Controlling Board to transfer appropriations from the foregoing appropriation item 911-442, Year 2000 Assistance, to the department in order to assist in paying for the costs that it incurs in providing Year 2000 assistance to state agencies.

The Director of Budget and Management shall certify to the members of the Controlling Board, of the amount appropriated to appropriation item 042-900, OBM Y2K Contingency, how much is subsequently for deposit to the credit of the General Revenue Fund. The Director of Budget and Management shall then increase the appropriation authority in the foregoing appropriation item 911-442, Year 2000 Assistance, by the amount so certified."

SECTION 27. That existing Section 30 of Am. Sub. H.B. 283 of the 123rd General Assembly is hereby repealed.

SECTION 28. Section 307.86 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 283 and Sub. S.B. 31 of the 123rd General Assembly and by Am. Sub. S.B. 67 of the 122nd General Assembly, with the new language of none of the acts shown in capital letters. Section 3313.64 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 121, Sub. H.B. 238, and Am. Sub. H.B. 281 of the 123rd General Assembly, with the new language of none of the acts shown in capital letters. Section 4141.28 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 408 and Sub. H.B. 478 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. Section 5101.02 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 29. If any item of law that constitutes the whole or part of a codified or uncoded 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 uncoded 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 uncoded sections 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.*

Passed \_\_\_\_\_, 20\_\_\_\_

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.*

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.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_