

**Substitute Version as Presented to the Senate Finance and
Financial Institutions Committee***

124th General Assembly

Regular Session

2001-2002

Sub. H. B. No. 94

**REPRESENTATIVES Carey, Calvert, Core, Peterson, Husted, Grendell, Faber,
Evans, Metzger, Buehrer, Hoops, Widowfield, Hughes, Clancy, Gilb, Raga,
Webster, Womer Benjamin, DeWine, Collier, Setzer, Niehaus, Reidelbach,
Flowers, Cates, Fessler, Schmidt, Hagan**

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Sub. S.B. 287 of the 123rd General Assembly and to 177
repeal Section 173 of this act on January 16, 2002 178
to make operating appropriations for the biennium 179
beginning July 1, 2001, and ending June 30, 2003, 180
to provide authorization and conditions for the 181
operation of state programs, and to provide that 182
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4779.26 of the Revised Code are repealed on that date.

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

Section 1. That sections 9.06, 9.821, 9.822, 101.15, 101.27, 101.30, 101.34, 101.37, 101.72, 101.73, 102.02, 102.03, 102.031, 102.06, 103.143, 105.41, 111.16, 111.18, 111.23, 111.25, 118.08, 119.12, 120.06, 120.16, 120.26, 120.33, 121.04, 121.371, 121.40, 121.63, 122.011, 122.71, 122.76, 122.92, 124.24, 124.82, 125.22, 126.11, 126.21, 127.16, 131.01, 133.021, 133.06, 133.07, 140.01, 151.04, 166.03, 169.01, 173.40, 173.46, 173.47, 175.03, 175.21, 175.22, 175.24, 179.02, 179.03, 179.04, 181.51, 181.52, 181.54, 181.55, 181.56, 183.09, 183.10, 183.17, 183.28, 183.30, 301.27, 313.091, 325.071, 329.042, 349.01, 503.162, 504.03, 504.04, 505.24, 507.09, 901.43, 901.63, 901.81, 901.82, 917.07, 917.99, 1309.40, 1309.401, 1309.402, 1309.42, 1329.01, 1329.04, 1329.06, 1329.07, 1329.42, 1329.421, 1329.45, 1329.56, 1329.58, 1329.60, 1329.601, 1345.21, 1501.01, 1501.04, 1501.23, 1501.40, 1503.011, 1507.01, 1509.06, 1509.071, 1509.08, 1509.11, 1509.23, 1513.05, 1513.13, 1513.14, 1514.11, 1521.04, 1531.35, 1533.13, 1547.67, 1561.05, 1561.07, 1561.11, 1561.12, 1561.13, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1561.23, 1561.26, 1561.35, 1561.351, 1561.46, 1561.51, 1561.52, 1563.13, 1565.04, 1565.06, 1565.07, 1565.08, 1565.25, 1701.05, 1701.07, 1701.81, 1702.05, 1702.06, 1702.43, 1702.59, 1703.04, 1703.041, 1703.15, 1703.17, 1703.27, 1703.31, 1705.05, 1705.06, 1705.38, 1705.55, 1746.04, 1746.06, 1746.15, 1747.03, 1747.04, 1747.10, 1775.63, 1775.64, 1782.04, 1782.08, 1782.09, 1782.433, 1785.06, 1901.26, 1907.24, 2303.201, 2317.02, 2317.022, 2329.66,

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1309.525 of the Revised Code contingently be enacted to read as 280

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follows:

Sec. 9.06. (A)(1) The department of rehabilitation and correction shall contract for the private operation and management pursuant to this section of the initial intensive program prison established pursuant to section 5120.033 of the Revised Code and may contract for the private operation and management of any other facility under this section. Counties and municipal corporations to the extent authorized in sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code, may contract for the private operation and management of a facility under this section. A contract entered into under this section shall be for an initial term of not more than two years, with an option to renew for additional periods of two years.

(2) ~~Not later than December 31, 1998, the~~ The department of rehabilitation and correction, by rule, shall adopt minimum criteria and specifications that a person or entity, other than a person or entity that satisfies the criteria set forth in division (A)(3)(a) of this section and subject to division (I) of this section, must satisfy in order to apply to operate and manage as a contractor pursuant to this section the initial intensive program prison established pursuant to section 5120.033 of the Revised Code.

(3) Subject to division (I) of this section, any person or entity that applies to operate and manage a facility as a contractor pursuant to this section shall satisfy one or more of the following criteria:

(a) The person or entity is accredited by the American correctional association and, at the time of the application, operates and manages one or more facilities accredited by the American correctional association.

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(b) The person or entity satisfies all of the minimum 311
criteria and specifications adopted by the department of 312
rehabilitation and correction pursuant to division (A)(2) of this 313
section, provided that this alternative shall be available only in 314
relation to the initial intensive program prison established 315
pursuant to section 5120.033 of the Revised Code. 316

(4) Subject to division (I) of this section, before a public 317
entity may enter into a contract under this section, the 318
contractor shall convincingly demonstrate to the public entity 319
that it can operate the facility with the inmate capacity required 320
by the public entity and provide the services required in this 321
section and realize at least a five per cent savings over the 322
projected cost to the public entity of providing these same 323
services to operate the facility that is the subject of the 324
contract. No out-of-state prisoners may be housed in any facility 325
that is the subject of a contract entered into under this section. 326

(B) Subject to division (I) of this section, any contract 327
entered into under this section shall include all of the 328
following: 329

(1) A requirement that the contractor retain the contractor's 330
accreditation from the American correctional association 331
throughout the contract term or, if the contractor applied 332
pursuant to division (A)(3)(b) of this section, continue complying 333
with the applicable criteria and specifications adopted by the 334
department of rehabilitation and correction pursuant to division 335
(A)(2) of this section; 336

(2) A requirement that all of the following conditions be 337
met: 338

(a) The contractor begins the process of accrediting the 339
facility with the American correctional association no later than 340
sixty days after the facility receives its first inmate. 341

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(b) The contractor receives accreditation of the facility 342
within twelve months after the date the contractor applies to the 343
American correctional association for accreditation. 344

(c) Once the accreditation is received, the contractor 345
maintains it for the duration of the contract term. 346

(d) If the contractor does not comply with divisions 347
(B)(2)(a) to (c) of this section, the contractor is in violation 348
of the contract, and the public entity may revoke the contract at 349
its discretion. 350

(3) A requirement that the contractor comply with all rules 351
promulgated by the department of rehabilitation and correction 352
that apply to the operation and management of correctional 353
facilities, including the minimum standards for jails in Ohio and 354
policies regarding the use of force and the use of deadly force, 355
although the public entity may require more stringent standards, 356
and comply with any applicable laws, rules, or regulations of the 357
federal, state, and local governments, including, but not limited 358
to, sanitation, food service, safety, and health regulations. The 359
contractor shall be required to send copies of reports of 360
inspections completed by the appropriate authorities regarding 361
compliance with rules and regulations to the director of 362
rehabilitation and correction or the director's designee and, if 363
contracting with a local public entity, to the governing authority 364
of that entity. 365

(4) A requirement that the contractor report for 366
investigation all crimes in connection with the facility to the 367
public entity, to all local law enforcement agencies with 368
jurisdiction over the place at which the facility is located, and, 369
for a crime committed at a state correctional institution, to the 370
state highway patrol; 371

(5) A requirement that the contractor immediately report all 372

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escapes from the facility, and the apprehension of all escapees, 373
by telephone and in writing to all local law enforcement agencies 374
with jurisdiction over the place at which the facility is located, 375
to the prosecuting attorney of the county in which the facility is 376
located, to the state highway patrol, to a daily newspaper having 377
general circulation in the county in which the facility is 378
located, and, if the ~~institution~~ facility is a state correctional 379
institution, to the department of rehabilitation and correction. 380
The written notice may be by either facsimile transmission or 381
mail. A failure to comply with this requirement regarding an 382
escape is a violation of section 2921.22 of the Revised Code. 383

(6) A requirement that, if the facility is a state 384
correctional institution, the contractor provide a written report 385
within specified time limits to the director of rehabilitation and 386
correction or the director's designee of all unusual incidents at 387
the facility as defined in rules promulgated by the department of 388
rehabilitation and correction or, if the facility is a local 389
correctional institution, that the contractor provide a written 390
report of all unusual incidents at the facility to the governing 391
authority of the local public entity; 392

(7) A requirement that the contractor maintain proper control 393
of inmates' personal funds pursuant to rules promulgated by the 394
department of rehabilitation and correction, for state 395
correctional institutions, or pursuant to the minimum standards 396
for jails along with any additional standards established by the 397
local public entity, for local correctional institutions, and that 398
records pertaining to these funds be made available to 399
representatives of the public entity for review or audit; 400

(8) A requirement that the contractor prepare and distribute 401
to the director of rehabilitation and correction or, if 402
contracting with a local public entity, to the governing authority 403
of the local entity, annual budget income and expenditure 404

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statements and funding source financial reports;

(9) A requirement that the public entity appoint and supervise a full-time contract monitor, that the contractor provide suitable office space for the contract monitor at the facility, and that the contractor allow the contract monitor unrestricted access to all parts of the facility and all records of the facility except the contractor's financial records;

(10) A requirement that if the facility is a state correctional institution, designated department of rehabilitation and correction staff members be allowed access to the facility in accordance with rules promulgated by the department;

(11) A requirement that the contractor provide internal and perimeter security as agreed upon in the contract;

(12) If the facility is a state correctional institution, a requirement that the contractor impose discipline on inmates housed in a state correctional institution, only in accordance with rules promulgated by the department of rehabilitation and correction;

(13) A requirement that the facility be staffed at all times with a staffing pattern approved by the public entity and adequate both to ensure supervision of inmates and maintenance of security within the facility, and to provide for programs, transportation, security, and other operational needs. In determining security needs, the contractor shall be required to consider, among other things, the proximity of the facility to neighborhoods and schools.

(14) If the contract is with a local public entity, a requirement that the contractor provide services and programs, consistent with the minimum standards for jails promulgated by the department of rehabilitation and correction under section 5120.10 of the Revised Code;

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(15) A clear statement that no immunity from liability 436
granted to the state, and no immunity from liability granted to 437
political subdivisions under Chapter 2744. of the Revised Code, 438
shall extend to the contractor or any of the contractor's 439
employees; 440

(16) A statement that all documents and records relevant to 441
the facility shall be maintained in the same manner required for, 442
and subject to the same laws, rules, and regulations as apply to, 443
the records of the public entity; 444

(17) Authorization for the public entity to impose a fine on 445
the contractor from a schedule of fines included in the contract 446
for the contractor's failure to perform its contractual duties, or 447
to cancel the contract, as the public entity considers 448
appropriate. If a fine is imposed, the public entity may reduce 449
the payment owed to the contractor pursuant to any invoice in the 450
amount of the imposed fine. 451

(18) A statement that all services provided or goods produced 452
at the facility shall be subject to the same regulations, and the 453
same distribution limitations, as apply to goods and services 454
produced at other correctional institutions; 455

(19) Authorization for the department to establish one or 456
more prison industries at a facility operated and managed by a 457
contractor for the department; 458

(20) A requirement that, if the facility is an intensive 459
program prison established pursuant to section 5120.033 of the 460
Revised Code, the facility shall comply with all criteria for 461
intensive program prisons of that type that are set forth in that 462
section; 463

(21) If the institution is a state correctional institution, 464
a requirement that the contractor provide clothing for all inmates 465
housed in the facility that is conspicuous in its color, style, or 466

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color and style, that conspicuously identifies its wearer as an inmate, and that is readily distinguishable from clothing of a nature that normally is worn outside the facility by non-inmates, that the contractor require all inmates housed in the facility to wear the clothing so provided, and that the contractor not permit any inmate, while inside or on the premises of the facility or while being transported to or from the facility, to wear any clothing of a nature that does not conspicuously identify its wearer as an inmate and that normally is worn outside the facility by non-inmates.

(C) No contract entered into under this section may require, authorize, or imply a delegation of the authority or responsibility of the public entity to a contractor for any of the following:

(1) Developing or implementing procedures for calculating inmate release and parole eligibility dates and recommending the granting or denying of parole, although the contractor may submit written reports that have been prepared in the ordinary course of business;

(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in ~~such~~ that work, and granting, denying, or revoking earned credits;

(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;

(4) For inmates serving a term imposed for a felony offense

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committed on or after July 1, 1996, extending an inmate's term 498
pursuant to the provisions of law governing bad time; 499

(5) Classifying an inmate or placing an inmate in a more or a 500
less restrictive custody than the custody ordered by the public 501
entity; 502

(6) Approving inmates for work release; 503

(7) Contracting for local or long distance telephone services 504
for inmates or receiving commissions from ~~such~~ those services at a 505
facility that is owned by or operated under a contract with the 506
department. 507

(D) A contractor that has been approved to operate a facility 508
under this section, and a person or entity that enters into a 509
contract for specialized services, as described in division (I) of 510
this section, relative to an intensive program prison established 511
pursuant to section 5120.033 of the Revised Code to be operated by 512
a contractor that has been approved to operate the prison under 513
this section, shall provide an adequate policy of insurance 514
specifically including, but not limited to, insurance for civil 515
rights claims as determined by a risk management or actuarial firm 516
with demonstrated experience in public liability for state 517
governments. The insurance policy shall provide that the state, 518
including all state agencies, and all political subdivisions of 519
the state with jurisdiction over the facility or in which a 520
facility is located are named as insured, and that the state and 521
its political subdivisions shall be sent any notice of 522
cancellation. The contractor may not self-insure. 523

A contractor that has been approved to operate a facility 524
under this section, and a person or entity that enters into a 525
contract for specialized services, as described in division (I) of 526
this section, relative to an intensive program prison established 527
pursuant to section 5120.033 of the Revised Code to be operated by 528

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a contractor that has been approved to operate the prison under
this section, shall indemnify and hold harmless the state, its
officers, agents, and employees, and any local government entity
in the state having jurisdiction over the facility or ownership of
the facility, shall reimburse the state for its costs in defending
the state or any of its officers, agents, or employees, and shall
reimburse any local government entity of that nature for its costs
in defending the local government entity, from all of the
following:

(1) Any claims or losses for services rendered by the
contractor, person, or entity performing or supplying services in
connection with the performance of the contract;

(2) Any failure of the contractor, person, or entity or its
officers or employees to adhere to the laws, rules, regulations,
or terms agreed to in the contract;

(3) Any constitutional, federal, state, or civil rights claim
brought against the state related to the facility operated and
managed by the contractor;

(4) Any claims, losses, demands, or causes of action arising
out of the contractor's, person's, or entity's activities in this
state;

(5) Any attorney's fees or court costs arising from any
habeas corpus actions or other inmate suits that may arise from
any event that occurred at the facility or was a result of such an
event, or arise over the conditions, management, or operation of
the facility, which fees and costs shall include, but not be
limited to, attorney's fees for the state's representation and for
any court-appointed representation of any inmate, and the costs of
any special judge who may be appointed to hear ~~such~~ those actions
or suits.

(E) Private correctional officers of a contractor operating

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and managing a facility pursuant to a contract entered into under
this section may carry and use firearms in the course of their
employment only after being certified as satisfactorily completing
an approved training program as described in division (A) of
section 109.78 of the Revised Code.

(F) Upon notification by the contractor of an escape from, or
of a disturbance at, the facility that is the subject of a
contract entered into under this section, the department of
rehabilitation and correction and state and local law enforcement
agencies shall use all reasonable means to recapture escapees or
quell any disturbance. Any cost incurred by the state or its
political subdivisions relating to the apprehension of an escapee
or the quelling of a disturbance at the facility shall be
chargeable to and borne by the contractor. The contractor shall
also reimburse the state or its political subdivisions for all
reasonable costs incurred relating to the temporary detention of
the escapee following recapture.

(G) Any offense that would be a crime if committed at a state
correctional institution or jail, workhouse, prison, or other
correctional facility shall be a crime if committed by or with
regard to inmates at facilities operated pursuant to a contract
entered into under this section.

(H) A contractor operating and managing a facility pursuant
to a contract entered into under this section shall pay any inmate
workers at the facility at the rate approved by the public entity.
Inmates working at the facility shall not be considered employees
of the contractor.

(I) In contracting for the private operation and management
pursuant to division (A) of this section of the initial intensive
program prison established pursuant to section 5120.033 of the
Revised Code or of any other intensive program prison established
pursuant to that section, the department of rehabilitation and

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correction may enter into a contract with a contractor for the
general operation and management of the prison and may enter into
one or more separate contracts with other persons or entities for
the provision of specialized services for persons confined in the
prison, including, but not limited to, security or training
services or medical, counseling, educational, or similar treatment
programs. If, pursuant to this division, the department enters
into a contract with a contractor for the general operation and
management of the prison and also enters into one or more
specialized service contracts with other persons or entities, all
of the following apply:

(1) The contract for the general operation and management
shall comply with all requirements and criteria set forth in this
section, and all provisions of this section apply in relation to
the prison operated and managed pursuant to the contract.

(2) Divisions (A)(2), (B), and (C) of this section do not
apply in relation to any specialized services contract, except to
the extent that the provisions of those divisions clearly are
relevant to the specialized services to be provided under the
specialized services contract. Division (D) of this section
applies in relation to each specialized services contract.

(J) As used in this section:

(1) "Public entity" means the department of rehabilitation
and correction, or a county or municipal corporation or a
combination of counties and municipal corporations, that has
jurisdiction over a facility that is the subject of a contract
entered into under this section.

(2) "Local public entity" means a county or municipal
corporation, or a combination of counties and municipal
corporations, that has jurisdiction over a jail, workhouse, or
other correctional facility used only for misdemeanants that is

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the subject of a contract entered into under this section. 623

(3) "Governing authority of a local public entity" means, for 624
a county, the board of county commissioners; for a municipal 625
corporation, the legislative authority; for a combination of 626
counties and municipal corporation, all the boards of county 627
commissioners and municipal legislative authorities that joined to 628
create the facility. 629

(4) "Contractor" means a person ~~who~~ or entity that enters 630
into a contract under this section to operate and manage a jail, 631
workhouse, or other correctional facility. 632

(5) "Facility" means the specific county, multicounty, 633
municipal, municipal-county, or multicounty-municipal jail, 634
workhouse, prison, or other type of correctional institution or 635
facility used only for misdemeanants, or a state correctional 636
institution, that is the subject of a contract entered into under 637
this section. 638

(6) "Person or entity" in the case of a contract for the 639
private operation and management of a state correctional 640
institution, includes an employee organization, as defined in 641
section 4117.01 of the Revised Code, that represents employees at 642
state correctional institutions. 643

Sec. 9.821. (A) The department of administrative services 644
shall direct and manage for state agencies all risk management and 645
insurance programs authorized under section 9.822 of the Revised 646
Code. 647

(B) The office of risk management is hereby established 648
within the department of administrative services. The director of 649
administrative services, or a deputy director appointed by the 650
director, shall control and supervise the office. 651

(C) The office may take any of the following actions that it 652

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determines to be in the best interests of the state:

(1) Provide all insurance coverages for the state, including, but not limited to, automobile liability, casualty, property, public liability, and, except as provided in division (C)(6) of this section, fidelity bond insurance~~+~~. The cost of insurance coverage shall be paid from appropriations made to the state agencies that the office has designated to receive the coverage.

(2) Provide coverage of legal expenses that are necessary and related to the legal defense of claims against the state;

(3) Purchase insurance policies consistent with sections 125.01 to 125.111 of the Revised Code, develop and administer self-insurance programs, or do both;

(4) Consolidate and combine state insurance coverages;

(5) Provide technical services in risk management and insurance to state agencies;

(6)(a) Establish and administer a self-insured fidelity bond program for a particular class or subclass of state officer, employee, or agent, if, prior to the establishment and administration of this program, the director does both of the following:

(i) Holds a hearing in accordance with Chapter 119. of the Revised Code to determine whether fidelity bond insurance for that particular class or subclass of state officer, employee, or agent is available in the voluntary market;

(ii) If, as a result of that hearing, the director determines that fidelity bond insurance for a particular class or subclass of state officer, employee, or agent is unavailable in the voluntary market and that the absence of this insurance threatens the operation of state government and will be detrimental to the

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general welfare of the citizens of this state, adopts rules in
accordance with Chapter 119. of the Revised Code to establish
standards and procedures governing the establishment,
administration, and termination of the fidelity bond program for
that particular class or subclass of state officer, employee, or
agent.

(b) Division (C)(6)(a) of this section does not apply to any
self-insured blanket fidelity bond program that, on ~~the effective~~
~~date of this section~~ September 20, 1993, has been established
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code.

(7) Except as provided in division (C)(6) of this section,
adopt and publish, in accordance with section 111.15 of the
Revised Code, necessary rules and procedures governing the
administration of the state's insurance and risk management
activities.

(D) No state agency, except a state agency exempted under
section 125.02 or 125.04 of the Revised Code from the department's
purchasing authority, shall purchase any insurance described in
this section except as authorized by the department and in
accordance with terms, conditions, and procurement methods
established by the department.

(E) With respect to any civil action, demand, or claim
against the state that could be filed in the court of claims,
nothing in sections 9.82 to 9.823 of the Revised Code shall be
interpreted to permit the settlement or compromise of those civil
actions, demands, or claims, except in the manner provided in
Chapter 2743. of the Revised Code.

Sec. 9.822. (A) The department of administrative services
through the office of risk management shall establish an insurance
plan or plans, ~~which~~ that may provide for self-insurance or the
purchase of insurance, or both, for any of the following purposes:

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(1) Insuring state real and personal property against losses 714
occasioned by fire, windstorm, or other accidents and perils; 715

(2) Insuring the state and its officers and employees against 716
liability resulting from any civil action, demand, or claim 717
against the state or its officers and employees arising out of any 718
act or omission of an officer or employee in the performance of 719
~~his~~ official duties, except acts and omissions for which 720
indemnification is prohibited under section 9.87 of the Revised 721
Code; 722

(3) Insuring the state through the fidelity bonding of state 723
officers, employees, and agents who are required by law to provide 724
a fidelity bond. 725

(B)(1) Prior to the establishment of any self-insured 726
fidelity bond program for a particular class or subclass of state 727
officer, employee, or agent authorized pursuant to division (A)(3) 728
of this section, the director of administrative services shall 729
follow the procedures for holding a hearing and adopting rules set 730
forth in division (C)(6)(a) of section 9.821 of the Revised Code. 731

(2) Division (B)(1) of this section does not apply to any 732
self-insured blanket fidelity bond program that, on ~~the effective~~ 733
~~date of this section~~ September 20, 1993, has been established 734
pursuant to section 9.831 ~~or 9.832~~ of the Revised Code. 735

(3) The director shall prepare annually a written report 736
detailing any self-insured fidelity bond program established 737
pursuant to division (A)(3) of this section. The report shall 738
include, but is not limited to, information relating to premiums 739
collected, income from recovery, loss experience, and 740
administrative costs of the program. A copy of the report, 741
together with a copy of those portions of the most recent reports 742
submitted under division (D) of section 9.823 of the Revised Code 743
~~and pertaining that pertain~~ to any such self-insured fidelity bond 744

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program, shall be submitted to the speaker of the house of
representatives and the president of the senate by the ~~first~~ last
day of ~~September~~ March of each year.

Sec. 101.15. (A) As used in this section:

(1) "Caucus" means all of the members of either house of the
general assembly who are members of the same political party.

(2) "Committee" means any committee of either house of the
general assembly, a joint committee of both houses of the general
assembly, including a committee of conference, or a subcommittee
of any committee listed in division (A)(2) of this section.

(3) "Meeting" means any prearranged discussion of the public
business of a committee by a majority of its members.

(B) Except as otherwise provided in division (F) of this
section, all meetings of any committee are declared to be public
meetings open to the public at all times. The secretary assigned
to the chairperson of the committee shall prepare, file, and
maintain the minutes of every regular or special meeting of a
committee. The committee, at its next regular or special meeting,
shall approve the minutes prepared, filed, and maintained by the
secretary, or, if the minutes prepared, filed, and maintained by
the secretary require correction before their approval, the
committee shall correct and approve the minutes at the next
following regular or special meeting. The committee shall make the
minutes available for public inspection not later than seven days
after the meeting the minutes reflect or not later than the
committee's next regular or special meeting, whichever occurs
first.

(C) Each committee shall establish ~~by rule~~ a reasonable
method whereby any person may determine the time and place of all
regularly scheduled meetings and the time, place, and purpose of
all special meetings. No committee shall hold a regular or special

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meeting unless it gives at least twenty-four hours' advance notice 776
to the news media that have requested notification. 777

The ~~rule~~ method established by each committee shall provide 778
that, upon request and payment of a reasonable fee, any person may 779
obtain reasonable advance notification of all meetings at which 780
any specific type of public business will be discussed. Provisions 781
for advance notification may include, but are not limited to, 782
mailing the agenda of meetings to all subscribers on a mailing 783
list or mailing notices in self-addressed stamped envelopes 784
provided by the person who desires advance notification. 785

(D) Any action of a committee relating to a bill or 786
resolution, or any other formal action of a committee, is invalid 787
unless taken in an open meeting of the committee. Any action of a 788
committee relating to a bill or resolution, or any other formal 789
action of a committee, taken in an open meeting is invalid if it 790
results from deliberations in a meeting not open to the public. 791

(E)(1) Any person may bring an action to enforce this 792
section. An action under this division shall be brought within two 793
years after the date of the alleged violation or threatened 794
violation. Upon proof of a violation or threatened violation of 795
this section in an action brought by any person, the court of 796
common pleas shall issue an injunction to compel the members of 797
the committee to comply with its provisions. 798

(2)(a) If the court of common pleas issues an injunction 799
under division (E)(1) of this section, the court shall order the 800
committee that it enjoins to pay a civil forfeiture of five 801
hundred dollars to the party that sought the injunction and shall 802
award to that party all court costs and, subject to reduction as 803
described in this division, reasonable attorney's fees. The court, 804
in its discretion, may reduce an award of attorney's fees to the 805
party that sought the injunction or not award attorney's fees to 806
that party if the court determines both of the following: 807

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(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the violation or threatened violation that was the basis of the injunction, a well-informed committee reasonably would believe that the committee was not violating or threatening to violate this section;

(ii) That a well-informed committee reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction under division (E)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the committee all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.

(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.

(F) This section does not apply to or affect either of the following:

(1) All meetings of the joint legislative ethics committee

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created under section 101.34 of the Revised Code other than a
meeting that is held for any of the following purposes:

(a) To consider the adoption, amendment, or rescission of any
rule that the joint legislative ethics committee is authorized to
adopt pursuant to division (B)(11) of section 101.34, division (E)
of section 101.78, division (B) of section 102.02, or division (E)
of section 121.68 of the Revised Code;

(b) To discuss and consider changes to any administrative
operation of the joint legislative ethics committee other than any
matter described in division (G) of section 121.22 of the Revised
Code;

(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus.

(G) For purposes of division (F)(1)(a) of this section, an
advisory opinion, written opinion, or decision relative to a
complaint is not a rule.

Sec. 101.27. (A)(1) Every member of the senate, except the
members elected president, president pro tempore, assistant
president pro tempore, majority whip, minority leader, assistant
minority leader, minority whip, and assistant minority whip, shall
receive as compensation a salary of fifty-one thousand six hundred
seventy-four dollars a year during the senator's term of office.
Every member of the house of representatives, except the members
elected speaker, speaker pro tempore, majority floor leader,
assistant majority floor leader, majority whip, assistant majority
whip, minority leader, assistant minority leader, minority whip,
and assistant minority whip, shall receive as compensation a
salary of fifty-one thousand six hundred seventy-four dollars a
year during the representative's term of office. Such salaries
shall be paid in equal monthly installments during such term. All

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monthly payments shall be made on or before the fifth day of each 869
month. Upon the death of any member of the general assembly during 870
the member's term of office, any unpaid salary due such member for 871
the remainder of the member's term shall be paid to the member's 872
~~dependent~~, surviving spouse, children, mother, or father, in the 873
order in which the relationship is set forth in this section in 874
monthly installments. 875

(2) Each member shall receive a travel ~~allowance~~ 876
reimbursement per mile each way, at the same mileage rate allowed 877
for the reimbursement of travel expenses of state agents as 878
provided by rule of the director of budget and management pursuant 879
to division (B) of section 126.31 of the Revised Code, for mileage 880
not more than once a week during the session for travel incurred 881
by a member from and to the member's place of residence, by the 882
most direct highway route of public travel to and from the seat of 883
government, to be paid quarterly on the last day of March, June, 884
September, and December of each year. 885

(3) The member of the senate elected president and the member 886
of the house of representatives elected speaker shall each receive 887
as compensation a salary of eighty thousand five hundred 888
forty-nine dollars a year during the president's or speaker's term 889
of office. 890

The member of the senate elected president pro tempore, the 891
member of the senate elected minority leader, the member of the 892
house of representatives elected speaker pro tempore, and the 893
member of the house of representatives elected minority leader 894
shall each receive as compensation a salary of seventy-three 895
thousand four hundred ninety-three dollars a year during the 896
member's term of office. The member of the house of 897
representatives elected majority floor leader and the member of 898
the senate elected assistant president pro tempore shall each 899
receive as compensation a salary of sixty-nine thousand two 900

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hundred twenty-seven dollars a year during the member's term of
office. The member of the senate elected assistant minority leader
and the member of the house of representatives elected assistant
minority leader shall each receive as compensation a salary of
sixty-seven thousand ninety-nine dollars a year during the
member's term of office. The member of the senate elected majority
whip and the member of the house of representatives elected
assistant majority floor leader shall each receive a salary of
sixty-four thousand nine hundred sixty-seven dollars a year during
the member's term of office. The member of the senate elected
minority whip, the member of the house of representatives elected
majority whip, and the member of the house of representatives
elected minority whip shall each receive as compensation a salary
of sixty thousand seven hundred six dollars a year during the
member's term of office. The member of the house of
representatives elected assistant majority whip shall receive as
compensation a salary of fifty-six thousand four hundred
forty-three dollars a year during the member's term of office. The
member of the house of representatives elected assistant minority
whip and the member of the senate elected assistant minority whip
shall each receive a salary of fifty-four thousand sixty dollars a
year during the member's term of office.

(4) The chairperson of the finance committee of each house
shall receive an additional sum of ten thousand dollars annually.
The chairperson of each standing committee of each house other
than the finance committee shall receive an additional sum of six
thousand five hundred dollars annually. The chairperson of each
standing subcommittee of a finance committee shall receive an
additional sum of six thousand five hundred dollars annually. The
vice-chairperson of the finance committee of each house shall
receive an additional sum of five thousand five hundred dollars
annually. The ranking minority member of the finance committee of

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each house shall receive an additional sum of six thousand five hundred dollars annually. The ranking minority member of each standing subcommittee of a finance committee shall receive an additional sum of five thousand dollars annually. The chairperson of each standing subcommittee of each house other than a standing subcommittee of the finance committee shall receive an additional sum of five thousand dollars annually. The vice-chairperson and ranking minority member of each standing committee of each house other than the finance committee shall each receive an additional sum of five thousand dollars annually. Except for the ranking minority member of each standing subcommittee of a finance committee, the ranking minority member of each standing subcommittee of each house shall receive an additional sum of two thousand five hundred dollars annually.

No member may receive more than one additional sum for serving as chairperson, vice-chairperson, or ranking minority member of a standing committee or standing subcommittee, regardless of the number of standing committees or standing subcommittees on which the member serves as chairperson, vice-chairperson, or ranking minority member.

(5) If a member is absent without leave, or is not excused on the member's return, there shall be deducted from the member's compensation twenty dollars for each day's absence.

(B) Each calendar year from 2002 through 2008, the salary amounts under divisions (A)(1) and (3) of this section shall be increased by the lesser of the following:

(1) Three per cent;

(2) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.

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(C) As used in this section: 964

(1) "Consumer price index" means the consumer price index 965
prepared by the United States bureau of labor statistics (U.S. 966
city average for urban wage earners and clerical workers: all 967
items, 1982-1984=100), or, if that index is no longer published, a 968
generally available comparable index. 969

(2) "Finance committee" means the finance committee of the 970
senate and the finance-appropriations committee of the house of 971
representatives. 972

Sec. 101.30. (A) As used in this section and in sections 973
101.302 and 101.303 of the Revised Code: 974

(1) "Legislative document" includes, but is not limited to, 975
all of the following: 976

(a) A working paper, work product, correspondence, 977
preliminary draft, note, proposed bill or resolution, proposed 978
amendment to a bill or resolution, analysis, opinion, memorandum, 979
or other document in whatever form or format prepared by 980
legislative staff for a member of the general assembly or for 981
general assembly staff; 982

(b) Any document or material in whatever form or format 983
provided by a member of the general assembly or general assembly 984
staff to legislative staff that requests, or that provides 985
information or materials to assist in, the preparation of any of 986
the items described in division (A)(1)(a) of this section; 987

(c) Any summary of a bill or resolution or of an amendment to 988
a bill or resolution in whatever form or format that is prepared 989
by or in the possession of a member of the general assembly or 990
general assembly staff, if the summary is prepared before the 991
bill, resolution, or amendment is filed for introduction or 992
presented at a committee hearing or floor session, as applicable. 993

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(2) "Legislative staff" means the staff of the legislative service commission, ~~legislative budget office of the legislative service commission~~, or any other legislative agency included in the legislative service commission budget group.

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(3) "General assembly staff" means an officer or employee of either house of the general assembly who acts on behalf of a member of the general assembly or on behalf of a committee or either house of the general assembly.

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(B)(1) Legislative staff shall maintain a confidential relationship with each member of the general assembly, and with each member of the general assembly staff, with respect to communications between the member of the general assembly or general assembly staff and legislative staff. Except as otherwise provided in this division and division (C) of this section, a legislative document arising out of this confidential relationship is not a public record for purposes of section 149.43 of the Revised Code. When it is in the public interest and with the consent of the commission, the director of the commission may release to the public any legislative document in the possession of the commission staff arising out of a confidential relationship with a former member of the general assembly or former member of the general assembly staff who is not available to make the legislative document a public record as provided in division (C) of this section because of death or disability, whom the director is unable to contact for that purpose, or who fails to respond to the director after the director has made a reasonable number of attempts to make such contact.

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(2) Legislative documents that are not public records under divisions (B)(1) and (C) of this section are not subject to subpoena duces tecum. A member of the general assembly, member of the general assembly staff, or member of the legislative staff

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neither is subject to subpoena or subpoena duces tecum, nor may be 1026
compelled to testify, with regard to legislative documents that 1027
are not public records under divisions (B)(1) and (C) of this 1028
section. 1029

(C)(1) A legislative document is a public record for purposes 1030
of section 149.43 of the Revised Code if it is an analysis, 1031
synopsis, fiscal note, or local impact statement prepared by 1032
legislative staff that is required to be prepared by law, or by a 1033
rule of either house of the general assembly, for the benefit of 1034
the members of either or both of those houses or any legislative 1035
committee and if it has been presented to those members. 1036

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(2) A legislative document is a public record for purposes of 1038
section 149.43 of the Revised Code if a member of the general 1039
assembly for whom legislative staff prepared the legislative 1040
document does any of the following: 1041

(a) Files it for introduction with the clerk of the senate or 1042
the clerk of the house of representatives, if it is a bill or 1043
resolution; 1044

(b) Presents it at a committee hearing or floor session, if 1045
it is an amendment to a bill or resolution or is a substitute bill 1046
or resolution; 1047

(c) Releases it, or authorizes general assembly staff or 1048
legislative staff to release it, to the public. 1049

Sec. 101.302. A member of the general assembly, a member of 1050
the general assembly staff, and a member of the legislative staff, 1051
in their respective capacities as such, are not liable in a civil 1052
action for any legislative act or duty. In relation to any 1053
legislative act or duty, a member of the general assembly, a 1054
member of the general assembly staff, or a member of the 1055

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legislative staff is not subject to subpoena or subpoena duces 1056
tecum in a civil action, may not be made party to a civil action, 1057
and may not be compelled to testify or to produce tangible 1058
evidence in a civil action. 1059

This section is cumulative to Ohio Constitution, Article II, 1060
Section 12. 1061

Sec. 101.303. A member of the legislative staff shall not be 1062
compelled to testify or to produce tangible evidence concerning 1063
any communication with or any advice or assistance given to a 1064
member of the general assembly or a member of the general assembly 1065
staff in relation to any legislative act or duty. 1066

Sec. 101.34. (A) There is hereby created a joint legislative 1067
ethics committee to serve the general assembly. The committee 1068
shall be composed of twelve members, six each from the two major 1069
political parties, and each member shall serve on the committee 1070
during the member's term as a member of that general assembly. Six 1071
members of the committee shall be members of the house of 1072
representatives appointed by the speaker of the house of 1073
representatives, not more than three from the same political 1074
party, and six members of the committee shall be members of the 1075
senate appointed by the president of the senate, not more than 1076
three from the same political party. A vacancy in the committee 1077
shall be filled for the unexpired term in the same manner as an 1078
original appointment. The members of the committee shall be 1079
appointed within fifteen days after the first day of the first 1080
regular session of each general assembly and the committee shall 1081
meet and proceed to recommend an ethics code not later than thirty 1082
days after the first day of the first regular session of each 1083
general assembly. 1084

In the first regular session of each general assembly, the 1085

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speaker of the house of representatives shall appoint the
chairperson of the committee from among the house members of the
committee and the president of the senate shall appoint the
vice-chairperson of the committee from among the senate members of
the committee. In the second regular session of each general
assembly, the president of the senate shall appoint the
chairperson of the committee from among the senate members of the
committee and the speaker of the house of representatives shall
appoint the vice-chairperson of the committee from among the house
members of the committee. The chairperson, vice-chairperson, and
members of the committee shall serve until their respective
successors are appointed or until they are no longer members of
the general assembly.

The committee shall meet at the call of the chairperson or
upon the written request of seven members of the committee.

(B) The joint legislative ethics committee:

(1) Shall recommend a code of ethics which is consistent with
law to govern all members and employees of each house of the
general assembly and all candidates for the office of member of
each house;

(2) May receive and hear any complaint which alleges a breach
of any privilege of either house, or misconduct of any member,
employee, or candidate, or any violation of the appropriate code
of ethics;

(3) May obtain information with respect to any complaint
filed pursuant to this section and to that end may enforce the
attendance and testimony of witnesses, and the production of books
and papers;

(4) May recommend whatever sanction is appropriate with
respect to a particular member, employee, or candidate as will
best maintain in the minds of the public a good opinion of the

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conduct and character of members and employees of the general	1117
assembly;	1118
(5) May recommend legislation to the general assembly	1119
relating to the conduct and ethics of members and employees of and	1120
candidates for the general assembly;	1121
(6) Shall employ an executive director for the committee and	1122
may employ such other staff as the committee determines necessary	1123
to assist it in exercising its powers and duties. The executive	1124
director and staff of the committee shall be known as the office	1125
of legislative inspector general. At least one member of the staff	1126
of the committee shall be an attorney at law licensed to practice	1127
law in this state. The appointment and removal of the executive	1128
director shall require the approval of at least eight members of	1129
the committee.	1130
(7) May employ a special counsel to assist the committee in	1131
exercising its powers and duties. The appointment and removal of a	1132
special counsel shall require the approval of at least eight	1133
members of the committee.	1134
(8) Shall act as an advisory body to the general assembly and	1135
to individual members, candidates, and employees on questions	1136
relating to <u>ethics</u> , possible conflicts of interest, <u>and financial</u>	1137
<u>disclosure</u> ;	1138
(9) Shall provide for the proper forms on which the statement	1139
required pursuant to section 102.02 of the Revised Code shall be	1140
filed and instructions as to the filing of the statement;	1141
(10) Exercise the powers and duties prescribed under sections	1142
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code;	1143
	1144
(11) Adopt in accordance with section 111.15 of the Revised	1145
Code any rules that are necessary to implement and clarify Chapter	1146
102. and sections 2921.42 and 2921.43 of the Revised Code.	1147

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(C) There is hereby created in the state treasury the joint legislative ethics committee fund. All money collected from registration fees and late filing fees prescribed under sections 101.72 and 121.62 of the Revised Code shall be deposited into the state treasury to the credit of the fund. Money credited to the fund and any interest and earnings from the fund shall be used solely for the operation of the joint legislative ethics committee and the office of legislative inspector general and for the purchase of data storage and computerization facilities for the statements filed with the joint committee under sections 101.73, 101.74, 121.63, and 121.64 of the Revised Code.

(D) The chairperson of the joint committee shall issue a written report, not later than the thirty-first day of January of each year, to the speaker and minority leader of the house of representatives and to the president and minority leader of the senate that lists the number of committee meetings and investigations the committee conducted during the immediately preceding calendar year and the number of advisory opinions it issued during the immediately preceding calendar year.

(E) Any investigative report that contains facts and findings regarding a complaint filed with the committee and that is prepared by the staff of the committee or a special counsel to the committee shall become a public record upon its acceptance by a vote of the majority of the members of the committee, except for any names of specific individuals and entities contained in the report. If the committee recommends disciplinary action or reports its findings to the appropriate prosecuting authority for proceedings in prosecution of the violations alleged in the complaint, the investigatory report regarding the complaint shall become a public record in its entirety.

(F)(1) Any file obtained by or in the possession of the former house ethics committee or former senate ethics committee

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shall become the property of the joint legislative ethics
committee. Any such file is confidential if either of the
following applies:

(a) It is confidential under section 102.06 of the Revised
Code or the legislative code of ethics.

(b) If the file was obtained from the former house ethics
committee or from the former senate ethics committee, it was
confidential under any statute or any provision of a code of
ethics that governed the file.

(2) As used in this division, "file" includes, but is not
limited to, evidence, documentation, or any other tangible thing.

Sec. 101.37. (A) There is hereby created the joint council on
mental retardation and developmental disabilities. The joint
council shall consist of three members of the house of
representatives appointed by the speaker of the house of
representatives, not more than two of whom shall be members of the
same political party, three members of the senate appointed by the
president of the senate, not more than two of whom shall be
members of the same political party, and the director of mental
retardation and developmental disabilities. At least one member of
the joint council appointed by the speaker of the house of
representatives and at least one member appointed by the president
of the senate shall be a member of the house or senate committee
with primary responsibility for appropriation issues and at least
one member appointed by the speaker and at least one member
appointed by the president shall be a member of the house or
senate committee with primary responsibility for human services
issues. ~~Members~~

Members of the joint council shall be reimbursed for their
actual and necessary expenses incurred in the performance of their
official duties, provided that reimbursement for such expenses

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shall not exceed limits imposed upon the department of mental 1211
retardation and developmental disabilities by administrative rules 1212
regulating travel within this state. Members shall receive no 1213
other compensation. ~~The~~ 1214

The joint council shall organize itself within fifteen days 1215
after the commencement of each regular session of the general 1216
assembly by electing a chairperson and vice-chairperson. The joint 1217
council may meet upon the call of the chairperson, the director, 1218
or on the request of any three members. ~~Members~~ 1219

Members of the joint council who are appointed from the 1220
general assembly shall serve until the expiration of their terms 1221
in the general assembly. Any vacancies occurring among the general 1222
assembly members of the joint council shall be filled in the 1223
manner of the original appointment. 1224

(B) The joint council shall do all of the following: 1225

~~(A)~~(1) Appoint the original members of the citizen's advisory 1226
council at any institution under the control of the department of 1227
mental retardation and developmental disabilities that is created 1228
after November 15, 1981; 1229

~~(B)~~(2) Make final determinations in any dispute between the 1230
director of mental retardation and developmental disabilities and 1231
a citizen's advisory council concerning the appointment of members 1232
to the citizen's advisory council, as provided for in section 1233
5123.092 of the Revised Code; 1234

~~(C)~~(3) Receive reports from citizen's advisory councils on or 1235
before the thirty-first day of January of each year, as required 1236
by section 5123.093 of the Revised Code; 1237

~~(D)~~(4) Receive reports as appropriate concerning extenuating 1238
circumstances at institutions under the control of the department 1239
of mental retardation and developmental disabilities; 1240

~~(E)~~(5) Conduct reviews and make recommendations to the 1241

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director of mental retardation and developmental disabilities with 1242
respect to any disputes between the department of mental 1243
retardation and developmental disabilities and entities that have 1244
entered into contracts with the department for the provision of 1245
protective services to individuals with mental retardation or 1246
developmental disabilities; 1247

(6) Provide the director of mental retardation and 1248
developmental disabilities with advice on legislative and fiscal 1249
issues affecting the department of mental retardation and 1250
developmental disabilities, county boards of mental retardation 1251
and developmental disabilities, persons with mental retardation or 1252
developmental disabilities, and providers of services to persons 1253
with mental retardation or developmental disabilities and on 1254
related issues the director requests the joint council to address; 1255

~~(F)~~(7) On behalf of the director of mental retardation and 1256
developmental disabilities, advocate to the general assembly 1257
legislative issues about which the joint council has provided 1258
advice to the director. 1259

(C) Reports and any correspondence received by the joint 1260
council shall be deposited with the legislative service 1261
commission, which shall retain them for not less than three years 1262
after the date of deposit. 1263

Sec. 101.72. (A) Each legislative agent and employer, within 1264
ten days following an engagement of a legislative agent, shall 1265
file with the joint legislative ethics committee an initial 1266
registration statement showing all of the following: 1267

(1) The name, business address, and occupation of the 1268
legislative agent; 1269

(2) The name and business address of the employer and the 1270
real party in interest on whose behalf the legislative agent is 1271
actively advocating, if it is different from the employer. For the 1272

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purposes of division (A) of this section, where a trade
association or other charitable or fraternal organization that is
exempt from federal income taxation under subsection 501(c) of the
federal Internal Revenue Code is the employer, the statement need
not list the names and addresses of each member of the association
or organization, so long as the association or organization itself
is listed.

(3) A brief description of the type of legislation to which
the engagement relates.

(B) In addition to the initial registration statement
required by division (A) of this section, each legislative agent
and employer shall file with the joint committee, not later than
the last day of January, May, and September of each year, an
updated registration statement that confirms the continuing
existence of each engagement described in an initial registration
statement and that lists the specific bills or resolutions on
which the agent actively advocated under that engagement during
the period covered by the updated statement, and with it any
statement of expenditures required to be filed by section 101.73
of the Revised Code and any details of financial transactions
required to be filed by section 101.74 of the Revised Code.

(C) If a legislative agent is engaged by more than one
employer, the agent shall file a separate initial and updated
registration statement for each engagement. If an employer engages
more than one legislative agent, the employer need file only one
updated registration statement under division (B) of this section,
which shall contain the information required by division (B) of
this section regarding all of the legislative agents engaged by
the employer.

(D)(1) A change in any information required by division
(A)(1), (2), or (B) of this section shall be reflected in the next
updated registration statement filed under division (B) of this

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section.

(2) Within thirty days after the termination of an engagement, the legislative agent who was employed under the engagement shall send written notification of the termination to the joint committee.

(E) Except as otherwise provided in this division, a registration fee of ten dollars shall be charged for filing an initial registration statement. All money collected from ~~this registration fee~~ fees under this division and late filing fees under division (G) of this section shall be deposited to the credit of the joint legislative ethics committee fund created under section 101.34 of the Revised Code. ~~An~~

An officer or employee of a state agency who actively advocates in a fiduciary capacity as a representative of that state agency need not pay the registration fee prescribed by this division or file expenditure statements under section 101.73 of the Revised Code. As used in this division, "state agency" does not include a state institution of higher education as defined in section 3345.011 of the Revised Code.

(F) Upon registration pursuant to division (A) of this section, the legislative agent shall be issued a card by the joint committee showing that the legislative agent is registered. The registration card and the legislative agent's registration shall be valid from the date of their issuance until the next thirty-first day of December of an even-numbered year.

(G) The executive director of the joint committee shall be responsible for reviewing each registration statement filed with the joint committee under this section and for determining whether the statement contains all of the information required by this section. If the joint committee determines that the registration statement does not contain all of the required information or that

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a legislative agent or employer has failed to file a registration statement, the joint committee shall send written notification by certified mail to the person who filed the registration statement regarding the deficiency in the statement or to the person who failed to file the registration statement regarding the failure. Any person so notified by the joint committee shall, not later than fifteen days after receiving the notice, file a registration statement or an amended registration statement that does contain all of the information required by this section. If any person who receives a notice under this division fails to file a registration statement or such an amended registration statement within this fifteen-day period, the joint committee shall ~~notify the attorney general, who may take appropriate action as authorized under section 101.79 of the Revised Code. If the joint committee notifies the attorney general under this division, the joint committee shall also notify in writing the governor and each member of the general assembly of the pending investigation~~ assess a late filing fee equal to twelve dollars and fifty cents per day, up to a maximum of one hundred dollars, upon that person. The joint committee may waive the late filing fee for good cause shown.

(H) On or before the fifteenth day of March of each year, the joint committee shall, in the manner and form that it determines, publish a report containing statistical information on the registration statements filed with it under this section during the preceding year.

Sec. 101.73. (A) Each legislative agent and each employer shall file in the office of the joint legislative ethics committee, with the updated registration statement required by division (B) of section 101.72 of the Revised Code, a statement of expenditures as specified in divisions (B) and (C) of this section. A legislative agent shall file a separate statement of

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expenditures under this section for each employer engaging ~~him~~ the
legislative agent. 1368
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(B)(1) In addition to the information required by divisions 1370
(B)(2) and (3) of this section, a statement filed by a legislative 1371
agent shall show the total amount of expenditures made by the 1372
legislative agent during the reporting period covered by the 1373
statement. 1374

(2) If, during a reporting period covered by a statement, an 1375
employer or any legislative agent ~~he~~ the employer engaged made, 1376
either separately or in combination with each other, either 1377
directly or indirectly, expenditures to, at the request of, for 1378
the benefit of, or on behalf of any particular member of the 1379
general assembly, any particular member of the controlling board, 1380
the governor, the director of a department created under section 1381
121.02 of the Revised Code, or any particular member of the staff 1382
of any of the public officers or employees listed in division 1383
(B)(2) of this section, then the employer or legislative agent 1384
shall also state all of the following: 1385

(a) The name of the public officer or employee to whom, at 1386
whose request, for whose benefit, or on whose behalf the 1387
expenditures were made; 1388

(b) The total amount of the expenditures made; 1389

(c) A brief description of the expenditures made; 1390

(d) The approximate date the expenditures were made; 1391

(e) The specific items of legislation, if any, for which the 1392
expenditures were made and the identity of the client on whose 1393
behalf each expenditure was made. 1394

As used in division (B)(2) of this section, "expenditures" 1395
does not include expenditures made by a legislative agent as 1396
payment for meals and other food and beverages. 1397

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(3) If, during a reporting period covered by a statement, a legislative agent made expenditures as payment for meals and other food and beverages, other than for meals and other food and beverages provided to a member of the general assembly at a meeting at which the member participated in a panel, seminar, or speaking engagement or provided to a member of the general assembly at a meeting or convention of a national organization to which ~~either house of the general assembly, any legislative agency, or any other state agency or any state institution of higher education as defined in section 3345.031 of the Revised Code~~ pays membership dues, that, when added to the amount of previous payments made for meals and other food and beverages by that legislative agent during that same calendar year, exceeded a total of fifty dollars to, at the request of, for the benefit of, or on behalf of any particular member of the general assembly, any particular member of the controlling board, the governor, the director of a department created under section 121.02 of the Revised Code, or any particular member of the staff of any of the public officers or employees listed in division (B)(3) of this section, then the legislative agent shall also state all of the following regarding those expenditures:

(a) The name of the public officer or employee to whom, at whose request, for whose benefit, or on whose behalf the expenditures were made;

(b) The total amount of the expenditures made;

(c) A brief description of the expenditures made;

(d) The approximate date the expenditures were made;

(e) The specific items of legislation, if any, for which the expenditures were made and the identity of the client on whose behalf each expenditure was made.

(C) In addition to the information required by divisions

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(B)(2) and (3) of this section, a statement filed by an employer shall show the total amount of expenditures made by the employer filing the statement during the period covered by the statement. As used in this section, "expenditures" does not include the expenses of maintaining office facilities or the compensation paid to legislative agents engaged by an employer.

No employer is required to show any expenditure on a statement filed under this division if the expenditure is reported on a statement filed under division (B) of this section by a legislative agent engaged by the employer.

(D) Any statement required to be filed under this section shall be filed at the times specified in section 101.72 of the Revised Code. Each statement shall cover expenditures made during the four-calendar-month period that ended on the last day of the month immediately preceding the month in which the statement is required to be filed.

No portion of the amount of an expenditure for a dinner, party, or other function sponsored by an employer or legislative agent need be attributed to, or counted toward the amount for, a reporting period specified in division (B)(2) or (3) of this section if the sponsor has invited to the function all the members of either of the following:

(1) The general assembly;

(2) Either house of the general assembly.

However, the amount spent for such function and its date and purpose shall be reported separately on the statement required to be filed under this section and the amount spent for the function shall be added with other expenditures for the purpose of determining the total amount of expenditures reported in the statement under division (B)(1) or (C) of this section.

If it is impractical or impossible for a legislative agent or

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employer to determine exact dollar amounts or values of 1460
expenditures, reporting of good faith estimates, based upon 1461
reasonable accounting procedures, constitutes compliance with this 1462
section. 1463

(E) All legislative agents and employers shall retain 1464
receipts or maintain records for all expenditures that are 1465
required to be reported pursuant to this section. These receipts 1466
or records shall be maintained for a period ending on the 1467
thirty-first day of December of the second calendar year after the 1468
year in which the expenditure was made. 1469

(F)(1) An employer or legislative agent who is required to 1470
file an expenditure statement under division (B) or (C) of this 1471
section shall deliver a copy of the statement, or of the portion 1472
showing the expenditure, to the public officer or employee who is 1473
listed in the statement as having received the expenditure or on 1474
whose behalf it was made, at least ten days before the date on 1475
which the statement is filed. 1476

(2) If, during a reporting period covered by an expenditure 1477
statement filed under division (B)(2) of this section, an employer 1478
or any legislative agent ~~he the employer~~ engaged made, either 1479
separately or in combination with each other, either directly or 1480
indirectly, expenditures for transportation, lodging, or food and 1481
beverages purchased for consumption on the premises in which the 1482
food and beverages were sold to, at the request of, for the 1483
benefit of, or on behalf of any of the public officers or 1484
employees described in division (B)(2) of this section, the 1485
employer or legislative agent shall deliver to the public officer 1486
or employee a statement that contains all of the nondisputed 1487
information prescribed in division (B)(2)(a) through (e) of this 1488
section with respect to the expenditures described in division 1489
(F)(2) of this section. The statement of expenditures made under 1490
division (F)(2) of this section shall be delivered to the public 1491

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officer or employee to whom, at whose request, for whose benefit, 1492
or on whose behalf those expenditures were made on the same day in 1493
which a copy of the expenditure statement or of a portion showing 1494
the expenditure is delivered to the public officer or employee 1495
under division (F)(1) of this section. An employer is not required 1496
to show any expenditure on a statement delivered under division 1497
(F)(2) of this section if the expenditure is shown on a statement 1498
delivered under division (F)(2) of this section by a legislative 1499
agent engaged by the employer. 1500

Sec. 102.02. (A) Except as otherwise provided in division (H) 1501
of this section, every person who is elected to or is a candidate 1502
for a state, county, or city office, or the office of member of 1503
the United States congress, and every person who is appointed to 1504
fill a vacancy for an unexpired term in such an elective office; 1505
all members of the state board of education; the director, 1506
assistant directors, deputy directors, division chiefs, or persons 1507
of equivalent rank of any administrative department of the state; 1508
the president or other chief administrative officer of every state 1509
institution of higher education as defined in section 3345.011 of 1510
the Revised Code; the chief executive officer of each state 1511
retirement system; all members of the board of commissioners on 1512
grievances and discipline of the supreme court and the ethics 1513
commission created under section 102.05 of the Revised Code; every 1514
business manager, treasurer, or superintendent of a city, local, 1515
exempted village, joint vocational, or cooperative education 1516
school district or an educational service center; every person who 1517
is elected to or is a candidate for the office of member of a 1518
board of education of a city, local, exempted village, joint 1519
vocational, or cooperative education school district or of a 1520
governing board of an educational service center that has a total 1521
student count of twelve thousand or more as most recently 1522
determined by the department of education pursuant to section 1523

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3317.03 of the Revised Code; every person who is appointed to the
board of education of a municipal school district pursuant to
division (B) or (F) of section 3311.71 of the Revised Code; all
members of the board of directors of a sanitary district
established under Chapter 6115. of the Revised Code and organized
wholly for the purpose of providing a water supply for domestic,
municipal, and public use that includes two municipal corporations
in two counties; every public official or employee who is paid a
salary or wage in accordance with schedule C of section 124.15 or
schedule E-2 of section 124.152 of the Revised Code; members of
the board of trustees and the executive director of the tobacco
use prevention and control foundation; members of the board of
trustees and the executive director of the southern Ohio
agricultural and community development foundation; members and the
executive director of the biomedical research and technology
transfer commission; and every other public official or employee
who is designated by the appropriate ethics commission pursuant to
division (B) of this section shall file with the appropriate
ethics commission on a form prescribed by the commission, a
statement disclosing all of the following:

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

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section
and except as otherwise provided in section 102.022 of the Revised
Code, identification of every source of income, other than income
from a legislative agent identified in division (A)(2)(b) of this
section, received during the preceding calendar year, in the
person's own name or by any other person for the person's use or
benefit, by the person filing the statement, and a brief
description of the nature of the services for which the income was

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received. If the person filing the statement is a member of the
general assembly, the statement shall identify the amount of every
source of income received in accordance with the following ranges
of amounts: zero or more, but less than one thousand dollars; one
thousand dollars or more, but less than ten thousand dollars; ten
thousand dollars or more, but less than twenty-five thousand
dollars; twenty-five thousand dollars or more, but less than fifty
thousand dollars; fifty thousand dollars or more, but less than
one hundred thousand dollars; and one hundred thousand dollars or
more. Division (A)(2)(a) of this section shall not be construed to
require a person filing the statement who derives income from a
business or profession to disclose the individual items of income
that constitute the gross income of that business or profession,
except for those individual items of income that are attributable
to the person's or, if the income is shared with the person, the
partner's, solicitation of services or goods or performance,
arrangement, or facilitation of services or provision of goods on
behalf of the business or profession of clients, including
corporate clients, who are legislative agents as defined in
section 101.70 of the Revised Code. A person who files the
statement under this section shall disclose the identity of and
the amount of income received from a person who the public
official or employee knows or has reason to know is doing or
seeking to do business of any kind with the public official's or
employee's agency.

(b) If the person filing the statement is a member of the
general assembly, the statement shall identify every source of
income and the amount of that income that was received from a
legislative agent, as defined in section 101.70 of the Revised
Code, during the preceding calendar year, in the person's own name
or by any other person for the person's use or benefit, by the
person filing the statement, and a brief description of the nature

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of the services for which the income was received. Division 1588
(A)(2)(b) of this section requires the disclosure of clients of 1589
attorneys or persons licensed under section 4732.12 of the Revised 1590
Code, or patients of persons certified under section 4731.14 of 1591
the Revised Code, if those clients or patients are legislative 1592
agents. Division (A)(2)(b) of this section requires a person 1593
filing the statement who derives income from a business or 1594
profession to disclose those individual items of income that 1595
constitute the gross income of that business or profession that 1596
are received from legislative agents. 1597

(c) Except as otherwise provided in division (A)(2)(c) of 1598
this section, division (A)(2)(a) of this section applies to 1599
attorneys, physicians, and other persons who engage in the 1600
practice of a profession and who, pursuant to a section of the 1601
Revised Code, the common law of this state, a code of ethics 1602
applicable to the profession, or otherwise, generally are required 1603
not to reveal, disclose, or use confidences of clients, patients, 1604
or other recipients of professional services except under 1605
specified circumstances or generally are required to maintain 1606
those types of confidences as privileged communications except 1607
under specified circumstances. Division (A)(2)(a) of this section 1608
does not require an attorney, physician, or other professional 1609
subject to a confidentiality requirement as described in division 1610
(A)(2)(c) of this section to disclose the name, other identity, or 1611
address of a client, patient, or other recipient of professional 1612
services if the disclosure would threaten the client, patient, or 1613
other recipient of professional services, would reveal details of 1614
the subject matter for which legal, medical, or professional 1615
advice or other services were sought, or would reveal an otherwise 1616
privileged communication involving the client, patient, or other 1617
recipient of professional services. Division (A)(2)(a) of this 1618
section does not require an attorney, physician, or other 1619

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professional subject to a confidentiality requirement as described 1620
in division (A)(2)(c) of this section to disclose in the brief 1621
description of the nature of services required by division 1622
(A)(2)(a) of this section any information pertaining to specific 1623
professional services rendered for a client, patient, or other 1624
recipient of professional services that would reveal details of 1625
the subject matter for which legal, medical, or professional 1626
advice was sought or would reveal an otherwise privileged 1627
communication involving the client, patient, or other recipient of 1628
professional services. 1629

(3) The name of every corporation on file with the secretary 1630
of state that is incorporated in this state or holds a certificate 1631
of compliance authorizing it to do business in this state, trust, 1632
business trust, partnership, or association that transacts 1633
business in this state in which the person filing the statement or 1634
any other person for the person's use and benefit had during the 1635
preceding calendar year an investment of over one thousand dollars 1636
at fair market value as of the thirty-first day of December of the 1637
preceding calendar year, or the date of disposition, whichever is 1638
earlier, or in which the person holds any office or has a 1639
fiduciary relationship, and a description of the nature of the 1640
investment, office, or relationship. Division (A)(3) of this 1641
section does not require disclosure of the name of any bank, 1642
savings and loan association, credit union, or building and loan 1643
association with which the person filing the statement has a 1644
deposit or a withdrawable share account. 1645

(4) All fee simple and leasehold interests to which the 1646
person filing the statement holds legal title to or a beneficial 1647
interest in real property located within the state, excluding the 1648
person's residence and property used primarily for personal 1649
recreation; 1650

(5) The names of all persons residing or transacting business 1651

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

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

(7) Except as otherwise provided in section 102.022 of the
Revised Code, the source of each gift of over seventy-five
dollars, or of each gift of over twenty-five dollars received by a
member of the general assembly from a legislative agent, received

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

(8) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source and amount of every
payment of expenses incurred for travel to destinations inside or
outside this state that is received by the person in the person's
own name or by any other person for the person's use or benefit
and that is incurred in connection with the person's official
duties, except for expenses for travel to meetings or conventions
of a national or state organization to which either house of the
general assembly, any legislative agency, a state institution of
higher education as defined in section 3345.031 of the Revised
Code, any other state agency, or any political subdivision or any
office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source of payment of expenses
for meals and other food and beverages, other than for meals and
other food and beverages provided at a meeting at which the person
participated in a panel, seminar, or speaking engagement or at a
meeting or convention of a national or state organization to which
~~either house of the general assembly, any legislative agency, a~~
any state agency or any state institution of higher education as
defined in section 3345.031 of the Revised Code, ~~any other state~~
agency pays membership dues, or any political subdivision or any

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office or agency of a political subdivision pays membership dues, 1716
that are incurred in connection with the person's official duties 1717
and that exceed one hundred dollars aggregated per calendar year; 1718

(10) If the financial disclosure statement is filed by a 1719
public official or employee described in division (B)(2) of 1720
section 101.73 of the Revised Code or division (B)(2) of section 1721
121.63 of the Revised Code who receives a statement from a 1722
legislative agent, executive agency lobbyist, or employer that 1723
contains the information described in division (F)(2) of section 1724
101.73 of the Revised Code or division (G)(2) of section 121.63 of 1725
the Revised Code, all of the nondisputed information contained in 1726
the statement delivered to that public official or employee by the 1727
legislative agent, executive agency lobbyist, or employer under 1728
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1729
the Revised Code. As used in division (A)(10) of this section, 1730
"legislative agent," "executive agency lobbyist," and "employer" 1731
have the same meanings as in sections 101.70 and 121.60 of the 1732
Revised Code. 1733

A person may file a statement required by this section in 1734
person or by mail. A person who is a candidate for elective office 1735
shall file the statement no later than the thirtieth day before 1736
the primary, special, or general election at which the candidacy 1737
is to be voted on, whichever election occurs soonest, except that 1738
a person who is a write-in candidate shall file the statement no 1739
later than the twentieth day before the earliest election at which 1740
the person's candidacy is to be voted on. A person who holds 1741
elective office shall file the statement on or before the 1742
fifteenth day of April of each year unless the person is a 1743
candidate for office. A person who is appointed to fill a vacancy 1744
for an unexpired term in an elective office shall file the 1745
statement within fifteen days after the person qualifies for 1746
office. Other persons shall file an annual statement on or before 1747

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the fifteenth day of April or, if appointed or employed after that
date, within ninety days after appointment or employment. No
person shall be required to file with the appropriate ethics
commission more than one statement or pay more than one filing fee
for any one calendar year.

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

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

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

Except for disclosure statements filed by members of the
board of trustees and the executive director of the tobacco use
prevention and control foundation, members of the board of

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

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and shall not be made subject to public inspection, except as is
 necessary for the enforcement of Chapters 102. and 2921. of the
 Revised Code and except as otherwise provided in this division.

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

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

(E)(1) Except as provided in divisions (E)(2) and (3) of this
 section, ~~on and after March 2, 1994,~~ the statement required by
 division (A) or (B) of this section shall be accompanied by a
 filing fee of twenty-five dollars.

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

For state office, except member of		1830
state board of education	\$50	1831
For office of member of United States		1832
congress or member of general assembly	\$25	1833
For county office	\$25	1834
	<u>45</u>	1835
For city office	\$10	1836
	<u>20</u>	1837
For office of member of state board		1838
of education	\$10	1839
	<u>20</u>	1840
For office of member of city, local,		1841
exempted village, or cooperative		1842
education board of		1843
education or educational service		1844

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center governing board	\$ 5	1845
For position of business manager,		1846
treasurer, or superintendent of		1847
city, local, exempted village, joint		1848
vocational, or cooperative education		1849
school district or		1850
educational service center	\$ 5	1851
<u>For office of member of the board of</u>		1852
<u>trustees of a state college or university</u>	<u>\$50</u>	1853

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

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

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

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

(2) The Ohio ethics commission shall deposit all receipts,
 including, but not limited to, fees it receives under divisions

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

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

Sec. 102.03. (A)(1) No present or former public official or
employee shall, during public employment or service or for twelve
months thereafter, represent a client or act in a representative
capacity for any person on any matter in which the public official
or employee personally participated as a public official or
employee through decision, approval, disapproval, recommendation,
the rendering of advice, investigation, or other substantial
exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service,
no former commissioner or attorney examiner of the public
utilities commission shall represent a public utility, as defined
in section 4905.02 of the Revised Code, or act in a representative
capacity on behalf of such a utility before any state board,
commission, or agency.

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(3) For twenty-four months after the conclusion of employment 1908
or service, no former public official or employee who personally 1909
participated as a public official or employee through decision, 1910
approval, disapproval, recommendation, the rendering of advice, 1911
the development or adoption of solid waste management plans, 1912
investigation, inspection, or other substantial exercise of 1913
administrative discretion under Chapter 343. or 3734. of the 1914
Revised Code shall represent a person who is the owner or operator 1915
of a facility, as defined in section 3734.01 of the Revised Code, 1916
or who is an applicant for a permit or license for a facility 1917
under that chapter, on any matter in which the public official or 1918
employee personally participated as a public official or employee. 1919

(4) For a period of one year after the conclusion of 1920
employment or service as a member or employee of the general 1921
assembly, no former member or employee of the general assembly 1922
shall represent, or act in a representative capacity for, any 1923
person on any matter before the general assembly, any committee of 1924
the general assembly, or the controlling board. Division (A)(4) of 1925
this section does not apply to or affect a person who separates 1926
from service with the general assembly on or before December 31, 1927
1995. As used in division (A)(4) of this section "person" does not 1928
include any state agency or political subdivision of the state. 1929

(5) As used in divisions (A)(1), (2), and (3) of this 1931
section, "matter" includes any case, proceeding, application, 1932
determination, issue, or question, but does not include the 1933
proposal, consideration, or enactment of statutes, rules, 1934
ordinances, resolutions, or charter or constitutional amendments. 1935
As used in division (A)(4) of this section, "matter" includes the 1936
proposal, consideration, or enactment of statutes, resolutions, or 1937
constitutional amendments. As used in division (A) of this 1938
section, "represent" includes any formal or informal appearance 1939

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before, or any written or oral communication with, any public 1940
agency on behalf of any person. 1941

(6) Nothing contained in division (A) of this section shall 1942
prohibit, during such period, a former public official or employee 1943
from being retained or employed to represent, assist, or act in a 1944
representative capacity for the public agency by which the public 1945
official or employee was employed or on which the public official 1946
or employee served. 1947

(7) Division (A) of this section shall not be construed to 1948
prohibit the performance of ministerial functions, including, but 1949
not limited to, the filing or amendment of tax returns, 1950
applications for permits and licenses, incorporation papers, and 1951
other similar documents. 1952

(B) No present or former public official or employee shall 1953
disclose or use, without appropriate authorization, any 1954
information acquired by the public official or employee in the 1955
course of the public official's or employee's official duties that 1956
is confidential because of statutory provisions, or that has been 1957
clearly designated to the public official or employee as 1958
confidential when that confidential designation is warranted 1959
because of the status of the proceedings or the circumstances 1960
under which the information was received and preserving its 1961
confidentiality is necessary to the proper conduct of government 1962
business. 1963

(C) No public official or employee shall participate within 1964
the scope of duties as a public official or employee, except 1965
through ministerial functions as defined in division (A) of this 1966
section, in any license or rate-making proceeding that directly 1967
affects the license or rates of any person, partnership, trust, 1968
business trust, corporation, or association in which the public 1969
official or employee or immediate family owns or controls more 1970
than five per cent. No public official or employee shall 1971

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participate within the scope of duties as a public official or
employee, except through ministerial functions as defined in
division (A) of this section, in any license or rate-making
proceeding that directly affects the license or rates of any
person to whom the public official or employee or immediate
family, or a partnership, trust, business trust, corporation, or
association of which the public official or employee or the public
official's or employee's immediate family owns or controls more
than five per cent, has sold goods or services totaling more than
one thousand dollars during the preceding year, unless the public
official or employee has filed a written statement acknowledging
that sale with the clerk or secretary of the public agency and the
statement is entered in any public record of the agency's
proceedings. This division shall not be construed to require the
disclosure of clients of attorneys or persons licensed under
section 4732.12 or 4732.15 of the Revised Code, or patients of
persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the
use of the authority or influence of office or employment to
secure anything of value or the promise or offer of anything of
value that is of such a character as to manifest a substantial and
improper influence upon the public official or employee with
respect to that person's duties.

(E) No public official or employee shall solicit or accept
anything of value that is of such a character as to manifest a
substantial and improper influence upon the public official or
employee with respect to that person's duties.

(F) No person shall promise or give to a public official or
employee anything of value that is of such a character as to
manifest a substantial and improper influence upon the public
official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the

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Revised Code or a purpose to defraud, contributions made to a
campaign committee, political party, legislative campaign fund,
political action committee, or political contributing entity on
behalf of an elected public officer or other public official or
employee who seeks elective office shall be considered to accrue
ordinarily to the public official or employee for the purposes of
divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign
committee," "political party," "legislative campaign fund,"
"political action committee," and "political contributing entity"
have the same meanings as in section 3517.01 of the Revised Code.

(H) No public official or employee, except for the president
or other chief administrative officer of or a member of a board of
trustees of a state institution of higher education as defined in
section 3345.011 of the Revised Code, who is required to file a
financial disclosure statement under section 102.02 of the Revised
Code shall solicit or accept, and no person shall give to that
public official or employee, an honorarium. This division and
divisions (D), (E), and (F) of this section do not prohibit a
public official or employee who is required to file a financial
disclosure statement under section 102.02 of the Revised Code from
accepting and do not prohibit a person from giving to that public
official or employee the payment of actual travel expenses,
including any expenses incurred in connection with the travel for
lodging, and meals, food, and beverages provided to the public
official or employee at a meeting at which the public official or
employee participates in a panel, seminar, or speaking engagement
or provided to the public official or employee at a meeting or
convention of a national organization to which ~~either house of the
general assembly, any legislative agency, or any other state~~
agency or any state institution of higher education as defined in
section 3345.031 of the Revised Code pays membership dues. This

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division and divisions (D), (E), and (F) of this section do not 2036
prohibit a public official or employee who is not required to file 2037
a financial disclosure statement under section 102.02 of the 2038
Revised Code from accepting and do not prohibit a person from 2039
promising or giving to that public official or employee an 2040
honorarium or the payment of travel, meal, and lodging expenses if 2041
the honorarium, expenses, or both were paid in recognition of 2042
demonstrable business, professional, or esthetic interests of the 2043
public official or employee that exist apart from public office or 2044
employment, including, but not limited to, such a demonstrable 2045
interest in public speaking and were not paid by any person or 2046
other entity, or by any representative or association of those 2047
persons or entities, that is regulated by, doing business with, or 2048
seeking to do business with the department, division, institution, 2049
board, commission, authority, bureau, or other instrumentality of 2050
the governmental entity with which the public official or employee 2051
serves. 2052

(I) A public official or employee may accept travel, meals, 2053
and lodging or expenses or reimbursement of expenses for travel, 2054
meals, and lodging in connection with conferences, seminars, and 2055
similar events related to official duties if the travel, meals, 2056
and lodging, expenses, or reimbursement is not of such a character 2057
as to manifest a substantial and improper influence upon the 2058
public official or employee with respect to that person's duties. 2059
The house of representatives and senate, in their code of ethics, 2060
and the Ohio ethics commission, under section 111.15 of the 2061
Revised Code, may adopt rules setting standards and conditions for 2062
the furnishing and acceptance of such travel, meals, and lodging, 2063
expenses, or reimbursement. 2064

A person who acts in compliance with this division and any 2065
applicable rules adopted under it, or any applicable, similar 2066
rules adopted by the supreme court governing judicial officers and 2067

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employees, does not violate division (D), (E), or (F) of this
section. This division does not preclude any person from seeking
an advisory opinion from the appropriate ethics commission under
section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this
section, the membership of a public official or employee in an
organization shall not be considered, in and of itself, to be of
such a character as to manifest a substantial and improper
influence on the public official or employee with respect to that
person's duties. As used in this division, "organization" means a
church or a religious, benevolent, fraternal, or professional
organization that is tax exempt under subsection 501(a) and
described in subsection 501(c)(3), (4), (8), (10), or (19) of the
"Internal Revenue Code of 1986." This division does not apply to a
public official or employee who is an employee of an organization,
serves as a trustee, director, or officer of an organization, or
otherwise holds a fiduciary relationship with an organization.
This division does not allow a public official or employee who is
a member of an organization to participate, formally or
informally, in deliberations, discussions, or voting on a matter
or to use his official position with regard to the interests of
the organization on the matter if the public official or employee
has assumed a particular responsibility in the organization with
respect to the matter or if the matter would affect that person's
personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting
attorney to appoint assistants and employees in accordance with
division (B) of section 309.06 and section 2921.421 of the Revised
Code, for a chief legal officer of a municipal corporation or an
official designated as prosecutor in a municipal corporation to
appoint assistants and employees in accordance with sections
733.621 and 2921.421 of the Revised Code, for a township law

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director appointed under section 504.15 of the Revised Code to 2100
appoint assistants and employees in accordance with sections 2101
504.151 and 2921.421 of the Revised Code, or for a coroner to 2102
appoint assistants and employees in accordance with division (B) 2103
of section 313.05 of the Revised Code. 2104

As used in this division, "chief legal officer" has the same 2105
meaning as in section 733.621 of the Revised Code. 2106

Sec. 102.031. (A) As used in this section: 2107

(1) "Actively advocating," "employer," "financial 2108
transaction," "legislation," and "legislative agent" have the same 2109
meanings as in section 101.70 of the Revised Code. 2110

(2) "Business associate" means a person with whom a member of 2111
the general assembly is conducting or undertaking a financial 2112
transaction. 2113

(3) "Contribution" has the same meaning as in section 3517.01 2114
of the Revised Code. 2115

(4) "Employee" does not include a member of the general 2116
assembly whose nonlegislative position of employment does not 2117
involve the performance of or the authority to perform 2118
administrative or supervisory functions; or whose nonlegislative 2119
position of employment, if ~~he~~ the member is a public employee, 2120
does not involve a substantial and material exercise of 2121
administrative discretion in the formulation of public policy, 2122
expenditure of public funds, enforcement of laws and rules of the 2123
state or a county or city, or execution of other public trusts. 2124

(B) No member of the general assembly shall vote on any 2125
legislation that ~~he~~ the member knows is then being actively 2126
advocated if ~~he~~ the member is one of the following with respect to 2127
a legislative agent or employer that is then actively advocating 2128
on that legislation: 2129

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(1) An employee;	2130
(2) A business associate;	2131
(3) A person, other than an employee, who is hired under	2132
contract to perform certain services and such position involves a	2133
substantial and material exercise of administrative discretion in	2134
the formulation of public policy.	2135
(C) No member of the general assembly shall knowingly accept	2136
any of the following from a legislative agent:	2137
(1) The payment of any expenses for travel or lodging except	2138
as otherwise authorized by division (H) of section 102.03 of the	2139
Revised Code;	2140
(2) More than seventy-five dollars aggregated per calendar	2141
year as payment for meals and other food and beverages, other than	2142
for those meals and other food and beverages provided to the	2143
member at a meeting at which the member participates in a panel,	2144
seminar, or speaking engagement, at a meeting or convention of a	2145
national organization to which either house of the general	2146
assembly, any legislative agency, or any other state agency or any	2147
state institution of higher education as defined in section	2148
<u>3345.031 of the Revised Code</u> pays membership dues, or at a dinner,	2149
party, or function to which all members of the general assembly or	2150
all members of either house of the general assembly are invited;	2151
(3) A gift of any amount in the form of cash or the	2152
equivalent of cash, or a gift of any other thing of value whose	2153
value exceeds seventy-five dollars. As used in division (C)(3) of	2154
this section, "gift" does not include any contribution or any	2155
gifts of meals and other food and beverages or the payment of	2156
expenses incurred for travel to destinations either inside or	2157
outside this state that is received by the member of the general	2158
assembly and that is incurred in connection with the member's	2159
official duties.	2160

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(D) It is not a violation of division (C)(2) of this section 2161
if, within sixty days after receiving notice from a legislative 2162
agent that the legislative agent has provided a member of the 2163
general assembly with more than seventy-five dollars aggregated in 2164
a calendar year as payment for meals and other food and beverages, 2165
the member of the general assembly returns to that legislative 2166
agent the amount received that exceeds seventy-five dollars. 2167

(E) The joint legislative ethics committee may impose a fine 2168
of not more than one thousand dollars upon a member of the general 2169
assembly who violates division (B) of this section. 2170

Sec. 102.06. (A) The appropriate ethics commission shall 2171
receive and may initiate complaints against persons subject to 2172
Chapter 102. of the Revised Code concerning conduct alleged to be 2173
in violation of this chapter or section 2921.42 or 2921.43 of the 2174
Revised Code. All complaints except those by the commission shall 2175
be by affidavit made on personal knowledge, subject to the 2176
penalties of perjury. Complaints by the commission shall be by 2177
affidavit, based upon reasonable cause to believe that a violation 2178
has occurred. 2179

(B) The commission shall investigate complaints, may 2180
investigate charges presented to it, and may request further 2181
information, including the specific amount of income from a 2182
source, from any person filing with the commission a statement 2183
required by section 102.02 of the Revised Code, if the information 2184
sought is directly relevant to a complaint or charges received by 2185
the commission pursuant to this section. This information is 2186
confidential, except that the commission, at its discretion, may 2187
share information gathered in the course of any investigation 2188
with, or disclose the information to, any appropriate prosecuting 2189
authority, any law enforcement agency, or any other appropriate 2190
ethics commission. The person so requested shall furnish the 2191

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information to the commission, unless within fifteen days from the 2192
date of the request the person files an action for declaratory 2193
judgment challenging the legitimacy of the request in the court of 2194
common pleas of the county of ~~his~~ the person's residence, ~~his~~ the 2195
person's place of employment, or Franklin county. The requested 2196
information need not be furnished to the commission during the 2197
pendency of the judicial proceedings. Proceedings of the 2198
commission in connection with the declaratory judgment action 2199
shall be kept confidential except as otherwise provided by this 2200
section. Before the commission proceeds to take any formal action 2201
against a person who is the subject of an investigation based on 2202
charges presented to the commission, a complaint shall be filed 2203
against the person. If the commission finds that a complaint is 2204
not frivolous, and there is reasonable cause to believe that the 2205
facts alleged in a complaint constitute a violation of section 2206
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised 2207
Code, it shall hold a hearing. If the commission does not so find, 2208
it shall dismiss the complaint and notify the accused person in 2209
writing of the dismissal of the complaint. The commission shall 2210
not make a report of its finding unless the accused person 2211
requests a report. Upon the request of the accused person, the 2212
commission shall make a public report of its finding. The person 2213
against whom the complaint is directed shall be given reasonable 2214
notice by certified mail of the date, time, and place of the 2215
hearing and a statement of the charges and the law directly 2216
involved and shall be given the opportunity to be represented by 2217
counsel, to have counsel appointed for ~~him~~ the person if ~~he~~ the 2218
person is unable to afford counsel without undue hardship, to 2219
examine the evidence against ~~him~~ the person, to produce evidence 2220
and to call and subpoena witnesses in ~~his~~ the person's defense, to 2221
confront ~~his~~ the person's accusers, and to cross-examine 2222
witnesses. The commission shall have a stenographic record made of 2223
the hearing. The hearing shall be closed to the public. 2224

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(C)(1)(a) If upon the basis of the hearing, the commission
finds by a preponderance of the evidence that the facts alleged in
the complaint are true and constitute a violation of section
102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised
Code, it shall report its findings to the appropriate prosecuting
authority for proceedings in prosecution of the violation and to
the appointing or employing authority of the accused.

(b) If the Ohio ethics commission reports its findings to the
appropriate prosecuting authority under division (C)(1)(a) of this
section and the prosecuting authority has not initiated any
official action on those findings within ninety days after
receiving the commission's report of them, then the commission may
publicly comment that no official action has been taken on its
findings, except that the commission shall make no comment in
violation of the Rules of Criminal Procedure or about any
indictment that has been sealed pursuant to any law or those
rules. The commission shall make no comment regarding the merits
of its findings. As used in division (C)(1)(b) of this section,
"official action" means prosecution, closure after investigation,
or grand jury action resulting in a true bill of indictment or no
true bill of indictment.

(2) If the appropriate ethics commission does not find by a
preponderance of the evidence that the facts alleged in the
complaint are true and constitute a violation of section 102.02,
102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or
if the commission has not scheduled a hearing within ninety days
after the complaint is filed or has not finally disposed of the
complaint within six months after it has been heard, it shall
dismiss the complaint and notify the accused person in writing of
the dismissal of the complaint. The commission shall not make a
report of its finding unless the accused person requests a report.
Upon the request of the accused person, the commission shall make

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a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and

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the governmental entity with which any employee or official that
is the subject of a complaint was employed at the time of the
alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any
complaint, inquiry, or investigation relating to the proceedings
of the appropriate commission shall be sealed and are private and
confidential, except as otherwise provided in this section and
section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio
ethics commission or the appropriate prosecuting authority, in
consultation with the person filing the complaint or charge, the
accused, and any other person the commission or prosecuting
authority considers necessary, may compromise or settle the
complaint or charge with the agreement of the accused. The
compromise or settlement may include mediation, restitution,
rescission of affected contracts, forfeiture of any benefits
resulting from a violation or potential violation of law,
resignation of a public official or employee, or any other relief
that is agreed upon between the commission or prosecuting
authority and the accused.

(2) Any settlement agreement entered into under division
(G)(1) of this section shall be in writing and be accompanied by a
statement of the findings of the commission or prosecuting
authority and the reasons for entering into the agreement. The
commission or prosecuting authority shall retain the agreement and
statement in ~~its~~ the commission's or ~~his~~ prosecuting attorney's
office and, in ~~its~~ the commission's or ~~his~~ prosecuting authority's
discretion, may make the agreement, the statement, and any
supporting information public, unless the agreement provides
otherwise.

(3) If a settlement agreement is breached by the accused, the
commission or prosecuting authority, in ~~its~~ the commission's or

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~~his prosecuting authority's~~ discretion, may rescind the agreement 2321
and reinstitute any investigation, hearing, or prosecution of the 2322
accused. No information obtained from the accused in reaching the 2323
settlement that is not otherwise discoverable from the accused 2324
shall be used in any proceeding before the commission or by the 2325
appropriate prosecuting authority in prosecuting the violation. 2326
Notwithstanding any other section of the Revised Code, if a 2327
settlement agreement is breached, any statute of limitations for a 2328
violation of this chapter or section 2921.42 or 2921.43 of the 2329
Revised Code is tolled from the date the complaint or charge is 2330
filed until the date the settlement agreement is breached. 2331

2332

Sec. 103.143. In addition to its duties under section 103.14 2333
of the Revised Code, ~~the legislative budget office~~ of the 2334
legislative service commission shall, in accordance with this 2335
section, review all bills assigned to a committee of the general 2336
assembly, complete the appropriate local impact statements 2337
required by this section, and compile and distribute these 2338
statements as required by division (D) of this section. 2339

(A) Subject to division (F) of this section, whenever any 2340
bill is introduced into either house of the general assembly and 2341
receives second consideration pursuant to the rules of that house, 2342
the bill shall be reviewed immediately by the legislative budget 2343
officer. Upon completing this review, the legislative budget 2344
officer shall determine whether the bill could result in a net 2345
additional cost to school districts, counties, townships, or 2346
municipal corporations from any new or expanded program or service 2347
that school districts, counties, townships, or municipal 2348
corporations would be required to perform or administer under the 2349
bill. If the legislative budget officer determines that it could 2350
result in such a cost, the legislative ~~budget office~~ service 2351
commission shall prepare a local impact statement in the manner 2352

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specified in this section. Immediately upon determining the 2353
potential for a net additional cost, the legislative budget 2354
officer shall notify the sponsor of the bill, the chairperson of 2355
the committee to which the bill has been assigned, and the 2356
presiding officer and minority leader of the house in which the 2357
bill originates of the legislative budget officer's determination 2358
by signing and dating a statement to be delivered to them. 2359

If a local impact statement is required, the legislative 2360
~~budget office~~ service commission shall, as soon as possible but no 2361
later than thirty days after the date the bill is scheduled for a 2362
first hearing in a committee in the house in which the bill was 2363
introduced or no later than thirty days after being requested to 2364
do so by the chairperson of such a committee, prepare a statement 2365
containing the most accurate estimate possible, in dollars, of the 2366
net additional costs, if any, that will be required of school 2367
districts, counties, townships, or municipal corporations to 2368
perform or administer a new or expanded program or service 2369
required under the bill. Copies of this statement shall be sent to 2370
the governor, the speaker of the house of representatives, the 2371
president of the senate, the sponsor of the bill, the minority 2372
leader in both houses, and the chairperson of the committee to 2373
which the bill has been assigned. 2374

No bill for which a local impact statement is required by 2375
this section shall be voted out of committee until after the 2376
committee members have received and considered the statement or, 2377
if the bill was amended in committee, the revised statement, 2378
unless the bill is voted out of committee by a two-thirds vote of 2379
the membership of the committee. 2380

(B) In preparing a local impact statement, the legislative 2381
~~budget office~~ service commission may request any department, 2382
division, institution, board, commission, authority, bureau, or 2383
other instrumentality or officer of the state, a school district, 2384

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a county, a municipal corporation, or a township to provide any of 2385
the following information: 2386

(1) An estimate, in dollars, of the amount by which the bill 2387
would increase or decrease the revenues received or expenditures 2388
made by the instrumentality, officer, or entity; 2389

(2) Any other information the legislative ~~budget-office~~ 2390
service commission considers necessary for it to understand or 2391
explain the fiscal effect of the bill. 2392

An instrumentality, officer, or entity shall comply with a 2393
request as soon as reasonably possible, but not later than fifteen 2394
days, after receiving it. The legislative ~~budget-office~~ service 2395
commission shall specify the manner of compliance in its request, 2396
and if necessary may specify a period of time longer than fifteen 2397
days for compliance. The legislative ~~budget-office~~ service 2398
commission may consider any information provided under division 2399
(B)(1) or (2) of this section in preparing a local impact 2400
statement. 2401

(C) Any time a bill is amended, the legislative ~~budget-office~~ 2402
service commission shall, as soon as reasonably possible, revise 2403
the local impact statement to reflect changes made by amendment. 2404
2405

(D) The legislative ~~budget-office~~ service commission shall 2406
annually compile the final local impact statements completed for 2407
all laws passed by both houses of the general assembly in the 2408
preceding year. It shall send a copy of this compilation as a 2409
draft report ~~to the state and local government commission and to~~ 2410
associations or nonprofit organizations formed for the improvement 2411
of school districts or municipal, township, or county government 2412
or for their elected officials by the last day of July of each 2413
year. Upon receiving the draft report, ~~the state and local~~ 2414
~~government commission shall solicit comments from~~ these 2415
associations and organizations may comment about the actual fiscal 2416

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impact of bills passed during the year covered by the report. ~~The~~ 2417
~~commission shall review and comment on the draft report before~~ 2418
~~returning it to the legislative budget office, along with the~~ and 2419
forward those ~~comments of the associations and organizations, to~~ 2420
the legislative service commission by the last day of August. The 2421
legislative ~~budget office~~ service commission shall then prepare a 2422
final report consisting of the compiled local impact statements 2423
and all forwarded ~~comments returned by the state and local~~ 2424
~~government commission~~. The final report shall be completed by the 2425
last day of September and copies of the report shall be sent to 2426
the governor, the speaker of the house of representatives, and the 2427
president of the senate. 2428

(E) As used in this section, "net additional cost" means any 2429
cost incurred or anticipated to be incurred by a school district, 2430
county, township, or municipal corporation in performing or 2431
administering a new or expanded program or service required by a 2432
state law other than any of the following: 2433

(1) A cost arising from the exercise of authority granted by 2434
a state law rather than from the performance of a duty or 2435
obligation imposed by a state law; 2436

(2) New duties or obligations that create only a minimal cost 2437
for affected school districts, counties, townships, or municipal 2438
corporations. The legislative ~~budget office~~ service commission 2439
shall determine what constitutes such a minimal cost. Before 2440
making this determination, the legislative ~~budget office~~ service 2441
commission shall notify the state organizations that represent 2442
school districts, counties, townships, and municipal corporations 2443
regarding the proposed determination and provide a thirty-day 2444
period for these organizations and individual school districts, 2445
counties, townships, and municipal corporations to comment on it. 2446

(3) A cost arising from a law passed as a result of a federal 2448

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mandate. 2449

The amounts described in division (E)(2) of this section 2450
include only the amounts remaining after subtracting from such 2451
costs any revenues received or receivable by the school district, 2452
county, township, or municipal corporation on account of the 2453
program or service, including the following: 2454

(a) Fees charged to the recipients of the program or service; 2455
2456

(b) State or federal aid paid specifically or categorically 2457
in connection with the program or service; 2458

(c) Any offsetting savings resulting from the diminution or 2459
elimination of any other program or service directly attributable 2460
to the performance or administration of the required program or 2461
service. 2462

(F) This section does not apply to any of the following: 2463

(1) The main biennial operating appropriations bill; 2464

(2) The biennial operating appropriations bill for state 2465
agencies supported by motor fuel tax revenue; 2466

(3) The biennial operating appropriations bill or bills for 2467
the bureau of workers' compensation and the industrial commission; 2468

(4) Any other bill that makes the principal biennial 2469
operating appropriations for one or more state agencies; 2470

(5) The bill that primarily contains corrections and 2471
supplemental appropriations to the biennial operating 2472
appropriations bills; 2473

(6) The main biennial capital appropriations bill; 2474

(7) The bill that primarily contains reappropriations from 2475
previous capital appropriations bills. 2476

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Sec. 103.33. This section shall be known as "The Community Organizations Access Procedure Act." 2477
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Any state agency that is eligible to receive federal funds under a federal grant program and that cannot or has decided that it will not participate fully in the program shall promptly report both of the following to the joint legislative committee on federal funds: 2479
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(A) That the agency cannot or has decided that it will not participate fully in the program, along with the reason; 2484
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(B) Whether there is some means allowable under federal law by which counties or not-for-profit organizations can receive the federal funds to participate in the program, as by being agents or grantees of the agency. 2486
2487
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If there is a means whereby counties or not-for-profit organizations can so participate in the program, the agency shall post on a generally accessible internet website detailed information about the program and the means by which the counties or not-for-profit organizations can participate in the program. The information shall be posted within ample time for the counties or not-for-profit organizations to participate fully in the program. Any county interested in participating in the program shall apply to the agency on its own behalf. Any county that is willing to be the fiscal agent for a not-for-profit organization interested in participating and qualified to participate in the program, or that arranges with a responsible organization to be the fiscal agent for the program in the county, shall advertise or otherwise inform such organizations about the program and shall apply to the agency in conjunction with or on behalf of the not-for-profit organization. The agency shall accept applications from the counties on a first-come, first-served basis, shall apply to the federal government for the funds, and shall pay the federal 2490
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funds to the counties when available.

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As used in this section, "not-for-profit organizations" means organizations, including faith-based organizations, exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended.

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Sec. 105.41. (A) There is hereby created the capitol square review and advisory board, consisting of nine members as follows:

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(1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same political party;

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(2) Two members of the house of representatives, appointed by the speaker of the house of representatives, both of whom shall not be members of the same political party;

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(3) Five members appointed by the governor, with the advice and consent of the senate, not more than three of whom shall be members of the same political party, one of whom shall represent the office of the state architect and engineer, one of whom shall represent the Ohio arts council, one of whom shall represent the Ohio historical society, one of whom shall represent the Ohio building authority, and one of whom shall represent the public at large.

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(B) Terms of office of each appointed member of the board shall be for three years, except that members of the general assembly appointed to the board shall be members of the board only so long as they are members of the general assembly. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In case of a vacancy occurring on the board, the president of the senate, the speaker of the house of representatives, or the governor, as the

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case may be, shall in the same manner prescribed for the regular
appointment to the commission, fill the vacancy by appointing a
member. 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 the 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.

(C) The board shall hold meetings in a manner and at times
prescribed by the rules adopted by the board. A majority of the
board constitutes a quorum, and no action shall be taken by the
board unless approved by at least five voting members. At its
first meeting, the board shall adopt rules for the conduct of its
business and the election of its officers, and shall organize by
selecting a chairperson and other officers as it considers
necessary. Board members shall serve without compensation but
shall be reimbursed for actual and necessary expenses incurred in
the performance of their duties.

(D) The board may do any of the following:

(1) Employ or hire on a consulting basis professional,
technical, and clerical employees as are necessary for the
performance of its duties;

(2) Hold public hearings at times and places as determined by
the board;

(3) Adopt, amend, or rescind rules necessary to accomplish
the duties of the board as set forth in this section;

(4) Sponsor, conduct, and support such social events as the
board may authorize and consider appropriate for the employees of
the board, employees and members of the general assembly,
employees of persons under contract with the board or otherwise

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engaged to perform services on the premises of capitol square, or
other persons as the board may consider appropriate. Subject to
the requirements of Chapter 4303. of the Revised Code, the board
may provide beer, wine, and intoxicating liquor, with or without
charge, for ~~such~~ those events and may use funds only from the sale
of goods and services fund to purchase the beer, wine, and
intoxicating liquor the board provides.

(E) The board shall do all of the following:

(1) Have sole authority to coordinate and approve any
improvements, additions, and renovations that are made to the
capitol square. The improvements shall include, but not be limited
to, the placement of monuments and sculpture on the capitol
grounds.

(2) ~~Operate~~ Subject to section 3353.07 of the Revised Code,
operate the capitol square, and have sole authority to regulate
all uses of the capitol square. The uses shall include, but not be
limited to, the casual and recreational use of the capitol square.

(3) Employ, fix the compensation of, and prescribe the duties
of the executive director of the board and ~~such~~ other employees ~~as~~
the board considers necessary for the performance of its powers
and duties;

(4) Establish and maintain the capitol collection trust. The
capitol collection trust shall consist of furniture, antiques, and
other items of personal property that the board shall store in
suitable facilities until they are ready to be placed in the
capitol square.

(5) Perform ~~such~~ repair, construction, contracting,
purchasing, maintenance, supervisory, and operating activities ~~as~~
the board determines are necessary for the operation and
maintenance of the capitol square;

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(6) Maintain and preserve the capitol square, in accordance 2600
with guidelines issued by the United States secretary of the 2601
interior for application of the secretary's standards for 2602
rehabilitation adopted in 36 C.F.R. part 67. 2603

(F)(1) The ~~capitol square review and advisory~~ board shall 2604
lease capital facilities improved or financed by the Ohio building 2605
authority pursuant to Chapter 152. of the Revised Code for the use 2606
of the board, and may enter into any other agreements with the 2607
authority ancillary to improvement, financing, or leasing of ~~such~~ 2608
those capital facilities, including, but not limited to, any 2609
agreement required by the applicable bond proceedings authorized 2610
by Chapter 152. of the Revised Code. Any lease of capital 2611
facilities authorized by this section shall be governed by 2612
division (D) of section 152.24 of the Revised Code. 2613

(2) Fees, receipts, and revenues received by the ~~capitol~~ 2614
~~square review and advisory~~ board from the state underground 2615
parking garage constitute available receipts as defined in section 2616
152.09 of the Revised Code, and may be pledged to the payment of 2617
bond service charges on obligations issued by the Ohio building 2618
authority pursuant to Chapter 152. of the Revised Code to improve 2619
or finance capital facilities useful to the board. The authority 2620
may, with the consent of the board, provide in the bond 2621
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 2622
fees, receipts, and revenues as the authority determines. The 2623
authority may provide in the bond proceedings or by separate 2624
agreement with the board for the transfer of ~~such~~ those fees, 2625
receipts, and revenues to the appropriate bond service fund or 2626
bond service reserve fund as required to pay the bond service 2627
charges when due, and any such provision for the transfer of ~~such~~ 2628
those fees, receipts, and revenues shall be controlling 2629
notwithstanding any other provision of law pertaining to ~~such~~ 2630
those fees, receipts, and revenues. 2631

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(3) All moneys received by the treasurer of state on account 2632
of the board and required by the applicable bond proceedings or by 2633
separate agreement with the board to be deposited, transferred, or 2634
credited to the bond service fund or bond service reserve fund 2635
established by ~~such~~ the bond proceedings shall be transferred by 2636
the treasurer of state to such fund, whether or not ~~such fund it~~ 2637
is in the custody of the treasurer of state, without necessity for 2638
further appropriation, upon receipt of notice from the Ohio 2639
building authority as prescribed in the bond proceedings. 2640

(G) All fees, receipts, and revenues received by the ~~capitol~~ 2641
~~square review and advisory~~ board from the state underground 2642
parking garage shall be deposited into the state treasury to the 2643
credit of the underground parking garage operating fund, which is 2644
hereby created, to be used for the purposes specified in division 2645
(F) of this section and for the operation and maintenance of the 2646
garage. All investment earnings of the fund shall be credited to 2647
the fund. 2648

(H) All donations received by the ~~capitol square review and~~ 2649
~~advisory~~ board shall be deposited into the state treasury to the 2650
credit of the capitol square renovation gift fund, which is hereby 2651
created. The fund shall be used by the ~~capitol square review and~~ 2652
~~advisory~~ board as follows: 2653

(1) To provide part or all of the funding related to 2654
construction, goods, or services for the renovation of the capitol 2655
square; 2656

(2) To purchase art, antiques, and artifacts for display at 2657
the capitol square; 2658

(3) To award contracts or make grants to organizations for 2659
educating the public regarding the historical background and 2660
governmental functions of the capitol square. Chapters 125., 127., 2661
and 153. and section 3517.13 of the Revised Code do not apply to 2662

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purchases made exclusively from the fund, notwithstanding anything
to the contrary in those chapters or that section. All investment
earnings of the fund shall be credited to the fund.

(I) Except as provided in divisions (G), (H), and (J) of this
section, all fees, receipts, and revenues received by the ~~capitol
square review and advisory~~ board shall be deposited into the state
treasury to the credit of the sale of goods and services fund,
which is hereby created. Money credited to the fund shall be used
solely to pay costs of the board other than those specified in
divisions (F) and (G) of this section. All investment earnings of
the fund shall be credited to the fund.

(J) There is hereby created in the state treasury the capitol
square improvement fund, to be used by the ~~capitol square review
and advisory~~ board to pay construction, renovation, and other
costs related to the capitol square for which money is not
otherwise available to the board. Whenever the board determines
that there is a need to incur ~~such~~ those costs and that the
unencumbered, unobligated balance to the credit of the underground
parking garage operating fund exceeds the amount needed for the
purposes specified in division (F) of this section and for the
operation and maintenance of the garage, the board may request the
director of budget and management to transfer from the underground
parking garage operating fund to the capitol square improvement
fund the amount needed to pay such construction, renovation, or
other costs. The director then shall ~~thereupon~~ transfer the amount
needed from the excess balance of the underground parking garage
operating fund.

(K) As the operation and maintenance of the capitol square
constitute essential government functions of a public purpose, the
board shall not be required to pay taxes or assessments upon the
square, ~~or~~ upon any property acquired or used by the board under
this section, or upon any income generated by the operation of the

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square. 2695

(L) As used in this section, "capitol square" means the 2696
capitol building, senate building, capitol atrium, capitol 2697
grounds, and the state underground parking garage. 2698

(M) The capitol annex shall be known as the senate building. 2699

Sec. 109.761. (A)(1) Each agency or entity that appoints or 2700
employs one or more peace officers shall report to the Ohio peace 2701
officer training commission all of the following that occur: 2702

(a) The appointment or employment of any person to serve the 2703
agency or entity as a peace officer in any full-time, part-time, 2704
reserve, auxiliary, or other capacity; 2705

(b) The termination, resignation, felony conviction, or death 2706
of any person who has been appointed to or employed by the agency 2707
or entity as a peace officer in any full-time, part-time, reserve, 2708
auxiliary, or other capacity and who is serving the agency or 2709
entity in any of those peace officer capacities. 2710

(2) An agency or entity shall make each report required by 2711
division (A)(1) of this section within ten days of the occurrence 2712
of the event that is being reported. The agency or entity shall 2713
make the report in the manner and format prescribed by the 2714
executive director of the Ohio peace officer training commission. 2715

(B) Each agency or entity that appoints or employs one or 2716
more peace officers annually shall provide to the Ohio peace 2717
officer training commission a roster of all persons who have been 2718
appointed to or employed by the agency or entity as a peace 2719
officer in any full-time, part-time, reserve, auxiliary, or other 2720
capacity, and who are serving or during the year covered by the 2721
report have served the agency or entity in any of those peace 2722
officer capacities. The agency or entity shall provide the roster 2723
in the manner and format, and by the date, prescribed by the 2724

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executive director of the Ohio peace officer training commission. 2725

(C) If an agency or entity that appoints or employs one or 2726
more peace officers fails to comply with division (A) or (B) of 2727
this section, the agency or entity is ineligible to have any of 2728
its peace officers participate in any basic or advanced training 2729
conducted by the Ohio peace officer training commission or the 2730
Ohio peace officer training academy. The agency or entity shall 2731
remain ineligible as described in this division until the agency 2732
or entity attains compliance with divisions (A) and (B) of this 2733
section. Upon the agency's or entity's compliance with divisions 2734
(A) and (B) of this section, the ineligibility imposed by this 2735
division terminates. 2736

(D) The Ohio peace officer training commission shall 2737
prescribe the manner and format of making reports under division 2738
(A) of this section and providing annual rosters under division 2739
(B) of this section and shall prescribe the date by which the 2740
annual rosters must be provided. 2741

Sec. 111.16. The secretary of state shall charge and collect, 2742
for the benefit of the state, the following fees: 2743

(A) For filing and recording articles of incorporation of a 2744
domestic corporation, including designation of agent: 2745

(1) Wherein the corporation shall not be authorized to issue 2746
any shares of capital stock, one hundred twenty-five dollars-; 2747

(2) Wherein the corporation shall be authorized to issue 2748
shares of capital stock, with or without par value: 2749

(a) Ten cents for each share authorized up to and including 2750
one thousand shares; 2751

(b) Five cents for each share authorized in excess of one 2752
thousand shares up to and including ten thousand shares; 2753

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(c) Two cents for each share authorized in excess of ten thousand shares up to and including fifty thousand shares;	2754 2755
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	2756 2757
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	2758 2759 2760
(f) One-quarter cent for each share authorized in excess of five hundred thousand shares; provided no fee shall be less than eighty-five <u>one hundred twenty-five</u> dollars or greater than one hundred thousand dollars.	2761 2762 2763 2764
(B) For filing and recording a certificate of amendment to or amended articles of incorporation of a domestic corporation, or for filing and recording a certificate of reorganization, a certificate of dissolution, or an amendment to a foreign license application:	2765 2766 2767 2768 2769
(1) If the domestic corporation is not authorized to issue any shares of capital stock, twenty-five <u>fifty</u> dollars;	2770 2771
(2) If the domestic corporation is authorized to issue shares of capital stock, thirty-five <u>fifty</u> dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	2772 2773 2774 2775 2776 2777 2778 2779
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	2780 2781
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	2782 2783

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(C) For filing and recording articles of incorporation of a savings and loan association, one hundred ~~twenty-five~~ dollars; ~~and~~ for filing and recording a certificate of amendment to or amended articles of incorporation ~~that do not involve an increase in the authorized capital stock of such corporation of a savings and loan association,~~ ~~twenty-five~~ fifty dollars; ~~and for filing and recording a certificate of amendment to or amended articles of incorporation that do involve an increase in the authorized capital stock of such corporation,~~ ~~thirty-five~~ dollars;

(D) For filing and recording a certificate of merger or consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the case of any new corporation resulting from a consolidation or any surviving corporation that has an increased number of shares authorized to be issued resulting from a merger, an additional sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued or represented in this state by each of the corporations for which a consolidation or merger is effected by the certificate;

(E) For filing and recording articles of incorporation of a credit union or the American credit union guaranty association, ~~thirty-five~~ one hundred twenty-five dollars, and for filing and recording a certificate of increase in capital stock or any other amendment of the articles of incorporation of a credit union or the association, ~~twenty-five~~ fifty dollars;

(F) For filing and recording articles of organization of a limited liability company ~~or,~~ for filing and recording an application to become a registered foreign limited liability company, for filing and recording a registration application to become a domestic limited liability partnership, ~~or for filing and recording an application to become~~ a registered foreign limited liability partnership, ~~eighty-five~~ one hundred twenty-five

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dollars; 2816

(G) For filing and recording a certificate of limited 2817
partnership or an application for registration as a foreign 2818
limited partnership ~~the following apply:~~ 2819

~~(1) If the certificate or application is for a limited 2820
partnership or foreign limited partnership described in division 2821
(A)(1) of section 1782.63 of the Revised Code, and the partnership 2822
has complied with divisions (A)(1)(a) to (e) of that section, no 2823
fee; 2824~~

~~(2) If the certificate or application is for a limited 2825
partnership or foreign limited partnership other than a 2826
partnership described in division (G)(1) of this section, 2827
eighty-five, one hundred twenty-five dollars. 2828~~

(H) For filing a copy of papers evidencing the incorporation 2829
of a municipal corporation or of annexation of territory by a 2830
municipal corporation, five dollars, to be paid by the municipal 2831
corporation, the petitioners therefor, or their agent; 2832

(I) For filing and recording any of the following: 2833

(1) A license to transact business in this state by a foreign 2834
corporation for profit pursuant to section 1703.04 of the Revised 2835
Code or a foreign nonprofit corporation pursuant to section 2836
1703.27 of the Revised Code, one hundred twenty-five dollars; 2837
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(2) An annual report or annual statement pursuant to section 2839
1775.63 or 1785.06 of the Revised Code, ~~ten~~ twenty-five dollars; 2840

(3) ~~Any~~ Except as otherwise provided in this section or any 2841
other section of the Revised Code, any other certificate or paper 2842
that is required to be filed and recorded or is permitted ~~by any~~ 2843
~~provision of the Revised Code~~ to be filed and recorded by any 2844
provision of the Revised Code with the secretary of state, ~~ten~~ 2845
twenty-five dollars. 2846

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(J) For filing any certificate or paper not required to be 2847
recorded, five dollars; 2848

(K)(1) For making copies of any certificate or other paper 2849
filed in the office of the secretary of state, ~~the cost shall a~~ 2850
~~fee~~ not to exceed one dollar per page, ~~except as otherwise~~ 2851
~~provided in the Revised Code,~~ and for creating and affixing the 2852
seal of the office of the secretary of state to any good standing 2853
or other certificate, five dollars, ~~except that for.~~ For copies of 2854
certificates or papers required by state officers for official 2855
purpose, no charge shall be made+. 2856

(2) For creating and affixing the seal of the office of the 2857
secretary of state to the certificates described in division (E) 2858
of section 1701.81, division (E) of section 1705.38, or division 2859
(D) of section 1702.43 of the Revised Code, twenty-five dollars. 2860

(L) For a minister's license to solemnize marriages, ten 2861
dollars; 2862

(M) For examining documents to be filed at a later date for 2863
the purpose of advising as to the acceptability of the proposed 2864
filing, ~~ten~~ fifty dollars; 2865

(N) ~~For expedited filing service for filings referred to in~~ 2866
~~divisions (A), (B), (C), (D), (E), (F), and (G) of this section,~~ 2867
~~ten dollars in addition to the fee for filing and recording~~ 2868
~~provided in those divisions~~ Fifty dollars for filing and recording 2869
any of the following: 2870

(1) A certificate of dissolution and accompanying documents, 2871
or a certificate of cancellation, under section 1701.86, 1702.47, 2872
1705.43, or 1782.10 of the Revised Code; 2873

(2) A notice of dissolution of a foreign licensed corporation 2874
or a certificate of surrender of license by a foreign licensed 2875
corporation under section 1703.17 of the Revised Code; 2876

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<u>(3) The withdrawal of registration of a foreign or domestic</u>	2877
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	2878
<u>the Revised Code, or the certificate of cancellation of</u>	2879
<u>registration of a foreign limited liability company under section</u>	2880
<u>1705.57 of the Revised Code;</u>	2881
<u>(4) The filing of a cancellation of disclaimer of general</u>	2882
<u>partner status under Chapter 1782. of the Revised Code.</u>	2883
<u>(O) Fees For filing a statement of continued existence by a</u>	2884
<u>nonprofit corporation, twenty-five dollars;</u>	2885
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	2886
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	2887
<u>under section 1782.10 of the Revised Code, an amendment under</u>	2888
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	2889
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	2890
<u>Code, fifty dollars;</u>	2891
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	2892
<u>operation of law, by the secretary of state, by order of the</u>	2893
<u>department of taxation, or by order of a court, twenty-five</u>	2894
<u>dollars;</u>	2895
<u>(R) For filing a change of agent, resignation of agent, or</u>	2896
<u>change of agent's address under section 1701.07, 1702.06,</u>	2897
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	2898
<u>of the Revised Code, twenty-five dollars;</u>	2899
<u>(S) For filing and recording any of the following:</u>	2900
<u>(1) An application for the exclusive right to use a name or</u>	2901
<u>an application to reserve a name for future use under section</u>	2902
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	2903
<u>Code, fifty dollars;</u>	2904
<u>(2) A trade name or fictitious name registration or report,</u>	2905
<u>fifty dollars;</u>	2906

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(3) An application to renew any item covered by division 2907
(S)(1) or (2) of this section that is permitted to be renewed, 2908
twenty-five dollars; 2909

(4) An assignment of rights for use of a name covered by 2910
division (S)(1), (2), or (3) of this section, the cancellation of 2911
a name registration or name reservation that is so covered, or 2912
notice of a change of address of the registrant of a name that is 2913
so covered, twenty-five dollars. 2914

(T) For filing and recording a report to operate a business 2915
trust or a real estate investment trust, either foreign or 2916
domestic, one hundred twenty-five dollars; and for filing and 2917
recording an amendment to a report or associated trust instrument, 2918
or a surrender of authority, to operate a business trust or real 2919
estate investment trust, fifty dollars; 2920

(U)(1) For filing and recording the registration of a 2921
trademark, service mark, or mark of ownership, one hundred 2922
twenty-five dollars; 2923

(2) For filing and recording the change of address of a 2924
registrant, the assignment of rights to a registration, a renewal 2925
of a registration, or the cancellation of a registration 2926
associated with a trademark, service mark, or mark of ownership, 2927
twenty-five dollars. 2928

Fees specified in this section may be paid by cash, check, or 2929
money order or by credit card, or an alternative payment program, 2930
in accordance with division (B) or (C) of section 111.18 of the 2931
Revised Code. Any credit card number or the expiration date of any 2932
credit card is not subject to disclosure under Chapter 149. of the 2933
Revised Code. 2934

Sec. 111.18. (A) The secretary of state shall keep a record 2935
of all fees collected by the secretary of state and, ~~except as~~ 2936

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~~otherwise provided in this subject to division (B) of section and~~ 2937
~~in sections 1309.401 and 1329.68 and division (C)(2) of section~~ 2938
~~3506.05 of the Revised Code and except as otherwise provided in~~ 2939
~~the Revised Code, shall pay, through June 30, 2001, fifty per cent~~ 2940
~~of them into the state treasury to the credit of the general~~ 2941
~~revenue fund and fifty per cent of them into the state treasury to~~ 2942
~~the credit of the corporate and uniform commercial code filing~~ 2943
~~fund created under by section 1309.401 of the Revised Code and~~ 2944
~~shall pay, on and after July 1, 2001, all of them into the state~~ 2945
~~treasury to the credit of the general revenue fund. Through June~~ 2946
~~30, 2001, all of the fees collected under divisions (I)(2) and (N)~~ 2947
~~of section 111.16 of the Revised Code shall be paid into the state~~ 2948
~~treasury to the credit of that corporate and uniform commercial~~ 2949
~~code filing fund. On and after July 1, 2001, the following fees~~ 2950
~~shall be paid into the state treasury to the credit of that~~ 2951
~~corporate and uniform commercial code filing fund:~~ 2952

~~(1) Twenty-five dollars of each fee collected under divisions~~ 2953
~~(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised~~ 2954
~~Code:~~ 2955

~~(2) Twenty-five dollars of each fee collected under division~~ 2956
~~(C) of section 1703.031 of the Revised Code:~~ 2957

~~(3) All fees collected under divisions (I)(2) and (N) of~~ 2958
~~section 111.16 of the Revised Code:~~ 2959

~~(4) All fees collected under section 1703.08 of the Revised~~ 2960
~~Code:~~ 2961

~~(5) Each fifty-dollar fee for amendments filed by foreign~~ 2962
~~nonprofit corporations under section 1703.27 of the Revised Code.~~ 2963

(B) The secretary of state may implement a credit card 2964
payment program permitting that permits payment of any fee charged 2965
by the secretary of state by means of a credit card. The secretary 2966
of state may open an account outside the state treasury in a 2967

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financial institution for the purpose of depositing credit card 2968
receipts. Within forty-eight hours following the deposit of the 2969
receipts, the financial institution shall make available to the 2970
secretary of state funds in the amount of the receipts. The 2971
secretary of state then shall ~~then~~ pay ~~these~~ those funds into the 2972
state treasury to the credit of the ~~general revenue~~ corporate and 2973
uniform commercial code filing fund, subject to division (B) of 2974
section 1309.401 of the Revised Code and except as otherwise 2975
provided ~~by~~ in the Revised Code. 2976

The secretary of state may pay the cost of any service charge 2977
required by a financial institution or credit card company in 2978
connection with a credit card payment program. 2979

The secretary of state shall adopt rules ~~as~~ necessary to 2980
carry out the purposes of this division. The rules shall include 2981
standards for determining eligible financial institutions and the 2982
manner in which funds shall be made available and shall be 2983
consistent with the standards contained in sections 135.03, 2984
135.18, and 135.181 of the Revised Code. 2985

(C) The secretary of state may implement alternative payment 2986
programs that permit payment of any fee charged by the secretary 2987
of state by means other than cash, check, money order, or credit 2988
card; an alternative payment program may include, but is not 2989
limited to, one that permits a fee to be paid by electronic means 2990
of transmission. The secretary of state may open an account 2991
outside the state treasury in a financial institution for the 2992
purpose of operating an alternative payment program. Within 2993
forty-eight hours following the deposit of funds into such an 2994
account, the financial institution shall make available to the 2995
secretary of state the deposited funds. The secretary of state 2996
then shall pay those funds into the state treasury to the credit 2997
of the corporate and uniform commercial code filing fund, subject 2998
to division (B) of section 1309.401 of the Revised Code and except 2999

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as otherwise provided in the Revised Code.

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The secretary of state may pay the cost of any service charge required by a financial institution or service company in connection with an alternative payment program.

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The secretary of state shall adopt rules necessary to carry out the purposes of this division. The rules shall include standards for determining eligible financial institutions and the manner in which funds shall be made available and shall be consistent with the standards contained in sections 135.03, 135.18, and 135.181 of the Revised Code.

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Sec. 111.23. (A) The secretary of state, by rule, shall establish, and prescribe guidelines and fees for the use of, an "expedited filing service" that provides, at the option of the person making such a filing, expeditious processing of any filing with the secretary of state under ~~Chapters~~ Chapter 1309. and or 1329. and of any filing referred to in divisions (A), (B), (C), (D), (E), (F), and (G) of section 111.16 or Title XVII of the Revised Code.

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(B) The secretary of state may adopt rules establishing, and prescribing guidelines and fees for the use of, a bulk filing service that provides, at the option of the person making a filing, a method for providing large amounts of information. The secretary of state may charge and collect fees for filings made through a bulk filing service at reduced amounts from those otherwise specified in or authorized by the Revised Code.

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(C) The secretary of state may adopt rules establishing, and prescribing guidelines and fees for the use of, alternative filing procedures in making filings with the secretary of state. Under these rules, the secretary of state may accept any filing and payment of associated fees through any electronic, digital, facsimile, or other means of transmission. The filings shall be

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made on a form prescribed by the secretary of state and shall 3031
comply fully with any other requirements of the Revised Code 3032
applicable to the type of filing being made. 3033

Sec. 111.25. (A) The secretary of state shall prescribe the 3034
following forms for persons to use in complying with the 3035
requirements of Chapter 1309. of the Revised Code for the filing 3036
of financing statements and related documents: 3037

~~(A)~~(1) The financing statement described in division (A) of 3038
section 1309.39 of the Revised Code; 3039

~~(B)~~(2) A form for the amendment of a financing statement 3040
described in division (C) of section 1309.39 of the Revised Code; 3041

~~(C)~~(3) A continuation statement described in division (C) of 3042
section 1309.40 of the Revised Code; 3043

~~(D)~~(4) A termination statement described in division (A) of 3044
section 1309.41 of the Revised Code; 3045

~~(E)~~(5) A form for an assignment of rights under a financing 3046
statement described in section 1309.42 of the Revised Code; 3047

~~(F)~~(6) A statement of release described in section 1309.43 of 3048
the Revised Code. 3049

(B) The secretary of state shall prescribe the forms for 3050
persons to use in complying with the requirements of Title XVII of 3051
the Revised Code to the extent that those requirements relate to 3052
filings with the secretary of state's office. 3053

Sec. 118.08. (A) The members of the financial planning and 3054
supervision commission shall serve without compensation, but shall 3055
be paid by the commission their necessary and actual expenses 3056
incurred while engaged in the business of the commission. 3057

(B) All expenses incurred for services rendered by the 3058

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financial supervisor for a period of twenty-four months shall be
paid by the commission pursuant to an appropriation made by the
general assembly for this purpose. Expenses incurred for services
rendered by the financial supervisor beyond this period shall be
borne by the municipal corporation, county, or township unless the
director of budget and management waives the costs and allows
payment in accordance with the following:

(1) If the continued performance of the financial supervisor
is required for a period of twenty-five to thirty months, the
municipal corporation, county, or township is responsible for
twenty per cent of the compensation due.

(2) If the continued performance of the financial supervisor
is required for a period of thirty-one to thirty-six months, the
municipal corporation, county, or township is responsible for
fifty per cent of the compensation due.

(3) If the continued performance of the financial supervisor
is required for a period of thirty-seven months or more, the
municipal corporation, county, or township is responsible for one
hundred per cent of the compensation due except as otherwise
provided in division (B)(4) of this section.

(4) ~~Beginning in fiscal year 2000, if~~ If the continued
performance of the financial supervisor has been required longer
than eight fiscal years for any municipal corporation, county, or
township declared to be in a fiscal emergency prior to fiscal year
1996, that municipal corporation, county, or township is
responsible for fifty per cent of the compensation due in its
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred
per cent of the compensation due in its tenth fiscal year ~~2001~~ and
every fiscal year thereafter while in fiscal emergency.

(C) If the municipal corporation, county, or township fails
to make any payment to the financial supervisor as required by

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this chapter, the financial supervisor may certify to the county auditor the amount due, and that amount shall be withheld from the municipal corporation, county, or township from any fund or funds in the custody of the county auditor for distribution to the municipal corporation, county, or township, except for those reserved for payment of local government fund notes. Upon receiving ~~such~~ the certification from the ~~auditor of state~~ financial supervisor, the county auditor shall draw a voucher for the amount against ~~such~~ those fund or funds in favor of the financial supervisor.

Sec. 119.12. Any party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a licensee, or revoking or suspending a license, or allowing the payment of a forfeiture under section 4301.252 of the Revised Code, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident, except that appeals from decisions of the liquor control commission, the state medical board, state chiropractic board, state dental board, and board of nursing shall be to the court of common pleas of Franklin county. If any such party is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county.

Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals from orders of the fire marshal issued under Chapter 3737. of the Revised Code may be to the court of common pleas of the county in which the building of the aggrieved person is located.

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This section does not apply to appeals from the department of
taxation.

Any party desiring to appeal shall file a notice of appeal
with the agency setting forth the order appealed from and the
grounds of the party's appeal. A copy of such notice of appeal
shall also be filed by the appellant with the court. Unless
otherwise provided by law relating to a particular agency, such
notices of appeal shall be filed within fifteen days after the
mailing of the notice of the agency's order as provided in this
section. For purposes of this paragraph, an order includes a
determination appealed pursuant to division (C) of section 119.092
of the Revised Code.

The filing of a notice of appeal shall not automatically
operate as a suspension of the order of an agency. If it appears
to the court that an unusual hardship to the appellant will result
from the execution of the agency's order pending determination of
the appeal, the court may grant a suspension and fix its terms. If
an appeal is taken from the judgment of the court and the court
has previously granted a suspension of the agency's order as
provided in this section, such suspension of the agency's order
shall not be vacated and shall be given full force and effect
until the matter is finally adjudicated. No renewal of a license
or permit shall be denied by reason of such suspended order during
the period of the appeal from the decision of the court of common
pleas. In the case of an appeal from the state medical board or
state chiropractic board, the court may grant a suspension and fix
its terms if it appears to the court that an unusual hardship to
the appellant will result from the execution of the agency's order
pending determination of the appeal and the health, safety, and
welfare of the public will not be threatened by suspension of the
order. This provision shall not be construed to limit the factors
the court may consider in determining whether to suspend an order

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of any other agency pending determination of an appeal. 3153

The final order of adjudication may apply to any renewal of a 3154
license or permit which has been granted during the period of the 3155
appeal. 3156

Notwithstanding any other provision of this section, any 3157
order issued by a court of common pleas or a court of appeals 3158
suspending the effect of an order of the liquor control commission 3159
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3160
suspends, revokes, or cancels a permit issued under Chapter 4303. 3161
of the Revised Code, or that allows the payment of a forfeiture 3162
under section 4301.252 of the Revised Code, shall terminate not 3163
more than six months after the date of the filing of the record of 3164
the liquor control commission with the clerk of the court of 3165
common pleas and shall not be extended. The court of common pleas, 3166
or the court of appeals on appeal, shall render a judgment in that 3167
matter within six months after the date of the filing of the 3168
record of the liquor control commission with the clerk of the 3169
court of common pleas. A court of appeals shall not issue an order 3170
suspending the effect of an order of the liquor control commission 3171
that extends beyond six months after the date on which the record 3172
of the liquor control commission is filed with a court of common 3173
pleas. 3174

Notwithstanding any other provision of this section, any 3175
order issued by a court of common pleas suspending the effect of 3176
an order of the state medical board or state chiropractic board 3177
that limits, revokes, suspends, places on probation, or refuses to 3178
register or reinstate a certificate issued by the board or 3179
reprimands the holder of such a certificate shall terminate not 3180
more than fifteen months after the date of the filing of a notice 3181
of appeal in the court of common pleas, or upon the rendering of a 3182
final decision or order in the appeal by the court of common 3183
pleas, whichever occurs first. 3184

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Within thirty days after receipt of a notice of appeal from 3185
an order in any case in which a hearing is required by sections 3186
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3187
certify to the court a complete record of the proceedings in the 3188
case. Failure of the agency to comply within the time allowed, 3189
upon motion, shall cause the court to enter a finding in favor of 3190
the party adversely affected. Additional time, however, may be 3191
granted by the court, not to exceed thirty days, when it is shown 3192
that the agency has made substantial effort to comply. Such record 3193
shall be prepared and transcribed and the expense of it shall be 3194
taxed as a part of the costs on the appeal. The appellant shall 3195
provide security for costs satisfactory to the court of common 3196
pleas. Upon demand by any interested party, the agency shall 3197
furnish at the cost of the party requesting it a copy of the 3198
stenographic report of testimony offered and evidence submitted at 3199
any hearing and a copy of the complete record. 3200

Notwithstanding any other provision of this section, any 3201
party desiring to appeal an order or decision of the state 3202
personnel board of review shall, at the time of filing a notice of 3203
appeal with the board, provide a security deposit in an amount and 3204
manner prescribed in rules that the board shall adopt in 3205
accordance with this chapter. In addition, the board is not 3206
required to prepare or transcribe the record of any of its 3207
proceedings unless the appellant has provided the deposit 3208
described above. The failure of the board to prepare or transcribe 3209
a record for an appellant who has not provided a security deposit 3210
shall not cause a court to enter a finding adverse to the board. 3211

Unless otherwise provided by law, in the hearing of the 3213
appeal, the court is confined to the record as certified to it by 3214
the agency. Unless otherwise provided by law, the court may grant 3215
a request for the admission of additional evidence when satisfied 3216

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that such additional evidence is newly discovered and could not
with reasonable diligence have been ascertained prior to the
hearing before the agency.

The court shall conduct a hearing on such appeal and shall
give preference to all proceedings under sections 119.01 to 119.13
of the Revised Code, over all other civil cases, irrespective of
the position of the proceedings on the calendar of the court. An
appeal from an order of the state medical board issued pursuant to
division (G) of either section 4730.25 or 4731.22 of the Revised
Code, or the state chiropractic board issued pursuant to section
4734.37 of the Revised Code, or the liquor control commission
issued pursuant to Chapter 4301. or 4303. of the Revised Code
shall be set down for hearing at the earliest possible time and
takes precedence over all other actions. The hearing in the court
of common pleas shall proceed as in the trial of a civil action,
and the court shall determine the rights of the parties in
accordance with the laws applicable to such action. At such
hearing, counsel may be heard on oral argument, briefs may be
submitted, and evidence introduced if the court has granted a
request for the presentation of additional evidence.

The court may affirm the order of the agency complained of in
the appeal if it finds, upon consideration of the entire record
and such additional evidence as the court has admitted, that the
order is supported by reliable, probative, and substantial
evidence and is in accordance with law. In the absence of such a
finding, it may reverse, vacate, or modify the order or make such
other ruling as is supported by reliable, probative, and
substantial evidence and is in accordance with law. The court
shall award compensation for fees in accordance with section
2335.39 of the Revised Code to a prevailing party, other than an
agency, in an appeal filed pursuant to this section.

The judgment of the court shall be final and conclusive

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unless reversed, vacated, or modified on appeal. Such appeals may
be taken either by the party or the agency, shall proceed as in
the case of appeals in civil actions, and shall be pursuant to the
Rules of Appellate Procedure and, to the extent not in conflict
with those rules, Chapter 2505. of the Revised Code. Such appeal
by the agency shall be taken on questions of law relating to the
constitutionality, construction, or interpretation of statutes and
rules of the agency, and in such appeal the court may also review
and determine the correctness of the judgment of the court of
common pleas that the order of the agency is not supported by any
reliable, probative, and substantial evidence in the entire
record.

The court shall certify its judgment to such agency or take
such other action necessary to give its judgment effect.

Sec. 120.06. (A)(1) The state public defender, when
designated by the court or requested by a county public defender
or joint county public defender, may provide legal representation
in all courts throughout the state to indigent adults and
juveniles who are charged with the commission of an offense or act
for which the penalty or any possible adjudication includes the
potential loss of liberty.

(2) The state public defender may provide legal
representation to any indigent person who, while incarcerated in
any state correctional institution, is charged with a felony
offense, for which the penalty or any possible adjudication that
may be imposed by a court upon conviction includes the potential
loss of liberty.

(3) The state public defender may provide legal
representation to any person incarcerated in any correctional
institution of the state, in any matter in which the person
asserts the person is unlawfully imprisoned or detained.

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(4) The state public defender, in any case in which the state public defender has provided legal representation or is requested to do so by a county public defender or joint county public defender, may provide legal representation on appeal.

(5) The state public defender, when designated by the court or requested by a county public defender, joint county public defender, or the director of rehabilitation and correction, shall provide legal representation in parole and probation revocation matters, unless the state public defender finds that the alleged parole or probation violator has the financial capacity to retain the alleged violator's own counsel.

(6) If the state public defender contracts with a county public defender commission, a joint county public defender commission, or a board of county commissioners for the provision of services, under authority of division (C)(7) of section 120.04 of the Revised Code, the state public defender shall provide legal representation in accordance with the contract.

(B) The state public defender shall not be required to prosecute any appeal, postconviction remedy, or other proceeding pursuant to division (A)(3), (4), or (5) of this section, unless the state public defender first is satisfied that there is arguable merit to the proceeding.

(C) A court may appoint counsel or allow an indigent person to select the indigent's own personal counsel to assist the state public defender as co-counsel when the interests of justice so require. When co-counsel is appointed to assist the state public defender, the co-counsel shall receive any compensation that the court may approve, not to exceed the amounts provided for in section 2941.51 of the Revised Code.

(D) When the state public defender is designated by the court or requested by a county public defender or joint county public

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defender to provide legal representation for an indigent person in 3311
any case, other than pursuant to a contract entered into under 3312
authority of division (C)(7) of section 120.04 of the Revised 3313
Code, the state public defender shall send to the county in which 3314
the case is filed an itemized bill for fifty per cent of the 3315
actual cost of the representation. The county, upon receipt of an 3316
itemized bill from the state public defender pursuant to this 3317
division, shall pay fifty per cent of the actual cost of the legal 3318
representation as set forth in the itemized bill. There is hereby 3319
created in the state treasury the county representation fund for 3320
the deposit of moneys received from counties under this division. 3321
All moneys credited to the fund shall be used by the state public 3322
defender to provide legal representation for indigent persons when 3323
designated by the court or requested by a county or joint county 3324
public defender. 3325

(E)(1) Notwithstanding any contrary provision of sections 3326
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 3327
that pertains to representation by the attorney general, an 3328
assistant attorney general, or special counsel of an officer or 3329
employee, as defined in section 109.36 of the Revised Code, or of 3330
an entity of state government, the state public defender may elect 3331
to contract with, and to have the state pay pursuant to division 3332
(E)(2) of this section for the services of, private legal counsel 3333
to represent the Ohio public defender commission, the state public 3334
defender, assistant state public defenders, other employees of the 3335
commission or the state public defender, and attorneys described 3336
in division (C) of section 120.41 of the Revised Code in a 3337
malpractice or other civil action or proceeding that arises from 3338
alleged actions or omissions related to responsibilities derived 3339
pursuant to this chapter, or in a civil action that is based upon 3340
alleged violations of the constitution or statutes of the United 3341
States, including section 1983 of Title 42 of the United States 3342

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Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that
arises from alleged actions or omissions related to
responsibilities derived pursuant to this chapter, if the state
public defender determines, in good faith, that the defendant in
the civil action or proceeding did not act manifestly outside the
scope of the defendant's employment or official responsibilities,
with malicious purpose, in bad faith, or in a wanton or reckless
manner. If the state public defender elects not to contract
pursuant to this division for private legal counsel in a civil
action or proceeding, then, in accordance with sections 109.02,
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the
attorney general shall represent or provide for the representation
of the Ohio public defender commission, the state public defender,
assistant state public defenders, other employees of the
commission or the state public defender, or attorneys described in
division (C) of section 120.41 of the Revised Code in the civil
action or proceeding.

(2)(a) Subject to division (E)(2)(b) of this section, payment
from the state treasury for the services of private legal counsel
with whom the state public defender has contracted pursuant to
division (E)(1) of this section shall be accomplished only through
the following procedure:

(i) The private legal counsel shall file with the attorney
general a copy of the contract; a request for an award of legal
fees, court costs, and expenses earned or incurred in connection
with the defense of the Ohio public defender commission, the state
public defender, an assistant state public defender, an employee,
or an attorney in a specified civil action or proceeding; a
written itemization of those fees, costs, and expenses, including
the signature of the state public defender and the state public
defender's attestation that the fees, costs, and expenses were
earned or incurred pursuant to division (E)(1) of this section to

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the best of the state public defender's knowledge and information; 3375
a written statement whether the fees, costs, and expenses are for 3376
all legal services to be rendered in connection with that defense, 3377
are only for legal services rendered to the date of the request 3378
and additional legal services likely will have to be provided in 3379
connection with that defense, or are for the final legal services 3380
rendered in connection with that defense; a written statement 3381
indicating whether the private legal counsel previously submitted 3382
a request for an award under division (E)(2) of this section in 3383
connection with that defense and, if so, the date and the amount 3384
of each award granted; and, if the fees, costs, and expenses are 3385
for all legal services to be rendered in connection with that 3386
defense or are for the final legal services rendered in connection 3387
with that defense, a certified copy of any judgment entry in the 3388
civil action or proceeding or a signed copy of any settlement 3389
agreement entered into between the parties to the civil action or 3390
proceeding. 3391

(ii) Upon receipt of a request for an award of legal fees, 3392
court costs, and expenses and the requisite supportive 3393
documentation described in division (E)(2)(a)(i) of this section, 3394
the attorney general shall review the request and documentation; 3395
determine whether any of the limitations specified in division 3396
(E)(2)(b) of this section apply to the request; and, if an award 3397
of legal fees, court costs, or expenses is permissible after 3398
applying the limitations, prepare a document awarding legal fees, 3399
court costs, or expenses to the private legal counsel. The 3400
document shall name the private legal counsel as the recipient of 3401
the award; specify the total amount of the award as determined by 3402
the attorney general; itemize the portions of the award that 3403
represent legal fees, court costs, and expenses; specify any 3404
limitation applied pursuant to division (E)(2)(b) of this section 3405
to reduce the amount of the award sought by the private legal 3406

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counsel; state that the award is payable from the state treasury 3407
pursuant to division (E)(2)(a)(iii) of this section; and be 3408
approved by the inclusion of the signatures of the attorney 3409
general, the state public defender, and the private legal counsel. 3410

(iii) The attorney general shall forward a copy of the 3411
document prepared pursuant to division (E)(2)(a)(ii) of this 3412
section to the director of budget and management. The award of 3413
legal fees, court costs, or expenses shall be paid out of the 3414
state public defender's appropriations, to the extent there is a 3415
sufficient available balance in those appropriations. If the state 3416
public defender does not have a sufficient available balance in 3417
the state public defender's appropriations to pay the entire award 3418
of legal fees, court costs, or expenses, the director shall make 3419
application for a transfer of appropriations out of the emergency 3420
purposes account or any other appropriation for emergencies or 3421
contingencies in an amount equal to the portion of the award that 3422
exceeds the sufficient available balance in the state public 3423
defender's appropriations. A transfer of appropriations out of the 3424
emergency purposes account or any other appropriation for 3425
emergencies or contingencies shall be authorized if there are 3426
sufficient moneys greater than the sum total of then pending 3427
emergency purposes account requests, or requests for releases from 3428
the other appropriation. If a transfer of appropriations out of 3429
the emergency purposes account or other appropriation for 3430
emergencies or contingencies is made to pay an amount equal to the 3431
portion of the award that exceeds the sufficient available balance 3432
in the state public defender's appropriations, the director shall 3433
cause the payment to be made to the private legal counsel. If 3434
sufficient moneys do not exist in the emergency purposes account 3435
or other appropriation for emergencies or contingencies to pay an 3436
amount equal to the portion of the award that exceeds the 3437
sufficient available balance in the state public defender's 3438

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appropriations, the private legal counsel shall request the
general assembly to make an appropriation sufficient to pay an
amount equal to the portion of the award that exceeds the
sufficient available balance in the state public defender's
appropriations, and no payment in that amount shall be made until
the appropriation has been made. The private legal counsel shall
make the request during the current biennium and during each
succeeding biennium until a sufficient appropriation is made.

(b) An award of legal fees, court costs, and expenses
pursuant to division (E) of this section is subject to the
following limitations:

(i) The maximum award or maximum aggregate of a series of
awards of legal fees, court costs, and expenses to the private
legal counsel in connection with the defense of the Ohio public
defender commission, the state public defender, an assistant state
public defender, an employee, or an attorney in a specified civil
action or proceeding shall not exceed fifty thousand dollars.

(ii) The private legal counsel shall not be awarded legal
fees, court costs, or expenses to the extent the fees, costs, or
expenses are covered by a policy of malpractice or other
insurance.

(iii) The private legal counsel shall be awarded legal fees
and expenses only to the extent that the fees and expenses are
reasonable in light of the legal services rendered by the private
legal counsel in connection with the defense of the Ohio public
defender commission, the state public defender, an assistant state
public defender, an employee, or an attorney in a specified civil
action or proceeding.

(c) If, pursuant to division (E)(2)(a) of this section, the
attorney general denies a request for an award of legal fees,
court costs, or expenses to private legal counsel because of the

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application of a limitation specified in division (E)(2)(b) of
this section, the attorney general shall notify the private legal
counsel in writing of the denial and of the limitation applied.

(d) If, pursuant to division (E)(2)(c) of this section, a
private legal counsel receives a denial of an award notification
or if a private legal counsel refuses to approve a document under
division (E)(2)(a)(ii) of this section because of the proposed
application of a limitation specified in division (E)(2)(b) of
this section, the private legal counsel may commence a civil
action against the attorney general in the court of claims to
prove the private legal counsel's entitlement to the award sought,
to prove that division (E)(2)(b) of this section does not prohibit
or otherwise limit the award sought, and to recover a judgment for
the amount of the award sought. A civil action under division
(E)(2)(d) of this section shall be commenced no later than two
years after receipt of a denial of award notification or, if the
private legal counsel refused to approve a document under division
(E)(2)(a)(ii) of this section because of the proposed application
of a limitation specified in division (E)(2)(b) of this section,
no later than two years after the refusal. Any judgment of the
court of claims in favor of the private legal counsel shall be
paid from the state treasury in accordance with division (E)(2)(a)
of this section.

(F) If a court appoints the office of the state public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant state public defender, the state public defender, or
another attorney, shall be certified under Rule ~~65~~ 20 of the Rules
of Superintendence for ~~Common Pleas~~ the Courts of Ohio to

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represent indigent defendants charged with or convicted of an 3503
offense for which the death penalty can be or has been imposed. 3504

Sec. 120.16. (A)(1) The county public defender shall provide 3505
legal representation to indigent adults and juveniles who are 3506
charged with the commission of an offense or act that is a 3507
violation of a state statute and for which the penalty or any 3508
possible adjudication includes the potential loss of liberty and 3509
in postconviction proceedings as defined in this section. 3510

(2) The county public defender may provide legal 3511
representation to indigent adults and juveniles charged with the 3512
violation of an ordinance of a municipal corporation for which the 3513
penalty or any possible adjudication includes the potential loss 3514
of liberty, if the county public defender commission has 3515
contracted with the municipal corporation to provide legal 3516
representation for indigent persons charged with a violation of an 3517
ordinance of the municipal corporation. 3518

(B) The county public defender shall provide the legal 3519
representation authorized by division (A) of this section at every 3520
stage of the proceedings following arrest, detention, service of 3521
summons, or indictment. 3522

(C) The county public defender may request the state public 3523
defender to prosecute any appeal or other remedy before or after 3524
conviction that the county public defender decides is in the 3525
interests of justice, and may provide legal representation in 3526
parole and probation revocation matters. 3527

(D) The county public defender shall not be required to 3528
prosecute any appeal, postconviction remedy, or other proceeding, 3529
unless the county public defender is first satisfied there is 3530
arguable merit to the proceeding. 3531

(E) Nothing in this section shall prevent a court from 3532
appointing counsel other than the county public defender or from 3533

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allowing an indigent person to select the indigent person's own
personal counsel to represent the indigent person. A court may
also appoint counsel or allow an indigent person to select the
indigent person's own personal counsel to assist the county public
defender as co-counsel when the interests of justice so require.

(F) Information as to the right to legal representation by
the county public defender or assigned counsel shall be afforded
to an accused person immediately upon arrest, when brought before
a magistrate, or when formally charged, whichever occurs first.

(G) If a court appoints the office of the county public
defender to represent a petitioner in a postconviction relief
proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant county public defender or the county public defender,
shall be certified under Rule ~~65~~ 20 of the Rules of
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent
indigent defendants charged with or convicted of an offense for
which the death penalty can be or has been imposed.

Sec. 120.26. (A)(1) The joint county public defender shall
provide legal representation to indigent adults and juveniles who
are charged with the commission of an offense or act that is a
violation of a state statute and for which the penalty or any
possible adjudication includes the potential loss of liberty and
in postconviction proceedings as defined in this section.

(2) The joint county public defender may provide legal
representation to indigent adults and juveniles charged with the
violation of an ordinance of a municipal corporation for which the
penalty or any possible adjudication includes the potential loss
of liberty, if the joint county public defender commission has

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contracted with the municipal corporation to provide legal
representation for indigent persons charged with a violation of an
ordinance of the municipal corporation.

(B) The joint county public defender shall provide the legal
representation authorized by division (A) of this section at every
stage of the proceedings following arrest, detention, service of
summons, or indictment.

(C) The joint county public defender may request the Ohio
public defender to prosecute any appeal or other remedy before or
after conviction that the joint county public defender decides is
in the interests of justice and may provide legal representation
in parole and probation revocation matters.

(D) The joint county public defender shall not be required to
prosecute any appeal, postconviction remedy, or other proceeding,
unless the joint county public defender is first satisfied that
there is arguable merit to the proceeding.

(E) Nothing in this section shall prevent a court from
appointing counsel other than the joint county public defender or
from allowing an indigent person to select the indigent person's
own personal counsel to represent the indigent person. A court may
also appoint counsel or allow an indigent person to select the
indigent person's own personal counsel to assist the joint county
public defender as co-counsel when the interests of justice so
require.

(F) Information as to the right to legal representation by
the joint county public defender or assigned counsel shall be
afforded to an accused person immediately upon arrest, when
brought before a magistrate, or when formally charged, whichever
occurs first.

(G) If a court appoints the office of the joint county public
defender to represent a petitioner in a postconviction relief

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proceeding under section 2953.21 of the Revised Code, the
petitioner has received a sentence of death, and the proceeding
relates to that sentence, all of the attorneys who represent the
petitioner in the proceeding pursuant to the appointment, whether
an assistant joint county defender or the joint county public
defender, shall be certified under Rule ~~65~~ 20 of the Rules of
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent
indigent defendants charged with or convicted of an offense for
which the death penalty can be or has been imposed.

Sec. 120.33. (A) In lieu of using a county public defender or
joint county public defender to represent indigent persons in the
proceedings set forth in division (A) of section 120.16 of the
Revised Code, the board of county commissioners of any county may
adopt a resolution to pay counsel who are either personally
selected by the indigent person or appointed by the court. The
resolution shall include those provisions the board of county
commissioners considers necessary to provide effective
representation of indigent persons in any proceeding for which
counsel is provided under this section. The resolution shall
include provisions for contracts with any municipal corporation
under which the municipal corporation shall reimburse the county
for counsel appointed to represent indigent persons charged with
violations of the ordinances of the municipal corporation.

(1) In a county that adopts a resolution to pay counsel, an
indigent person shall have the right to do either of the
following:

(a) To select the person's own personal counsel to represent
the person in any proceeding included within the provisions of the
resolution;

(b) To request the court to appoint counsel to represent the
person in such a proceeding.

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(2) The court having jurisdiction over the proceeding in a 3627
county that adopts a resolution to pay counsel shall, after 3628
determining that the person is indigent and entitled to legal 3629
representation under this section, do either of the following: 3630

(a) By signed journal entry recorded on its docket, enter the 3631
name of the lawyer selected by the indigent person as counsel of 3632
record; 3633

(b) Appoint counsel for the indigent person if the person has 3634
requested the court to appoint counsel and, by signed journal 3635
entry recorded on its dockets, enter the name of the lawyer 3636
appointed for the indigent person as counsel of record. 3637

(3) The board of county commissioners shall establish a 3638
schedule of fees by case or on an hourly basis to be paid to 3639
counsel for legal services provided pursuant to a resolution 3640
adopted under this section. Prior to establishing the schedule, 3641
the board of county commissioners shall request the bar 3642
association or associations of the county to submit a proposed 3643
schedule. The schedule submitted shall be subject to the review, 3644
amendment, and approval of the board of county commissioners. 3645

(4) Counsel selected by the indigent person or appointed by 3646
the court at the request of an indigent person in a county that 3647
adopts a resolution to pay counsel, except for counsel appointed 3648
to represent a person charged with any violation of an ordinance 3649
of a municipal corporation that has not contracted with the county 3650
commissioners for the payment of appointed counsel, shall be paid 3651
by the county and shall receive the compensation and expenses the 3652
court approves. Each request for payment shall be accompanied by a 3653
financial disclosure form and an affidavit of indigency that are 3654
completed by the indigent person on forms prescribed by the state 3655
public defender. Compensation and expenses shall not exceed the 3656
amounts fixed by the board of county commissioners in the schedule 3657
adopted pursuant to division (A)(3) of this section. No court 3658

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shall approve compensation and expenses that exceed the amount 3659
fixed pursuant to division (A)(3) of this section. 3660

The fees and expenses approved by the court shall not be 3661
taxed as part of the costs and shall be paid by the county. 3662
However, if the person represented has, or may reasonably be 3663
expected to have, the means to meet some part of the cost of the 3664
services rendered to the person, the person shall pay the county 3665
an amount that the person reasonably can be expected to pay. 3666
Pursuant to section 120.04 of the Revised Code, the county shall 3667
pay to the state public defender a percentage of the payment 3668
received from the person in an amount proportionate to the 3669
percentage of the costs of the person's case that were paid to the 3670
county by the state public defender pursuant to this section. The 3671
money paid to the state public defender shall be credited to the 3672
client payment fund created pursuant to division (B)(5) of section 3673
120.04 of the Revised Code. 3674

The county auditor shall draw a warrant on the county 3675
treasurer for the payment of counsel in the amount fixed by the 3676
court, plus the expenses the court fixes and certifies to the 3677
auditor. The county auditor shall report periodically, but not 3678
less than annually, to the board of county commissioners and to 3679
the Ohio public defender commission the amounts paid out pursuant 3680
to the approval of the court. The board of county commissioners, 3681
after review and approval of the auditor's report, may then 3682
certify it to the state public defender for reimbursement. If a 3683
request for reimbursement is not accompanied by a financial 3684
disclosure form and an affidavit of indigency completed by the 3685
indigent person on forms prescribed by the state public defender, 3686
the state public defender shall not pay the requested 3687
reimbursement. If a request for the reimbursement of the cost of 3688
counsel in any case is not received by the state public defender 3689
within ninety days after the end of the calendar month in which 3690

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the case is finally disposed of by the court, unless the county
has requested and the state public defender has granted an
extension of the ninety-day limit, the state public defender shall
not pay the requested reimbursement. The state public defender
shall also review the report and, in accordance with the
standards, guidelines, and maximums established pursuant to
divisions (B)(7) and (8) of section 120.04 of the Revised Code,
prepare a voucher for fifty per cent of the total cost of each
county appointed counsel system in the period of time covered by
the certified report and a voucher for fifty per cent of the costs
and expenses that are reimbursable under section 120.35 of the
Revised Code, if any, or, if the amount of money appropriated by
the general assembly to reimburse counties for the operation of
county public defender offices, joint county public defender
offices, and county appointed counsel systems is not sufficient to
pay fifty per cent of the total cost of all of the offices and
systems other than costs and expenses that are reimbursable under
section 120.35 of the Revised Code, for the lesser amount required
by section 120.34 of the Revised Code.

(5) If any county appointed counsel system fails to maintain
the standards for the conduct of the system established by the
rules of the Ohio public defender commission pursuant to divisions
(B) and (C) of section 120.03 or the standards established by the
state public defender pursuant to division (B)(7) of section
120.04 of the Revised Code, the Ohio public defender commission
shall notify the board of county commissioners of the county that
the county appointed counsel system has failed to comply with its
rules or the standards of the state public defender. Unless the
board of county commissioners corrects the conduct of its
appointed counsel system to comply with the rules and standards
within ninety days after the date of the notice, the state public
defender may deny all or part of the county's reimbursement from

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the state provided for in division (A)(4) of this section. 3723

(B) In lieu of using a county public defender or joint county 3724
public defender to represent indigent persons in the proceedings 3725
set forth in division (A) of section 120.16 of the Revised Code, 3726
and in lieu of adopting the resolution and following the procedure 3727
described in division (A) of this section, the board of county 3728
commissioners of any county may contract with the state public 3729
defender for the state public defender's legal representation of 3730
indigent persons. A contract entered into pursuant to this 3731
division may provide for payment for the services provided on a 3732
per case, hourly, or fixed contract basis. 3733

(C) If a court appoints an attorney pursuant to this section 3734
to represent a petitioner in a postconviction relief proceeding 3735
under section 2953.21 of the Revised Code, the petitioner has 3736
received a sentence of death, and the proceeding relates to that 3737
sentence, the attorney who represents the petitioner in the 3738
proceeding pursuant to the appointment shall be certified under 3739
Rule ~~65~~ 20 of the Rules of Superintendence for ~~Common Pleas~~ the 3740
Courts of Ohio to represent indigent defendants charged with or 3741
convicted of an offense for which the death penalty can be or has 3742
been imposed. 3743

Sec. 121.04. Offices are created within the several 3744
departments as follows: 3745

In the department of commerce: 3746
 Commissioner of securities; 3747
 Superintendent of real estate and professional 3748
 licensing;
 Superintendent of financial institutions; 3749
 Fire marshal; 3750
 Superintendent of labor and worker safety; 3751
 Beginning on July 1, 1997, 3752

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Superintendent of liquor control;	3753
Superintendent of industrial compliance.	3754
In the department of administrative services:	3755
State architect and engineer;	3756
Equal employment opportunity coordinator.	3757
In the department of agriculture:	3758
Chiefs of divisions as follows:	3759
Administration;	3760
Animal industry;	3761
Dairy;	3762
Food safety;	3763
Plant industry;	3764
Markets;	3765
Meat inspection;	3766
Consumer analytical laboratory;	3767
Amusement ride safety;	3768
Enforcement;	3769
Weights and measures.	3770
In the department of natural resources:	3771
Chiefs of divisions as follows:	3772
Water;	3773
Mineral resources management;	3774
Forestry;	3775
Natural areas and preserves;	3776
Wildlife;	3777
Geological survey;	3778
Parks and recreation;	3779
Watercraft;	3780
Recycling and litter prevention;	3781
Civilian conservation;	3782
Soil and water conservation;	3783
Real estate and land management;	3784

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Engineering. 3785

In the department of insurance: 3786

Deputy superintendent of insurance; 3787

Assistant superintendent of insurance, technical; 3788

Assistant superintendent of insurance, administrative; 3789

Assistant superintendent of insurance, research. 3790

Sec. 121.371. There is hereby created the wellness block 3791
~~grant~~ program. The Ohio family and children first cabinet council 3792
 shall oversee the program, ~~and the children's trust fund board,~~ 3793
~~created by section 3109.15 of the Revised Code, shall serve as the~~ 3794
~~program's administrative agent. The board and the cabinet council~~ 3795
and shall establish guidelines and objectives for operating the 3796
~~wellness block grant program. A representative of the family and~~ 3797
~~children first cabinet council and the chairperson of the~~ 3798
~~children's trust fund board shall resolve any disagreements~~ 3799
~~concerning the duties of the council and the board under this~~ 3800
section The department of job and family services shall serve as 3801
the program's administrative agent. 3802

~~The children's trust fund board may accept gifts, donations,~~ 3803
~~grants, or other moneys for the wellness block grant program from~~ 3804
~~any source. The board shall use the funds received to make block~~ 3805
~~grants to county family and children first councils. The amount of~~ 3806
funds for the wellness program to be granted allocated to each 3807
county council department of job and family services shall be 3808
~~determined by the board and the cabinet council. To cover~~ 3809
~~administrative expenses, the board may use in each state fiscal~~ 3810
~~year an amount not to exceed one per cent of the total amount~~ 3811
~~available for the program in that year.~~ 3812

County councils departments of job and family services shall 3813
 use the funds ~~they receive through~~ allocated for the wellness 3814
~~block grants program~~ to fund community-based programs of 3815

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prevention services that address issues of broad social concern, 3816
as determined by the cabinet council ~~and the board~~, and to fund 3817
state-directed training, evaluation, and education programs 3818
pertaining to the issues being addressed. ~~Each county council~~ 3819
~~shall submit to the board a program and fiscal plan that outlines~~ 3820
~~its proposal for expenditure of its block grant and shall, after~~ 3821
~~consulting with the board of county commissioners, designate a~~ 3822
~~fiscal agent to receive the block grant.~~ 3823

~~As requested by the board on behalf of the cabinet council,~~ 3824
~~each county council shall submit program and fiscal accountings~~ 3825
~~regarding the use of its block grant.~~ The board and the cabinet 3826
council shall establish criteria for assessing a county council's 3827
department's progress in achieving the goals objectives of the 3828
wellness ~~block grant~~ program. If a county ~~council~~ department of 3829
job and family services does not operate in accordance with the 3830
program guidelines and criteria established by ~~the board and~~ the 3831
cabinet council, ~~the board and~~ the cabinet council may revise the 3832
allocation of funds that the county ~~council~~ department of job and 3833
family services receives. 3834

~~The board shall prepare an annual report detailing the~~ 3835
~~results of the program. The report shall be submitted to the~~ 3836
~~governor, the president and minority leader of the senate, and the~~ 3837
~~speaker and minority leader of the house of representatives.~~ 3838

Sec. 121.40. (A) There is hereby created the ~~governor's~~ Ohio 3839
community service council consisting of twenty-one members 3840
including the superintendent of public instruction or the 3841
superintendent's designee, the chancellor of the Ohio board of 3842
regents or the chancellor's designee, the director of natural 3843
resources or the director's designee, the director of youth 3844
services or the director's designee, the director of aging or the 3845
director's designee, the director of job and family services or 3846
the director's designee, the chairperson of the committee of the 3847

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house of representatives dealing with education or the 3848
chairperson's designee, the chairperson of the committee of the 3849
senate dealing with education or the chairperson's designee, and 3850
thirteen members who shall be appointed by the governor with the 3851
advice and consent of the senate and who shall serve terms of 3852
office of three years. The appointees shall include educators, 3853
including teachers and administrators; representatives of youth 3854
organizations; students and parents; representatives of 3855
organizations engaged in volunteer program development and 3856
management throughout the state, including youth and conservation 3857
programs; and representatives of business, government, nonprofit 3858
organizations, social service agencies, veterans organizations, 3859
religious organizations, or philanthropies that support or 3860
encourage volunteerism within the state. Members of the council 3861
shall receive no compensation, but shall be reimbursed for actual 3862
and necessary expenses incurred in the performance of their 3863
official duties. 3864

(B) The council shall appoint an executive director for the 3865
council, who shall be in the unclassified civil service. The 3866
executive director shall supervise the council's activities and 3867
report to the council on the progress of those activities. The 3868
executive director shall do all things necessary for the efficient 3869
and effective implementation of the duties of the council. 3870

The responsibilities assigned to the executive director do 3871
not relieve the members of the council from final responsibility 3872
for the proper performance of the requirements of this ~~division~~ 3873
section. 3874

(C) The council or its designee shall do all of the 3875
following: 3876

(1) Employ, promote, supervise, and remove all employees as 3877
needed in connection with the performance of its duties under this 3878
section and may assign duties to those employees as necessary to 3879

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achieve the most efficient performance of its functions, and to
that end may establish, change, or abolish positions, and assign
and reassign duties and responsibilities of any employee of the
council. Personnel employed by the council who are subject to
Chapter 4117. of the Revised Code shall retain all of their rights
and benefits conferred pursuant to that chapter. Nothing in this
chapter shall be construed as eliminating or interfering with
Chapter 4117. of the Revised Code or the rights and benefits
conferred under that chapter to public employees or to any
bargaining unit.

(2) Maintain its office in Columbus, and may hold sessions at
any place within the state;

(3) Acquire facilities, equipment, and supplies necessary to
house the council, 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. For that purpose, the council
shall prepare and submit to the office of budget and management a
budget for each biennium according to sections 101.532 and 107.03
of the Revised Code. The budget submitted shall cover the costs of
the council and its staff in the discharge of any duty imposed
upon the council by law. The council shall not delegate any
authority to obligate funds.

(4) Pay its own payroll and other operating expenses from
line items designated by the general assembly;

(5) Retain its fiduciary responsibility as appointing
authority. Any transaction instructions shall be certified by the
appointing authority or its designee.

(6) Establish the overall policy and management of the
council in accordance with this chapter;

(7) Assist in coordinating and preparing the state

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application for funds under sections 101 to 184 of the "National
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42
U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist
in administering and overseeing the "National and Community
Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the
americorps program in this state, and assist in developing
objectives for a comprehensive strategy to encourage and expand
community service programs throughout the state;

(8) Assist the state board of education, school districts,
the board of regents, and institutions of higher education in
coordinating community service education programs through
cooperative efforts between institutions and organizations in the
public and private sectors;

(9) Assist the departments of natural resources, youth
services, aging, and job and family services in coordinating
community service programs through cooperative efforts between
institutions and organizations in the public and private sectors;

(10) Suggest individuals and organizations that are available
to assist school districts, institutions of higher education, and
the departments of natural resources, youth services, aging, and
job and family services in the establishment of community service
programs and assist in investigating sources of funding for
implementing ~~such~~ these programs;

(11) Assist in evaluating the state's efforts in providing
community service programs using standards and methods that are
consistent with any statewide objectives for ~~such~~ these programs
and provide information to the state board of education, school
districts, the board of regents, institutions of higher education,
and the departments of natural resources, youth services, aging,
and job and family services to guide them in making decisions
about these programs;

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(12) Assist the state board of education in complying with 3942
section 3301.70 of the Revised Code and the board of regents in 3943
complying with division (B)(2) of section 3333.043 of the Revised 3944
Code. 3945

(D) The department of aging shall serve as the council's 3946
fiscal agent. Beginning on July 1, 1997, whenever reference is 3947
made in any law, contract, or document to the functions of the 3948
department of youth services as fiscal agent to the council, the 3949
reference shall be deemed to refer to the department of aging. The 3950
department of aging shall have no responsibility for or obligation 3951
to the council prior to July 1, 1997. Any validation, cure, right, 3952
privilege, remedy, obligation, or liability shall be retained by 3953
the council. 3954

As used in this section, "fiscal agent" means technical 3955
support and includes the following technical support services: 3956

(1) Preparing and processing payroll and other personnel 3957
documents that the council executes as the appointing authority. 3958
The department of aging shall not approve any payroll or other 3959
personnel-related documents. 3960

(2) Maintaining ledgers of accounts and reports of account 3961
balances, and monitoring budgets and allotment plans in 3962
consultation with the council. The department shall not approve 3963
any biennial budget, grant, expenditure, audit, or fiscal-related 3964
document. 3965

(3) Performing other routine support services that the 3966
director of aging or the director's designee and the council or 3967
its designee consider appropriate to achieve efficiency. 3968

(E) The council or its designee has the following authority 3969
and responsibility relative to fiscal matters: 3970

(1) Sole authority to draw funds for any and all federal 3971
programs in which the council is authorized to participate; 3972

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(2) Sole authority to expend funds from their accounts for 3973
programs and any other necessary expenses the council may incur 3974
and its subgrantees may incur; 3975

(3) Responsibility to cooperate with and inform the 3976
department of aging as fiscal agent to ensure that the department 3977
is fully apprised of all financial transactions. 3978

The council shall follow all state procurement requirements. 3979

The department of aging shall determine fees to be charged to 3980
the council, which shall be in proportion to the services 3981
performed for the council. 3982

The council shall pay fees owed to the department of aging 3983
from a general revenue fund of the council or from any other fund 3984
from which the operating expenses of the council are paid. Any 3985
amounts set aside for a fiscal year for the payment of ~~such~~ these 3986
fees shall be used only for the services performed for the council 3987
by the department of aging in that fiscal year. 3988

Sec. 121.63. (A) Each executive agency lobbyist and each 3989
employer shall file with the joint legislative ethics committee, 3990
with the updated registration statement required by division (B) 3991
of section 121.62 of the Revised Code, a statement of expenditures 3992
as specified in divisions (B) and (C) of this section. An 3993
executive agency lobbyist shall file a separate statement of 3994
expenditures under this section for each employer that engages ~~him~~ 3995
the executive agency lobbyist. 3996

(B)(1) In addition to the information required by divisions 3997
(B)(2) and (3) of this section, a statement filed by an executive 3998
agency lobbyist shall show the total amount of expenditures made 3999
during the reporting period covered by the statement by the 4000
executive agency lobbyist. 4001

(2) If, during a reporting period covered by a statement, an 4002

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employer or any executive agency lobbyist ~~he~~ the employer engaged
made, either separately or in combination with each other,
expenditures to, at the request of, for the benefit of, or on
behalf of a particular elected executive official, the director of
a department created under section 121.02 of the Revised Code, a
particular executive agency official, or a particular member of
the staff of any public officer listed in division (B)(2) of this
section, the employer or executive agency lobbyist also shall
state the name of the public officer or employee to whom, at whose
request, for whose benefit, or on whose behalf the expenditures
were made, the total amount of the expenditures made, a brief
description of the expenditures made, the approximate date the
expenditures were made, the executive agency decision, if any,
sought to be influenced, and the identity of the client on whose
behalf the expenditure was made.

As used in division (B)(2) of this section, "expenditures"
does not include expenditures made by an executive agency lobbyist
as payment for meals and other food and beverages.

(3) If, during a reporting period covered by a statement, an
executive agency lobbyist made expenditures as payment for meals
and other food and beverages, other than for meals and other food
and beverages provided at a meeting at which the person
participated in a panel, seminar, or speaking engagement or at a
meeting or convention of a national organization to which ~~either~~
~~house of the general assembly, any legislative agency, or any~~
~~other~~ state agency or any state institution of higher education as
defined in section 3345.031 of the Revised Code pays membership
dues, that, when added to the amount of previous payments made for
meals and other food and beverages by that executive agency
lobbyist during that same calendar year, exceeded a total of fifty
dollars to, at the request of, for the benefit of, or on behalf of
a particular elected executive official, the director of a

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department created under section 121.02 of the Revised Code, a 4035
particular executive agency official, or any particular member of 4036
the staff of any of the public officers or employees listed in 4037
division (B)(3) of this section, then the executive agency 4038
lobbyist shall also state regarding those expenditures the name of 4039
the public officer or employee to whom, at whose request, for 4040
whose benefit, or on whose behalf the expenditures were made, the 4041
total amount of the expenditures made, a brief description of the 4042
expenditures made, the approximate date the expenditures were 4043
made, the executive agency decision, if any, sought to be 4044
influenced, and the identity of the client on whose behalf the 4045
expenditure was made. 4046

(C) In addition to the information required by divisions 4047
(B)(2) and (3) of this section, a statement filed by an employer 4048
shall show the total amount of expenditures made by the employer 4049
filing the statement during the period covered by the statement. 4050
As used in this section, "expenditures" does not include the 4051
expenses of maintaining office facilities, or the compensation 4052
paid to executive agency lobbyists engaged to influence executive 4053
agency decisions or conduct executive agency lobbying activity. 4054

No employer shall be required to show any expenditure on a 4055
statement filed under this division if the expenditure is reported 4056
on a statement filed under division (B)(1), (2), or (3) of this 4057
section by an executive agency lobbyist engaged by the employer. 4058

(D) Any statement required to be filed under this section 4059
shall be filed at the times specified in section 121.62 of the 4060
Revised Code. Each statement shall cover expenditures made during 4061
the four-calendar-month period that ended on the last day of the 4062
month immediately preceding the month in which the statement is 4063
required to be filed. 4064

(E) If it is impractical or impossible for an executive 4065
agency lobbyist or employer to determine exact dollar amounts or 4066

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values of expenditures, reporting of good faith estimates, based 4067
on reasonable accounting procedures, constitutes compliance with 4068
this division. 4069

(F) Executive agency lobbyists and employers shall retain 4070
receipts or maintain records for all expenditures that are 4071
required to be reported pursuant to this section. These receipts 4072
or records shall be maintained for a period ending on the 4073
thirty-first day of December of the second calendar year after the 4074
year in which the expenditure was made. 4075

(G)(1) At least ten days before the date on which the 4076
statement is filed, each employer or executive agency lobbyist who 4077
is required to file an expenditure statement under division (B)(2) 4078
or (3) of this section shall deliver a copy of the statement, or 4079
the portion showing the expenditure, to the public officer or 4080
employee who is listed in the statement as having received the 4081
expenditure or on whose behalf it was made. 4082

(2) If, during a reporting period covered by an expenditure 4083
statement filed under division (B)(2) of this section, an employer 4084
or any executive agency lobbyist ~~he~~ the employer engaged made, 4085
either separately or in combination with each other, either 4086
directly or indirectly, expenditures for an honorarium or for 4087
transportation, lodging, or food and beverages purchased for 4088
consumption on the premises in which the food and beverages were 4089
sold to, at the request of, for the benefit or, or on behalf of 4090
any of the public officers or employees described in division 4091
(B)(2) of this section, the employer or executive agency lobbyist 4092
shall deliver to the public officer or employee a statement that 4093
contains all of the nondisputed information prescribed in division 4094
(B)(2) of this section with respect to the expenditures described 4095
in division (G)(2) of this section. The statement of expenditures 4096
made under division (G)(2) of this section shall be delivered to 4097
the public officer or employee to whom, at whose request, for 4098

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whose benefit, or on whose behalf those expenditures were made on 4099
the same day in which a copy of the expenditure statement or of a 4100
portion showing the expenditure is delivered to the public officer 4101
or employee under division (G)(1) of this section. An employer is 4102
not required to show any expenditure on a statement delivered 4103
under division (G)(2) of this section if the expenditure is shown 4104
on a statement delivered under division (G)(2) of this section by 4105
a legislative agent engaged by the employer. 4106

Sec. 122.011. (A) The department of development shall develop 4107
and promote plans and programs designed to assure that state 4108
resources are efficiently used, economic growth is properly 4109
balanced, community growth is developed in an orderly manner, and 4110
local governments are coordinated with each other and the state, 4111
and for such purposes may do all of the following: 4112

(1) Serve as a clearinghouse for information, data, and other 4113
materials that may be helpful or necessary to persons or local 4114
governments, as provided in section 122.07 of the Revised Code; 4115
4116

(2) Prepare and activate plans for the retention, 4117
development, expansion, and use of the resources and commerce of 4118
the state, as provided in section 122.04 of the Revised Code; 4119

(3) Assist and cooperate with federal, state, and local 4120
governments and agencies of federal, state, and local governments 4121
in the coordination of programs to carry out the functions and 4122
duties of the department; 4123

(4) Encourage and foster research and development activities, 4124
conduct studies related to the solution of community problems, and 4125
develop recommendations for administrative or legislative actions, 4126
as provided in section 122.03 of the Revised Code; 4127
4128

(5) Serve as the economic and community development planning 4129

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agency, which shall prepare and recommend plans and programs for 4130
the orderly growth and development of this state and which shall 4131
provide planning assistance, as provided in section 122.06 of the 4132
Revised Code; 4133

(6) Cooperate with and provide technical assistance to state 4134
departments, political subdivisions, regional and local planning 4135
commissions, tourist associations, councils of government, 4136
community development groups, community action agencies, and other 4137
appropriate organizations for carrying out the functions and 4138
duties of the department or for the solution of community 4139
problems; 4140

(7) Coordinate the activities of state agencies that have an 4141
impact on carrying out the functions and duties of the department; 4142

(8) Encourage and assist the efforts of and cooperate with 4143
local governments to develop mutual and cooperative solutions to 4144
their common problems that relate to carrying out the purposes of 4145
this section; 4146

(9) Study existing structure, operations, and financing of 4147
regional or local government and those state activities that 4148
involve significant relations with regional or local governmental 4149
units, recommend to the governor and to the general assembly such 4150
changes in these provisions and activities as will improve the 4151
operations of regional or local government, and conduct other 4152
studies of legal provisions that affect problems related to 4153
carrying out the purposes of this section; 4154

(10) Appoint, with the approval of the governor, technical 4155
and other advisory councils as it considers appropriate, as 4156
provided in section 122.09 of the Revised Code; 4157

(11) Create and operate a division of community development 4158
to develop and administer programs and activities that are 4159
authorized by federal statute or the Revised Code; 4160

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~~(12) Until July 1, 2001, review, analyze, and summarize applications and information regarding the family farm loan program forwarded to the department by a financial institution pursuant to section 901.81 of the Revised Code, and forward the applications, information, analyses, and summaries to the director of agriculture;~~

~~(13)~~ Until July 1, ~~2001~~ 2003, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code;

~~(14)~~(13) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as that section existed prior to July 1, ~~2001~~ 2003;

~~(15)~~(14) Until July 1, ~~2001~~ 2003, and upon approval by the controlling board under division (A)(3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.

(B) The department, by rule, shall establish criteria defining nonprofit corporations that are eligible for appointment as qualified agents pursuant to sections 135.81 to 135.88 of the Revised Code. The criteria shall require that a corporation be organized pursuant to Chapter 1702. of the Revised Code and have as its primary purpose the promotion of economic development or the creation or retention of jobs and job opportunities. The criteria may include a specification as to the professional qualifications of the corporation employees, a minimum elapsed period of time since the corporation was organized, current and former activities of the corporation, and such other criteria

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reasonably related to the foregoing that relate to the ability of
the corporation to act as a qualified agent for the purposes of
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code.

(C) The director of development may request the attorney
general to, and the attorney general, in accordance with section
109.02 of the Revised Code, shall bring a civil action in any
court of competent jurisdiction. The director may be sued in the
director's official capacity, in connection with this chapter, in
accordance with Chapter 2743. of the Revised Code.

Sec. 122.60. As used in sections 122.60 to 122.605 of the
Revised Code:

(A) "Capital access loan" means a loan made by a
participating financial institution to an eligible business that
may be secured by a deposit of money from the fund into the
participating financial institution's program reserve account.

(B) "Department" means the department of development.

(C) "Eligible business" means a for-profit business entity
that had total annual sales in its most recently completed fiscal
year of less than ten million dollars and that has a principal
place of business within the state, the operation of which, alone
or in conjunction with other facilities, will create new jobs or
preserve existing jobs and employment opportunities and will
improve the economic welfare of the people of the state. As used
in this division, "new jobs" does not include existing jobs
transferred from another facility within the state, and "existing
jobs" means only existing jobs at facilities within the same
municipal corporation or township in which the project, activity,
or enterprise that is the subject of a capital access loan is
located.

(D) "Financial institution" means any bank, trust company,

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savings bank, or savings and loan association that is chartered by 4223
and has a significant presence in the state, or any national bank, 4224
federal savings and loan association, or federal savings bank that 4225
has a significant presence in the state. 4226

(E) "Fund" means the capital access loan program fund. 4227

(F) "Participating financial institution" means a financial 4228
institution that has a valid, current participation agreement with 4229
the department. 4230

(G) "Participation agreement" means the agreement between a 4231
financial institution and the department under which a financial 4232
institution may participate in the program. 4233

(H) "Passive real estate ownership" means the ownership of 4234
real estate for the sole purpose of deriving income from it by 4235
speculation, trade, or rental. 4236

(I) "Program" means the capital access loan program created 4237
under section 122.602 of the Revised Code. 4238

(J) "Program reserve account" means a dedicated account at 4239
each participating financial institution that is the property of 4240
the state and may be used by the participating financial 4241
institution only for the purpose of recovering a claim under 4242
section 122.604 of the Revised Code arising from a default on a 4243
loan made by the participating financial institution under the 4244
program. 4245

Sec. 122.601. There is hereby created in the state treasury 4246
the capital access loan program fund. The fund shall consist of 4247
money deposited into it from the facilities establishment fund 4248
pursuant to section 166.03 of the Revised Code and all money 4249
deposited into it pursuant to section 122.602 of the Revised Code. 4250
The total amount of money deposited into the fund from the 4251
facilities establishment fund shall not exceed three million 4252

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dollars during any particular fiscal year of the department. 4253

The department shall disburse money from the capital access 4254
loan program fund only to pay the operating costs of the program 4255
and only in keeping with the purposes specified in sections 122.60 4256
to 122.605 of the Revised Code. 4257

Sec. 122.602. (A) There is hereby created in the department 4258
of development the capital access loan program to assist 4259
participating financial institutions in making program loans to 4260
eligible businesses that face barriers in accessing working 4261
capital and obtaining fixed asset financing. In administering the 4262
program, the director of development may do any of the following: 4263

(1) Receive and accept grants, gifts, and contributions of 4264
money, property, labor, and other things of value to be held, 4265
used, and applied only for the purpose for which the grants, gifts 4266
and contributions are made, from individuals, private and public 4267
corporations, the United States or any agency of the United 4268
States, the state or any agency of the state, or any political 4269
subdivision of the state; agree to repay any contribution of money 4270
or return any property contributed or the value of that property 4271
at the times, in the amounts, and on the terms and conditions, 4272
excluding the payment of interest, that the director consents to 4273
at the time a contribution is made; and evidence obligations by 4274
notes, bonds, or other written instruments; 4275

(2) Adopt rules under Chapter 119. of the Revised Code to 4276
carry out the purposes of the program specified in sections 122.60 4277
to 122.605 of the Revised Code; 4278

(3) Engage in all other acts, and enter into contracts and 4279
execute all instruments, necessary or appropriate to carry out the 4280
purposes specified in sections 122.60 to 122.605 of the Revised 4281
Code. 4282

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(B) The director shall determine the eligibility of a 4283
financial institution to participate in the program and may set a 4284
limit on the number of financial institutions that may participate 4285
in the program. 4286

(C) To be considered eligible by the director to participate 4287
in the program, a financial institution shall enter into a 4288
participation agreement with the department that sets out the 4289
terms and conditions under which the department will deposit 4290
moneys from the fund into the financial institution's program 4291
reserve account, specifies the criteria for loan qualification 4292
under the program, and contains any additional terms the director 4293
considers necessary. 4294

(D) After receiving the certification required under division 4295
(C) of section 122.603 of the Revised Code, the director shall 4296
disburse moneys from the fund to a participating financial 4297
institution for deposit in its program reserve account if the 4298
director determines that the capital access loan involved meets 4299
all of the following criteria: 4300

(1) It will be made to an eligible business. 4301

(2) It will be used by the eligible business for a project, 4302
activity, or enterprise in the state that fosters economic 4303
development. 4304

(3) It will not be made in order to enroll in the program 4305
prior debt that is not covered under the program and that is owed 4306
or was previously owed by an eligible business to the financial 4307
institution. 4308

(4) It will not be utilized for a project or development 4309
related to the on-site construction or purchase of residential 4310
housing. 4311

(5) It will not be used to finance passive real estate 4312
ownership. 4313

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(6) It conforms to the requirements of divisions (E), (F), (G), (H), and (I) of this section, and to the rules adopted by the director under division (A)(2) of this section.

(E) The director shall not approve a capital access loan to an eligible business that exceeds two hundred fifty thousand dollars for working capital or five hundred thousand dollars for the purchase of fixed assets. An eligible business may apply for the maximum amount for both working capital and the purchase of fixed assets in the same capital access loan.

(F) A financial institution may apply to the director for the approval of a capital access loan to any business that is owned or operated by a person that has previously defaulted under any state financial assistance program.

(G) Eligible businesses that apply for a capital access loan shall comply with section 9.66 of the Revised Code.

(H) A financial institution may apply to the director for the approval of a capital access loan that refinances a nonprogram loan made by another financial institution.

(I) The director shall not approve a capital access loan that refinances a nonprogram loan made by the same financial institution, unless the amount of the refinanced loan exceeds the existing debt, in which case only the amount exceeding the existing debt is eligible for a loan under the program.

Sec. 122.603. (A)(1) Upon approval by the director of development and after entering into a participation agreement with the department, a participating financial institution making a capital access loan shall establish a program reserve account. The account shall be an interest-bearing account and shall contain only moneys deposited into it under the program and the interest payable on the moneys in the account.

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(2) All interest payable on the moneys in the program reserve 4344
account shall be added to the moneys and held as an additional 4345
loss reserve. The director may require that a portion or all of 4346
the accrued interest so held in the account be released to the 4347
department. If the director causes a release of accrued interest, 4348
the director shall deposit the released amount into the fund. The 4349
director shall not require the release of accrued interest more 4350
than twice in a fiscal year. 4351

(B) When a participating financial institution makes a 4352
capital access loan, it shall require the eligible business to pay 4353
to the participating financial institution a fee in an amount that 4354
is not less than one and one-half per cent, and not more than 4355
three per cent, of the principal amount of the loan. The 4356
participating financial institution shall deposit the fee into its 4357
program reserve account, and it also shall deposit into the 4358
account an amount of its own funds equal to the amount of the fee. 4359
The participating financial institution may recover from the 4360
eligible business all or part of the amount that the participating 4361
financial institution is required to deposit into the account 4362
under this division in any manner agreed to by the participating 4363
financial institution and the eligible business. 4364

(C) For each capital access loan made by a participating 4365
financial institution, the participating financial institution 4366
shall certify to the director, within a period specified by the 4367
director, that the participating financial institution has made 4368
the loan. The certification shall include the amount of the loan, 4369
the amount of the fee received from the eligible business, the 4370
amount of its own funds that the participating financial 4371
institution deposited into its program reserve account to reflect 4372
that fee, and any other information specified by the director. 4373

(D) On receipt of a certification made under division (C) of 4374
this section and subject to section 122.602 of the Revised Code, 4375

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the director shall disburse to the participating financial 4376
institution from the fund an amount equal to ten per cent of the 4377
principal amount of the particular capital access loan for deposit 4378
into the participating financial institution's program reserve 4379
account. The disbursement of moneys from the fund to a 4380
participating financial institution does not require approval from 4381
the controlling board. 4382

(E) If the amount in a program reserve account exceeds an 4383
amount equal to thirty-three per cent of a participating financial 4384
institution's outstanding capital access loans, the department may 4385
cause the withdrawal of the excess amount and the deposit of the 4386
withdrawn amount into the fund. 4387

(F)(1) The department may cause the withdrawal of the total 4388
amount in a participating financial institution's program reserve 4389
account if any of the following applies: 4390

(a) The financial institution is no longer eligible to 4391
participate in the program. 4392

(b) The participation agreement expires without renewal by 4393
the department or the financial institution. 4394

(c) The financial institution has no outstanding capital 4395
access loans. 4396

(d) The financial institution has not made a capital access 4397
loan within the preceding twenty-four months. 4398

(2) If the department causes a withdrawal under division 4399
(F)(1) of this section, the department shall deposit the withdrawn 4400
amount into the fund. 4401

Sec. 122.604. (A) If a participating financial institution 4402
determines that a portion or all of a capital access loan is 4403
uncollectible, it may submit a claim to the department for 4404
approval of the release of moneys from its program reserve 4405

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account.

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(B) The claim may include the amount of principal plus accrued interest owed. The amount of principal included in the claim may not exceed the principal amount covered by the program. The amount of accrued interest included in the claim may not exceed the accrued interest attributable to the covered principal amount.

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(C) The participating financial institution shall determine the timing and amount of delinquency on a capital access loan in a manner consistent with the participating financial institution's normal method for making these determinations on similar nonprogram loans.

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(D) If the participating financial institution files two or more claims at the same time or approximately the same time and there are insufficient funds in its program reserve account at that time to cover the entire amount of the claims, the participating financial institution may specify an order of priority in which the department shall approve the release of funds from the account in relation to the claims.

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(E) If subsequent to the payment of a claim, a participating financial institution recovers from an eligible business any amount covered by the paid claim, the participating financial institution shall promptly deposit the amount recovered into its program reserve account, less any reasonable expenses incurred.

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Sec. 122.605. Each participating financial institution shall submit an annual report to the department on or before the thirty-first day of March of each year. The report shall include or be accompanied by all of the following:

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(A) Information regarding the participating financial institution's outstanding capital access loans, its capital access

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loan losses, and other related matters that the department 4436
considers appropriate; 4437

(B) A statement of the total amount of the participating 4438
financial institution's capital access loans for which the 4439
department has made disbursements from the fund under the program; 4440

(C) A copy of the participating financial institution's most 4441
recent financial statement. 4442

Sec. 122.71. As used in sections 122.71 to 122.83 of the 4443
Revised Code: 4444

(A) "Financial institution" means any banking corporation, 4445
trust company, insurance company, savings and loan association, 4446
building and loan association, or corporation, partnership, 4447
federal lending agency, foundation, or other institution engaged 4448
in lending or investing funds for industrial or business purposes. 4449

(B) "Project" means any real or personal property connected 4450
with or being a part of an industrial, distribution, commercial, 4451
or research facility to be acquired, constructed, reconstructed, 4452
enlarged, improved, furnished, or equipped, or any combination 4453
thereof, with the aid provided under sections 122.71 to 122.83 of 4454
the Revised Code, for industrial, commercial, distribution, and 4455
research development of the state. 4456

(C) "Mortgage" means the lien imposed on a project by a 4457
mortgage on real property, or by financing statements on personal 4458
property, or a combination of a mortgage and financing statements 4459
when a project consists of both real and personal property. 4460

(D) "Mortgagor" means the principal user of a project or the 4461
person, corporation, partnership, or association unconditionally 4462
guaranteeing performance by the principal user of its obligations 4463
under the mortgage. 4464

(E)(1) "Minority business enterprise" means an individual who 4465

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is a United States citizen and owns and controls a business, or a 4466
partnership, corporation, or joint venture of any kind that is 4467
owned and controlled by United States citizens who, which citizen 4468
or citizens are residents of this state ~~or nonresidents of this~~ 4469
~~state who have a significant presence in this state,~~ and who are 4470
members of one of the following economically disadvantaged groups: 4471
Blacks, American Indians, Hispanics, and Orientals. 4472

(2) "Owned and controlled" means that at least fifty-one per 4473
cent of the business, including corporate stock if a corporation, 4474
is owned by persons who belong to one or more of the groups set 4475
forth in division (E)(1) of this section, and that those owners 4476
have control over the management and day-to-day operations of the 4477
business and an interest in the capital, assets, and profits and 4478
losses of the business proportionate to their percentage of 4479
ownership. In order to qualify as a minority business enterprise, 4480
a business shall have been owned and controlled by those persons 4481
at least one year prior to being awarded a contract pursuant to 4482
this section. 4483

(F) "Community improvement corporation" means a corporation 4484
organized under Chapter 1724. of the Revised Code. 4485

(G) "Ohio development corporation" means a corporation 4486
organized under Chapter 1726. of the Revised Code. 4487

(H) "Minority contractors business assistance organization" 4488
means an entity engaged in the provision of management and 4489
technical business assistance to minority business enterprise 4490
entrepreneurs. 4491

(I) "Minority business supplier development council" means a 4492
nonprofit organization established as an affiliate of the national 4493
minority supplier development council. 4494

Sec. 122.76. (A) The director of development, with 4495
controlling board approval, may lend funds to minority business 4496

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enterprises and to community improvement corporations ~~and~~, Ohio 4497
development corporations, minority contractors business assistance 4498
organizations, and minority business supplier development councils 4499
for the purpose of loaning funds to minority business enterprises 4500
and for the purpose of procuring or improving real or personal 4501
property, or both, for the establishment, location, or expansion 4502
of industrial, distribution, commercial, or research facilities in 4503
the state, if the director determines, in the director's sole 4504
discretion, that all of the following apply: 4505

(1) The project is economically sound and will benefit the 4506
people of the state by increasing opportunities for employment, by 4507
strengthening the economy of the state, or expanding minority 4508
business enterprises~~+~~. 4509

(2) The proposed minority business enterprise borrower is 4510
unable to finance the proposed project through ordinary financial 4511
channels at comparable terms~~+~~. 4512

(3) The value of the project is~~+~~ or~~+~~ upon completion ~~thereof~~, 4513
will be~~+~~ at least equal to the total amount of the money expended 4514
in the procurement or improvement of the project~~+~~ and ~~of which~~ 4515
~~amount~~ one or more financial institutions or other governmental 4516
entities have loaned not less than thirty per cent~~+~~ of that 4517
amount. 4518

(4) The amount to be loaned by the director will not exceed 4519
sixty per cent of the total amount expended in the procurement or 4520
improvement of the project~~+~~. 4521

(5) The amount to be loaned by the director will be 4522
adequately secured by a first or second mortgage upon the project~~+~~ 4523
or by mortgages, leases, liens, assignments, or pledges on or of 4524
other property or contracts as the director requires~~+~~ and ~~that~~ 4525
such mortgage will not be subordinate to any other liens or 4526
mortgages except the liens securing loans or investments made by 4527
financial institutions referred to in division (A)(3) of this 4528

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section, and the liens securing loans previously made by any 4529
financial institution in connection with the procurement or 4530
expansion of all or part of a project. 4531

(B) Any proposed minority business enterprise borrower 4532
submitting an application for assistance under this section shall 4533
not have defaulted on a previous loan from the director, and no 4534
full or limited partner, ~~or~~ major shareholder, or holder of an 4535
equity interest of the proposed minority business enterprise 4536
borrower shall have defaulted on a loan from the director~~+~~. 4537

(C) The proposed minority business enterprise borrower shall 4538
demonstrate to the satisfaction of the director that it is able to 4539
successfully compete in the private sector if it obtains the 4540
necessary financial, technical, or managerial support and that 4541
support is available through the director, the minority business 4542
development office of the department of development, or other 4543
identified and acceptable sources. In determining whether a 4544
minority business enterprise borrower will be able to successfully 4545
compete, the director may give consideration to such factors as 4546
the successful completion of or participation in courses of study, 4547
recognized by the board of regents as providing financial, 4548
technical, or managerial skills related to the operation of the 4549
business, by the economically disadvantaged individual, owner, or 4550
partner, and the prior success of the individual, owner, or 4551
partner in personal, career, or business activities, as well as to 4552
other factors identified by the director. 4553

(D) The director shall not lend funds for the purpose of 4554
procuring or improving motor vehicles, power-driven vehicles, 4555
office equipment, raw materials, small tools, supplies, 4556
inventories, or accounts receivable. 4557

Sec. 122.92. There is hereby created in the department of 4558
development a minority business development division. The division 4559

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shall do all of the following: 4560

(A) Provide technical, managerial, and counseling services 4561
and assistance to minority business enterprises; 4562

(B) Provide procurement and bid packaging assistance to 4563
minority business enterprises; 4564

(C) Provide bonding technical assistance to minority business 4565
enterprises; 4566

(D) Participate with other state departments and agencies as 4567
appropriate in developing specific plans and specific program 4568
goals for programs to assist in the establishment and development 4569
of minority business enterprises and establish regular performance 4570
monitoring and reporting systems to ensure that those goals are 4571
being achieved; 4572

(E) Implement state law and policy supporting minority 4573
business enterprise development, and assist in the coordination of 4574
plans, programs, and operations of state government which affect 4575
or may contribute to the establishment, preservation, and 4576
strengthening of minority business enterprises; 4577

(F) Assist in the coordination of activities and resources of 4578
state agencies and local governments, business and trade 4579
associations, universities, foundations, professional 4580
organizations, and volunteer and other groups, to promote the 4581
growth of minority business enterprises; 4582

(G) Establish a center for the development, collection, and 4583
dissemination of information that will be helpful to persons in 4584
establishing or expanding minority business enterprises in this 4585
state; 4586

(H) Design, implement, and assist in experimental and 4587
demonstration projects designed to overcome the special problems 4588
of minority business enterprises; 4589

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(I) Coordinate reviews of all proposed state training and 4590
technical assistance activities in direct support of minority 4591
business enterprise programs to ensure consistency with program 4592
goals and to preclude duplication of efforts by other state 4593
agencies; 4594

(J) Recommend appropriate legislative or executive actions to 4595
enhance minority business enterprise opportunities in the state; 4596
4597

(K) Assist minority business enterprises in obtaining 4598
governmental or commercial financing for business expansion, 4599
establishment of new businesses, or industrial development 4600
projects; 4601

(L) Assist minority business enterprises in contract 4602
procurement from government and commercial sources; 4603

(M) Establish procedures to identify groups who have been 4604
disadvantaged because of racial, cultural, or ethnic circumstances 4605
without regard to the individual qualities of the members of the 4606
group; 4607

(N) Establish procedures to identify persons who have been 4608
economically disadvantaged; 4609

(O) Provide grant assistance to nonprofit entities that 4610
promote economic development, development corporations, community 4611
improvement corporations, and incubator business entities, if the 4612
entities or corporations focus on business, technical, and 4613
financial assistance to minority business enterprises to assist 4614
the enterprises with fixed asset financing; 4615

(P) Do all acts and things necessary or proper to carry out 4616
the powers expressly granted and duties imposed by sections 122.92 4617
to 122.94 of the Revised Code. 4618

Sec. 124.24. Notwithstanding sections 124.01 to 124.64 and 4619

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Chapter 145. of the Revised Code, the examinations of applicants 4620
for the positions of deputy mine inspector, superintendent of 4621
rescue stations, assistant superintendent of rescue stations, 4622
electrical inspectors, gas storage well inspector, and mine 4623
chemists in the division of mineral resources management, 4624
department of natural resources, as provided in Chapters 1561., 4625
1563., 1565., and 1567. of the Revised Code shall be provided for, 4626
conducted, and administered by the ~~mine examining board created by~~ 4627
~~section 1561.10 of the Revised Code~~ chief of the division of 4628
mineral resources management. 4629

From the returns of the examinations the ~~mine examining board~~ 4630
chief shall prepare eligible lists of the persons whose general 4631
average standing upon examinations for such grade or class is not 4632
less than the minimum fixed by ~~the rules of the board~~ adopted 4633
under section 1561.05 of the Revised Code and who are otherwise 4634
eligible. All appointments to a position shall be made from such 4635
eligible list in the same manner as appointments are made from 4636
eligible lists prepared by the director of administrative 4637
services. Any person upon being appointed to fill one of the 4638
positions provided for in this section, from any such eligible 4639
list, shall have the same standing, rights, privileges, and status 4640
as other state employees in the classified service. 4641

Sec. 124.82. (A) Except as provided in division (D) of this 4642
section, the department of administrative services, in 4643
consultation with the superintendent of insurance, shall, in 4644
accordance with competitive selection procedures of Chapter 125. 4645
of the Revised Code, contract with an insurance company or a 4646
health plan in combination with an insurance company, authorized 4647
to do business in this state, for the issuance of a policy or 4648
contract of health, medical, hospital, dental, or surgical 4649
benefits, or any combination ~~thereof~~ of those benefits, covering 4650
state employees who are paid directly by warrant of the auditor of 4651

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state, including elected state officials. The department may 4652
fulfill its obligation under this division by exercising its 4653
authority under division (A)(2) of section 124.81 of the Revised 4654
Code. 4655

(B) The department may, in addition, in consultation with the 4656
superintendent of insurance, negotiate and contract with health 4657
insuring corporations holding a certificate of authority under 4658
Chapter 1751. of the Revised Code, in their approved service areas 4659
only, for issuance of a contract or contracts of health care 4660
services, covering state employees who are paid directly by 4661
warrant of the auditor of state, including elected state 4662
officials. Except for health insuring corporations, no more than 4663
one insurance carrier or health plan shall be contracted with to 4664
provide the same plan of benefits, provided that: 4665

(1) The amount of the premium or cost for such coverage 4666
contributed by the state, for an individual or for an individual 4667
and the individual's family, does not exceed that same amount of 4668
the premium or cost contributed by the state under division (A) of 4669
this section; 4670

(2) The employee be permitted to exercise the option as to 4671
which plan the employee will select under division (A) or (B) of 4672
this section, at a time that shall be determined by the 4673
department; 4674

(3) The health insuring corporations do not refuse to accept 4675
the employee, or the employee and the employee's family, if the 4676
employee exercises the option to select care provided by the 4677
corporations; 4678

(4) The employee may choose participation in only one of the 4679
plans sponsored by the department; 4680

(5) The director of health examines and certifies to the 4681
department that the quality and adequacy of care rendered by the 4682

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health insuring corporations meet at least the standards of care
provided by hospitals and physicians in that employee's community,
who would be providing such care as would be covered by a contract
awarded under division (A) of this section.

(C) All or any portion of the cost, premium, or charge for
the coverage in divisions (A) and (B) of this section may be paid
in such manner or combination of manners as the department
determines and may include the proration of health care costs,
premiums, or charges for part-time employees.

(D) Notwithstanding division (A) of this section, the
department may provide benefits equivalent to those that may be
paid under a policy or contract issued by an insurance company or
a health plan pursuant to division (A) of this section.

(E) This section does not prohibit the state office of
collective bargaining from entering into an agreement with an
employee representative for the purposes of providing fringe
benefits, including, but not limited to, hospitalization, surgical
care, major medical care, disability, dental care, vision care,
medical care, hearing aids, prescription drugs, group life
insurance, sickness and accident insurance, group legal services
or other benefits, or any combination thereof, to employees paid
directly by warrant of the auditor of state through a jointly
administered trust fund. The employer's contribution for the cost
of the benefit care shall be mutually agreed to in the
collectively bargained agreement. The amount, type, and structure
of fringe benefits provided under this division is subject to the
determination of the board of trustees of the jointly administered
trust fund. Notwithstanding any other provision of the Revised
Code, competitive bidding does not apply to the purchase of fringe
benefits for employees under this division when such benefits are
provided through a jointly administered trust fund.

(F) Members of state boards and commissions who are members

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of the public employees retirement system may be covered by any 4715
policy, contract, or plan of benefits or services described in 4716
division (A) or (B) of this section if they pay the entire amount 4717
of the premiums, costs, or charges for that coverage. 4718

Sec. 125.22. (A) The department of administrative services 4719
shall establish the central service agency to perform routine 4720
support for the following boards and commissions: 4721

(1) State board of examiners of architects; 4722

(2) Barber board; 4723

(3) State chiropractic board; 4724

(4) State board of cosmetology; 4725

(5) Accountancy board; 4726

(6) State dental board; 4727

(7) State board of optometry; 4728

(8) Ohio occupational therapy, physical therapy, and athletic 4729
trainers board; 4730

(9) State board of registration for professional engineers 4731
and surveyors; 4732

(10) State board of sanitarian registration; 4733

(11) Board of embalmers and funeral directors; 4734

(12) State board of psychology; 4735

(13) Ohio optical dispensers board; 4736

(14) Board of speech pathology and audiology; 4737

(15) Counselor and social worker board; 4738

(16) State veterinary medical licensing board; 4739

(17) Ohio board of dietetics; 4740

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(18) Commission on Hispanic-Latino affairs; 4741

(19) Ohio respiratory care board; 4742

(20) Ohio commission on African-American males. 4743

(B)(1) Notwithstanding any other section of the Revised Code, 4744
the agency shall perform the following routine support services 4745
for the boards and commissions named in division (A) of this 4746
section unless the controlling board exempts a board or commission 4747
from this requirement on the recommendation of the director of 4748
administrative services: 4749

(a) Preparing and processing payroll and other personnel 4750
documents; 4751

(b) Preparing and processing vouchers, purchase orders, 4752
encumbrances, and other accounting documents; 4753

(c) Maintaining ledgers of accounts and balances; 4754

(d) Preparing and monitoring budgets and allotment plans in 4755
consultation with the boards and commissions; 4756

(e) ~~Maintaining information required by section 3729.40 of~~ 4757
~~the Revised Code;~~ 4758

~~(f)~~ Other routine support services that the director of 4759
administrative services considers appropriate to achieve 4760
efficiency. 4761

(2) The agency may perform other services which a board or 4762
commission named in division (A) of this section delegates to the 4763
agency and the agency accepts. 4764

(3) The agency may perform any service for any professional 4765
or occupational licensing board not named in division (A) of this 4766
section or any commission if the board or commission requests such 4767
service and the agency accepts. 4768

(C) The director of administrative services shall be the 4769

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appointing authority for the agency.

(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission.

(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund.

(F) Nothing in this section shall be construed as a grant of authority for the central service agency to initiate or deny personnel or fiscal actions for the boards and commissions.

Sec. 126.11. (A)(1) The director of budget and management shall, upon consultation with the treasurer of state, coordinate and approve the scheduling of initial sales of publicly offered securities of the state and of publicly offered fractionalized interests in or securitized issues of public obligations of the state. The director shall from time to time develop and distribute to state issuers an approved sale schedule for each of the obligations covered by ~~this division~~ (A) or (B) of this section. ~~This division~~ Division (A) of this section applies only to those obligations on which the state or a state agency is the direct obligor or obligor on any backup security or related credit

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enhancement facility or source of money subject to state 4801
appropriations that is intended for payment of those obligations. 4802

(2) The issuers of obligations pursuant to section 151.03, 4803
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 4804
shall submit to the director: 4805

(a) For review and approval: the projected sale date, amount, 4806
and type of obligations proposed to be sold; their purpose, 4807
security, and source of payment; and the proposed structure and 4808
maturity schedule; 4809

(b) For review and comment: the authorizing order or 4810
resolution; preliminary and final offering documents; method of 4811
sale; preliminary and final pricing information; and any written 4812
reports or recommendations of financial advisors or consultants 4813
relating to those obligations; 4814

(c) Promptly after each sale of those obligations: final 4815
terms, including sale price, maturity schedule and yields, and 4816
sources and uses; names of the original purchasers or 4817
underwriters; a copy of the final offering document and of the 4818
transcript of proceedings; and any other pertinent information 4819
requested by the director. 4820

(3) The issuer of obligations pursuant to section 151.06 or 4821
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 4822
to the director: 4823

(a) For review and mutual agreement: the projected sale date, 4824
amount, and type of obligations proposed to be sold; their 4825
purpose, security, and source of payment; and the proposed 4826
structure and maturity schedule; 4827

(b) For review and comment: the authorizing order or 4828
resolution; preliminary and final offering documents; method of 4829
sale; preliminary and final pricing information; and any written 4830
reports or recommendations of financial advisors or consultants 4831

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relating to those obligations;

(c) Promptly after each sale of those obligations: final terms, including sale price, maturity schedule and yields, and sources and uses; names of the original purchasers or underwriters; a copy of the final offering document and of the transcript of proceedings; and any other pertinent information requested by the director.

(4) The issuers of obligations pursuant to Chapter 166., 4981., 5540., or 6121., or section 5531.10, of the Revised Code shall submit to the director:

(a) For review and comment: the projected sale date, amount, and type of obligations proposed to be sold; the purpose, security, and source of payment; and preliminary and final offering documents;

(b) Promptly after each sale of those obligations: final terms, including a maturity schedule; names of the original purchasers or underwriters; a copy of the complete continuing disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent rule as from time to time in effect; and any other pertinent information requested by the director.

(5) Not later than thirty days after the end of a fiscal year, each issuer of obligations subject to divisions (A) and (B) of this section shall submit to the director and to the treasurer of state a sale plan for the then current fiscal year for each type of obligation, projecting the amount and term of each issuance, the method of sale, and the month of sale.

(B) Issuers of obligations pursuant to section 3318.085 or Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706., 3737., 5537., 6121., or 6123. of the Revised Code, ~~and issuers of securities issued pursuant to Chapter 165. of the Revised Code other than a county or municipal corporation,~~ shall submit to the

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director copies of the preliminary and final offering documents 4863
upon their availability if not previously submitted pursuant to 4864
division (A) of this section. 4865

(C) Not later than the first day of January of each year, 4866
every state agency obligated to make payments on outstanding 4867
public obligations with respect to which fractionalized interests 4868
have been publicly issued, such as certificates of participation, 4869
shall submit a report to the director of the amounts payable from 4870
state appropriations under those public obligations during the 4871
then current and next two fiscal years, identifying the 4872
appropriation or intended appropriation from which payment is 4873
expected to be made. 4874

(D)(1) Information relating generally to the historic, 4875
current, or future demographics or economy or financial condition 4876
or funds or general operations of the state, and descriptions of 4877
any state contractual obligations relating to public obligations, 4878
to be contained in any offering document, continuing disclosure 4879
document, or written presentation prepared, approved, or provided, 4880
or committed to be provided, by an issuer in connection with the 4881
original issuance and sale of, or rating, remarketing, or credit 4882
enhancement facilities relating to, public obligations referred to 4883
in division (A) of this section shall be approved as to format and 4884
accuracy by the director before being presented, published, or 4885
disseminated in preliminary, draft, or final form, or publicly 4886
filed in paper, electronic, or other format. 4887

(2) Except for information described in division (D)(1) of 4888
this section that is to be contained in an offering document, 4889
continuing disclosure document, or written presentation, division 4890
(D)(1) of this section does not inhibit direct communication 4891
between an issuer and a rating agency, remarketing agent, or 4892
credit enhancement provider concerning an issuance of public 4893
obligations referred to in division (A) of this section or matters 4894

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associated with that issuance.

(3) The materials approved and provided pursuant to division (D) of this section are the information relating to the particular subjects provided by the state or state agencies that are required or contemplated by any applicable state or federal securities laws and any commitments by the state or state agencies made under those laws. Reliance for the purpose should not be placed on any other information publicly provided, in any format including electronic, by any state agency for other purposes, including general information provided to the public or to portions of the public. A statement to that effect shall be included in those materials so approved or provided.

(E) Issuers of obligations referred to in division (A) of this section may take steps, by formal agreement, covenants in the proceedings, or otherwise, as may be necessary or appropriate to comply or permit compliance with applicable lawful disclosure requirements relating to those obligations, and may, subject to division (D) of this section, provide, make available, or file copies of any required disclosure materials as necessary or appropriate. Any such formal agreement or covenant relating to subjects referred to in division (D) of this section, and any description of that agreement or covenant to be contained in any offering document, shall be approved by the director before being entered into or published or publicly disseminated in preliminary, draft, or final form or publicly filed in paper, electronic, or other format. The director shall be responsible for making all filings in compliance with those requirements relating to direct obligations of the state, including fractionalized interests in those obligations.

(F) No state agency or official shall, without the approval of the director of budget and management, do either of the following:

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(1) Enter into or commit to enter into a public obligation 4927
under which fractionalized interests in the payments are to be 4928
publicly offered, which payments are anticipated to be made from 4929
money from any source appropriated or to be appropriated by the 4930
general assembly or in which the provision stated in section 9.94 4931
of the Revised Code is not included; 4932

(2) Except as otherwise expressly authorized for the purpose 4933
by law, agree or commit to provide, from money from any source to 4934
be appropriated in the future by the general assembly, financial 4935
assistance to or participation in the costs of capital facilities, 4936
or the payment of debt charges, directly or by way of a credit 4937
enhancement facility, a reserve, rental payments, or otherwise, on 4938
obligations issued to pay costs of capital facilities. 4939

(G) As used in this section, "credit enhancement facilities," 4940
"debt charges," "fractionalized interests in public obligations," 4941
"obligor," "public issuer," and "securities" have the same 4942
meanings as in section 133.01 of the Revised Code; "public 4943
obligation" has the same meaning as in division (GG)(2) of section 4944
133.01 of the Revised Code; "obligations" means securities or 4945
public obligations or fractionalized interests in them; "issuers" 4946
means issuers of securities or state obligors on public 4947
obligations; "offering document" means an official statement, 4948
offering circular, private placement memorandum, or prospectus, or 4949
similar document; and "director" means the director of budget and 4950
management or the employee of the office of budget and management 4951
designated by the director for the purpose. 4952

Sec. 126.21. (A) The director of budget and management shall 4953
do all of the following: 4954

(1) Keep all necessary accounting records; 4955

(2) Prescribe and maintain the accounting system of the state 4956
and establish appropriate accounting procedures and charts of 4957

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accounts;	4958
(3) Establish procedures for the use of written, electronic,	4959
optical, or other communications media for approving payment	4960
vouchers;	4961
(4) Reconcile, in the case of any variation between the	4962
amount of any appropriation and the aggregate amount of items of	4963
the appropriation, with the advice and assistance of the state	4964
agency affected by it and the legislative budget office of the	4965
legislative service commission, totals so as to correspond in the	4966
aggregate with the total appropriation. In the case of a conflict	4967
between the item and the total of which it is a part, the item	4968
shall be considered the intended appropriation.	4969
(5) Evaluate on an ongoing basis and, if necessary, recommend	4970
improvements to the internal controls used in state agencies;	4971
	4972
(6) Authorize the establishment of petty cash accounts. The	4973
director of budget and management may withdraw approval for any	4974
petty cash account and require the officer in charge to return to	4975
the state treasury any unexpended balance shown by the officer's	4976
accounts to be on hand. Any officer who is issued a warrant for	4977
petty cash shall render a detailed account of the expenditures of	4978
the petty cash and shall report when requested the balance of	4979
petty cash on hand at any time.	4980
(7) Process orders, invoices, vouchers, claims, and payrolls	4981
and prepare financial reports and statements;	4982
(8) Perform extensions, reviews, and compliance checks prior	4983
to approving a payment as the director considers necessary;	4984
(9) Issue the official comprehensive annual financial report	4985
of the state. The report shall cover all funds and account groups	4986
of the state reporting entity and shall include general purpose	4987
<u>basic</u> financial statements <u>and required supplementary information</u>	4988

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prepared in accordance with generally accepted accounting 4989
principles and other information as the director provides. All 4990
state agencies, authorities, institutions, offices, retirement 4991
systems, and other component units of the state reporting entity 4992
as determined by the director shall furnish the director whatever 4993
financial statements and other information the director requests 4994
for the report, in the form, at the times, covering the periods, 4995
and with the attestation the director prescribes. The information 4996
for state institutions of higher education, as defined in section 4997
3345.011 of the Revised Code, shall be submitted to the director 4998
by the Ohio board of regents. The board shall establish a due date 4999
by which each such institution shall submit the information to the 5000
board, but no such date shall be later than one hundred twenty 5001
days after the end of the state fiscal year unless a later date is 5002
approved by the director. 5003

(B) In addition to the director's duties under division (A) 5004
of this section, the director of budget and management may 5005
establish and administer one or more state payment card programs 5006
that permit or require state agencies to use a payment card to 5007
purchase equipment, materials, supplies, or services in accordance 5008
with guidelines issued by the director. The director may contract 5009
with one or more vendors to provide the payment cards and payment 5010
card services. State agencies may only participate in state 5011
payment card programs that the director establishes pursuant to 5012
this section. 5013

Sec. 127.16. (A) Upon the request of either a state agency or 5014
the director of budget and management and after the controlling 5015
board determines that an emergency or a sufficient economic reason 5016
exists, the controlling board may approve the making of a purchase 5017
without competitive selection as provided in division (B) of this 5018
section. 5019

(B) Except as otherwise provided in this section, no state 5020

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agency, using money that has been appropriated to it directly, 5021
shall: 5022

(1) Make any purchase from a particular supplier, that would 5023
amount to fifty thousand dollars or more when combined with both 5024
the amount of all disbursements to the supplier during the fiscal 5025
year for purchases made by the agency and the amount of all 5026
outstanding encumbrances for purchases made by the agency from the 5027
supplier, unless the purchase is made by competitive selection or 5028
with the approval of the controlling board; 5029

(2) Lease real estate from a particular supplier, if the 5030
lease would amount to seventy-five thousand dollars or more when 5031
combined with both the amount of all disbursements to the supplier 5032
during the fiscal year for real estate leases made by the agency 5033
and the amount of all outstanding encumbrances for real estate 5034
leases made by the agency from the supplier, unless the lease is 5035
made by competitive selection or with the approval of the 5036
controlling board. 5037

(C) Any person who authorizes a purchase in violation of 5038
division (B) of this section shall be liable to the state for any 5039
state funds spent on the purchase, and the attorney general shall 5040
collect the amount from the person. 5041

(D) Nothing in division (B) of this section shall be 5042
construed as: 5043

(1) A limitation upon the authority of the director of 5044
transportation as granted in sections 5501.17, 5517.02, and 5045
5525.14 of the Revised Code; 5046

(2) Applying to medicaid provider agreements under Chapter 5047
5111. of the Revised Code or payments or provider agreements under 5048
disability assistance medical assistance established under Chapter 5049
5115. of the Revised Code; 5050

(3) Applying to the purchase of examinations from a sole 5051

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supplier by a state licensing board under Title XLVII of the 5052
Revised Code; 5053

(4) Applying to entertainment contracts for the Ohio state 5054
fair entered into by the Ohio expositions commission, provided 5055
that the controlling board has given its approval to the 5056
commission to enter into such contracts and has approved a total 5057
budget amount for such contracts as agreed upon by commission 5058
action, and that the commission causes to be kept itemized records 5059
of the amounts of money spent under each contract and annually 5060
files those records with the clerk of the house of representatives 5061
and the clerk of the senate following the close of the fair; 5062

(5) Limiting the authority of the chief of the division of 5063
mineral resources management to contract for reclamation work with 5064
an operator mining adjacent land as provided in section 1513.27 of 5065
the Revised Code; 5066

(6) Applying to investment transactions and procedures of any 5067
state agency, except that the agency shall file with the board the 5068
name of any person with whom the agency contracts to make, broker, 5069
service, or otherwise manage its investments, as well as the 5070
commission, rate, or schedule of charges of such person with 5071
respect to any investment transactions to be undertaken on behalf 5072
of the agency. The filing shall be in a form and at such times as 5073
the board considers appropriate. 5074

(7) Applying to purchases made with money for the per cent 5075
for arts program established by section 3379.10 of the Revised 5076
Code; 5077

(8) Applying to purchases made by the rehabilitation services 5078
commission of services, or supplies, that are provided to persons 5079
with disabilities, or to purchases made by the commission in 5080
connection with the eligibility determinations it makes for 5081
applicants of programs administered by the social security 5082

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administration;	5083
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	5084 5085 5086 5087
(10) Applying to any agency of the legislative branch of the state government;	5088 5089
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.21, or 5101.211 of the Revised Code;	5090 5091
(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;	5092 5093 5094 5095
(13) Applying to dues or fees paid for membership in an organization or association;	5096 5097
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	5098 5099
(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;	5100 5101 5102 5103
(16) Applying to purchases of tickets for passenger air transportation;	5104 5105
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	5106 5107 5108
(18) Applying to the judicial branch of state government;	5109
(19) Applying to purchases of liquor for resale by the division of liquor control;	5110 5111

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(20) Applying to purchases of motor courier and freight	5112
services made in accordance with department of administrative	5113
services rules;	5114
(21) Applying to purchases from the United States postal	5115
service and purchases of stamps and postal meter replenishment	5116
from vendors at rates established by the United States postal	5117
service;	5118
(22) Applying to purchases of books, periodicals, pamphlets,	5119
newspapers, maintenance subscriptions, and other published	5120
materials;	5121
(23) Applying to purchases from other state agencies,	5122
including state-assisted institutions of higher education;	5123
(24) Limiting the authority of the director of environmental	5124
protection to enter into contracts under division (D) of section	5125
3745.14 of the Revised Code to conduct compliance reviews, as	5126
defined in division (A) of that section;	5127
(25) Applying to purchases from a qualified nonprofit agency	5128
pursuant to sections 4115.31 to 4115.35 of the Revised Code;	5129
(26) Applying to payments by the department of job and family	5130
services to the United States department of health and human	5131
services for printing and mailing notices pertaining to the tax	5132
refund offset program of the internal revenue service of the	5133
United States department of the treasury;	5134
(27) Applying to contracts entered into by the department of	5135
mental retardation and developmental disabilities under sections	5136
5123.18, 5123.182, and 5111.252 of the Revised Code;	5137
(28) Applying to payments made by the department of mental	5138
health under a physician recruitment program authorized by section	5139
5119.101 of the Revised Code;	5140
(29) Applying to contracts entered into with persons by the	5141

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director of commerce for unclaimed funds collection and remittance 5142
efforts as provided in division (F) of section 169.03 of the 5143
Revised Code. The director shall keep an itemized accounting of 5144
unclaimed funds collected by those persons and amounts paid to 5145
them for their services. 5146

(30) Applying to purchases made by a state institution of 5147
higher education in accordance with the terms of a contract 5148
between the vendor and an inter-university purchasing group 5149
comprised of purchasing officers of state institutions of higher 5150
education; 5151

(31) Applying to the department of job and family services' 5152
purchases of health assistance services under the children's 5153
health insurance program part I provided for under section 5101.50 5154
of the Revised Code or the children's health insurance program 5155
part II provided for under section 5101.51 of the Revised Code; 5156

(32) Applying to payments by the attorney general from the 5157
reparations fund to hospitals and other emergency medical 5158
facilities for performing medical examinations to collect physical 5159
evidence pursuant to section 2907.28 of the Revised Code. 5160

(E) Notwithstanding division (B)(1) of this section, the 5161
cumulative purchase threshold shall be seventy-five thousand 5162
dollars for the departments of mental retardation and 5163
developmental disabilities, mental health, rehabilitation and 5164
correction, and youth services. 5165

(F) When determining whether a state agency has reached the 5166
cumulative purchase thresholds established in divisions (B)(1), 5167
(B)(2), and (E) of this section, all of the following purchases by 5168
such agency shall not be considered: 5169

(1) Purchases made through competitive selection or with 5170
controlling board approval; 5171

(2) Purchases listed in division (D) of this section; 5172

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(3) For the purposes of the thresholds of divisions (B)(1) 5173
and (E) of this section only, leases of real estate. 5174

(G) As used in this section, "competitive selection," 5175
"purchase," "supplies," and "services" have the same meanings as 5176
in section 125.01 of the Revised Code. 5177

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 5178
125., 126., 127., and 131. of the Revised Code, and any statute 5179
that uses the terms in connection with state accounting or 5180
budgeting: 5181

(A) "Account" means any record, element, or summary in which 5182
financial transactions are identified and recorded as debit or 5183
credit transactions in order to summarize items of a similar 5184
nature or classification. 5185

(B) "Accounting procedure" means the arrangement of all 5186
processes which discover, record, and summarize financial 5187
information to produce financial statements and reports and to 5188
provide internal control. 5189

(C) "Accounting system" means the total structure of records 5190
and procedures which discover, record, classify, and report 5191
information on the financial position and operations of a 5192
governmental unit or any of its funds, ~~balanced account groups,~~ 5193
and organizational components. 5194

(D) "Allocation" means a portion of an appropriation which is 5195
designated for expenditure by specific organizational units or for 5196
special purposes, activities, or objects that do not relate to a 5197
period of time. 5198

(E) "Allotment" means all or part of an appropriation which 5199
may be encumbered or expended within a specific period of time. 5200

(F) "Appropriation" means an authorization granted by the 5201
general assembly to make expenditures and to incur obligations for 5202

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specific purposes.	5203
(G) <u>"Assets"</u> means resources owned, controlled, or otherwise used or held by the state which have monetary value.	5204 5205
(H) <u>"Budget"</u> means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them.	5206 5207 5208
(I) <u>"Direct deposit"</u> is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution.	5209 5210 5211
(J) <u>"Disbursement"</u> means a payment made for any purpose.	5212
(K) <u>"Electronic benefit transfer"</u> means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code.	5213 5214 5215 5216
(L) <u>"Electronic funds transfer"</u> means the electronic movement of funds via automated clearing house or wire transfer.	5217 5218
(M) <u>"Encumbrancing document"</u> means a document reserving all or part of an appropriation.	5219 5220
(N) <u>"Expenditure"</u> means a reduction of the balance of an appropriation after legal requirements have been met.	5221 5222
(O) <u>"Fund"</u> means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations.	5223 5224 5225 5226 5227 5228
(P) <u>"Lapse"</u> means the automatic termination of an appropriation at the end of the fiscal period for which it was appropriated.	5229 5230 5231
(Q) <u>"Reappropriation"</u> means an appropriation of a previous	5232

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appropriation that is continued in force in a succeeding 5233
appropriation period. "Reappropriation" shall be equated with and 5234
incorporated in the term "appropriation." 5235

(R) "Voucher" means the document used to transmit a claim for 5236
payment and evidentiary matter related to the claim. 5237

(S) "Warrant" means an order drawn upon the treasurer of 5238
state by the auditor of state directing the treasurer of state to 5239
pay a specified amount, including an order to make a lump-sum 5240
payment to a financial institution for the transfer of funds by 5241
direct deposit or the drawdown of funds by electronic benefit 5242
transfer, and the resulting electronic transfer to or by the 5243
ultimate payees. 5244

The terms defined in this section shall be used, on all 5245
accounting forms, reports, formal rules, and budget requests 5246
produced by a state agency, only as defined in this section. 5247

Sec. 133.021. The general assembly hereby finds and declares 5248
that the "Tax Reform Act of 1986" (the "Act") establishes a 5249
unified volume ceiling on the aggregate amount of private activity 5250
bonds which can be issued in each state. The unified volume 5251
ceiling is the product of seventy-five dollars multiplied by the 5252
state population in 1987 and fifty dollars multiplied by the state 5253
population in each succeeding calendar year. 5254

The general assembly further finds and declares that the Act 5255
requires the state to allocate its volume ceiling according to a 5256
specified formula unless a different procedure is established by 5257
the governor or general assembly. 5258

The general assembly further finds and declares that pursuant 5259
to authorization of state legislation the general assembly has, by 5260
division (D)(3) of section 133.02 of the Revised Code, effective 5261
October 30, 1989, provided for delegating such function to the 5262
governor and for further delegation as therein provided, subject 5263

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to such prospectively effective actions as may subsequently be 5264
taken by the general assembly. 5265

The general assembly further finds and declares that it 5266
desires to by legislation provide for an efficient, effective, and 5267
equitable procedure under which the state will allocate the 5268
unified volume ceiling. 5269

The general assembly therefore finds and declares that it is 5270
necessary to create the joint select committee on volume cap to 5271
create a process for the allocation of the unified volume ceiling. 5272

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 5273
Revenue Code, which provides that a state may by law provide a 5274
different formula for allocating the state ceiling, there is 5275
hereby created the joint select committee on volume cap to provide 5276
for the allocation and the reallocation of the unified volume 5277
ceiling among the governmental units (or other authorities) in the 5278
state having authority to issue tax exempt private activity bonds. 5279

(B) The committee shall consist of eight members. Two members 5280
shall be from the house of representatives appointed by the 5281
speaker of the house of representatives; two members shall be from 5282
the senate appointed by the president of the senate; and four 5283
members shall be appointed by the governor. Each member shall be 5284
selected for ~~his or her~~ the member's knowledge and experience in 5285
tax exempt private activity bonds. The members shall serve at the 5286
pleasure of the appointing authority. A vacancy shall be filled in 5287
the same manner as the original appointment. 5288

(C) The purpose of the committee shall be to maximize the 5289
economic benefits of the unified volume ceiling to all citizens of 5290
the state. To this end, the joint select committee on volume cap 5291
shall: 5292

(1) ~~Annually, survey the governmental units (or other~~ 5293
~~authorities) in the state having authority to issue tax exempt~~ 5294

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private activity bonds concerning;	5295
(a) The amount of tax exempt private activity bonds issued	5296
for the previous calendar year; and	5297
(b) The amount requested for the calendar year allocation	5298
currently under consideration.	5299
(2) Set forth procedures for making allocations, reallocation	5300
and carry forward of the state's unified volume ceiling in	5301
accordance with the Act;	5302
(3)(2) Develop strategies for allocating and reallocating the	5303
unified volume ceiling which are designed to maximize the	5304
availability of tax exempt private activity bonds among competing	5305
sectors of the state.	5306
(D) To provide for the orderly and prompt issuance of private	5307
activity bonds, the committee is authorized to allocate the	5308
unified volume ceiling among those governmental units (or other	5309
authorities) in the state having authority to issue tax exempt	5310
private activity bonds. The committee shall reserve a portion of	5311
the unified volume ceiling to be allocated for multi-family rental	5312
housing projects. The committee in determination of unified volume	5313
ceiling allocations and reallocations shall consider the	5314
following:	5315
(1) The interest of the state with regard to long-term	5316
economic development, housing, education, redevelopment, and solid	5317
waste management;	5318
(2) The projected increase of jobs in the state;	5319
(3) The needs of political subdivisions.	5320
(E) The director of development shall adopt rules in	5321
accordance with Chapter 119. of the Revised Code to carry out the	5322
purposes of this section.	5323

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Sec. 133.06. (A) A school district shall not incur, without a
vote of the electors, net indebtedness that exceeds an amount
equal to one-tenth of one per cent of its tax valuation, except as
provided in divisions (G) and (H) of this section and in division
(C) of section 3313.372 of the Revised Code, or as prescribed in
section 3318.052 of the Revised Code.

(B) Except as provided in divisions (E) ~~and~~, (F), and (I) of
this section, a school district shall not incur net indebtedness
that exceeds an amount equal to nine per cent of its tax
valuation.

(C) A school district shall not submit to a vote of the
electors the question of the issuance of securities in an amount
that will make the district's net indebtedness after the issuance
of the securities exceed an amount equal to four per cent of its
tax valuation, unless the superintendent of public instruction,
acting under policies adopted by the state board of education, and
the tax commissioner, acting under written policies of the
commissioner, consent to the submission. A request for the
consents shall be made at least thirty days prior to the election
at which the question is to be submitted, except that the
superintendent of public instruction and the tax commissioner may
waive this thirty-day deadline or grant their consents after the
election if the school district shows good cause for such waiver
or consent after the election.

(D) In calculating the net indebtedness of a school district,
none of the following shall be considered:

(1) Securities issued to acquire school buses and other
equipment used in transporting pupils or issued pursuant to
division (D) of section 133.10 of the Revised Code;

(2) Securities issued under division (F) of this section,
under section 133.301 of the Revised Code, and, to the extent in

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excess of the limitation stated in division (B) of this section,	5355
under division (E) of this section;	5356
(3) Indebtedness resulting from the dissolution of a joint	5357
vocational school district under section 3311.217 of the Revised	5358
Code, evidenced by outstanding securities of that joint vocational	5359
school district;	5360
(4) Loans, evidenced by any securities, received under	5361
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the	5362
Revised Code;	5363
(5) Debt incurred under section 3313.374 of the Revised Code;	5364
	5365
(6) Debt incurred pursuant to division (B)(5) of section	5366
3313.37 of the Revised Code to acquire computers and related	5367
hardware;	5368
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	5369
	5370
(E) A school district may become a special needs district as	5371
to certain securities as provided in division (E) of this section.	5372
(1) A board of education, by resolution, may declare its	5373
school district to be a special needs district by determining both	5374
of the following:	5375
(a) The student population is not being adequately serviced	5376
by the existing permanent improvements of the district.	5377
(b) The district cannot obtain sufficient funds by the	5378
issuance of securities within the limitation of division (B) of	5379
this section to provide additional or improved needed permanent	5380
improvements in time to meet the needs.	5381
(2) The board of education shall certify a copy of that	5382
resolution to the superintendent of public instruction with a	5383
statistical report showing all of the following:	5384

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(a) A history of and a projection of the growth of the student population;	5385 5386
(b) The history of and a projection of the growth of the tax valuation;	5387 5388
(c) The projected needs;	5389
(d) The estimated cost of permanent improvements proposed to meet such projected needs.	5390 5391
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	5392 5393 5394
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	5395 5396 5397
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than three per cent per year. The findings and certification of the superintendent shall be conclusive.	5398 5399 5400 5401 5402 5403 5404 5405
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	5406 5407 5408 5409
(a) Nine per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the	5410 5411 5412 5413 5414

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question of issuing the proposed securities; 5415

(b) Nine per cent of the sum of its tax valuation plus an 5416
amount that is the product of multiplying that tax valuation by 5417
the percentage, determined by the superintendent of public 5418
instruction, by which that tax valuation is projected to increase 5419
during the next ten years. 5420

(F) A school district may issue securities for emergency 5421
purposes, in a principal amount that does not exceed an amount 5422
equal to three per cent of its tax valuation, as provided in this 5423
division. 5424

(1) A board of education, by resolution, may declare an 5425
emergency if it determines both of the following: 5426

(a) School buildings or other necessary school facilities in 5427
the district have been wholly or partially destroyed, or condemned 5428
by a constituted public authority, or that such buildings or 5429
facilities are partially constructed, or so constructed or planned 5430
as to require additions and improvements to them before the 5431
buildings or facilities are usable for their intended purpose, or 5432
that corrections to permanent improvements are necessary to remove 5433
or prevent health or safety hazards. 5434

(b) Existing fiscal and net indebtedness limitations make 5435
adequate replacement, additions, or improvements impossible. 5436

(2) Upon the declaration of an emergency, the board of 5437
education may, by resolution, submit to the electors of the 5438
district pursuant to section 133.18 of the Revised Code the 5439
question of issuing securities for the purpose of paying the cost, 5440
in excess of any insurance or condemnation proceeds received by 5441
the district, of permanent improvements to respond to the 5442
emergency need. 5443

(3) The procedures for the election shall be as provided in 5444
section 133.18 of the Revised Code, except that: 5445

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(a) The form of the ballot shall describe the emergency 5446
existing, refer to this division as the authority under which the 5447
emergency is declared, and state that the amount of the proposed 5448
securities exceeds the limitations prescribed by division (B) of 5449
this section; 5450

(b) The resolution required by division (B) of section 133.18 5451
of the Revised Code shall be certified to the county auditor and 5452
the board of elections at least seventy-five days prior to the 5453
election; 5454

(c) The county auditor shall advise and, not later than 5455
sixty-five days before the election, confirm that advice by 5456
certification to, the board of education of the information 5457
required by division (C) of section 133.18 of the Revised Code; 5458

(d) The board of education shall then certify its resolution 5459
and the information required by division (D) of section 133.18 of 5460
the Revised Code to the board of elections not less than sixty 5461
days prior to the election. 5462

(4) Notwithstanding division (B) of section 133.21 of the 5463
Revised Code, the first principal payment of securities issued 5464
under this division may be set at any date not later than sixty 5465
months after the earliest possible principal payment otherwise 5466
provided for in that division. 5467

(G) The board of education may contract with an architect, 5468
professional engineer, or other person experienced in the design 5469
and implementation of energy conservation measures for an analysis 5470
and recommendations pertaining to installations, modifications of 5471
installations, or remodeling that would significantly reduce 5472
energy consumption in buildings owned by the district. The report 5473
shall include estimates of all costs of such installations, 5474
modifications, or remodeling, including costs of design, 5475
engineering, installation, maintenance, repairs, and debt service, 5476

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and estimates of the amounts by which energy consumption and
resultant operational and maintenance costs, as defined by the
Ohio school facilities commission, would be reduced.

If the board finds after receiving the report that the amount
of money the district would spend on such installations,
modifications, or remodeling is not likely to exceed the amount of
money it would save in energy and resultant operational and
maintenance costs over the ensuing fifteen years, the board may
submit to the commission a copy of its findings and a request for
approval to incur indebtedness to finance the making or
modification of installations or the remodeling of buildings for
the purpose of significantly reducing energy consumption.

If the commission determines that the board's findings are
reasonable, it shall approve the board's request. Upon receipt of
the commission's approval, the district may issue securities
without a vote of the electors in a principal amount not to exceed
nine-tenths of one per cent of its tax valuation for the purpose
of making such installations, modifications, or remodeling, but
the total net indebtedness of the district without a vote of the
electors incurred under this and all other sections of the Revised
Code shall not exceed one per cent of the district's tax
valuation.

So long as any securities issued under division (G) of this
section remain outstanding, the board of education shall monitor
the energy consumption and resultant operational and maintenance
costs of buildings in which installations or modifications have
been made or remodeling has been done pursuant to division (G) of
this section and shall maintain and annually update a report
documenting the reductions in energy consumption and resultant
operational and maintenance cost savings attributable to such
installations, modifications, or remodeling. The report shall be
certified by an architect or engineer independent of any person

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that provided goods or services to the board in connection with 5509
the energy conservation measures that are the subject of the 5510
report. The resultant operational and maintenance cost savings 5511
shall be certified by the school district treasurer. The report 5512
shall be made available to the commission upon request. 5513

(H) With the consent of the superintendent of public 5514
instruction, a school district may incur without a vote of the 5515
electors net indebtedness that exceeds the amounts stated in 5516
divisions (A) and (G) of this section for the purpose of paying 5517
costs of permanent improvements, if and to the extent that both of 5518
the following conditions are satisfied: 5519

(1) The fiscal officer of the school district estimates that 5520
receipts of the school district from payments made under or 5521
pursuant to agreements entered into pursuant to section 725.02, 5522
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 5523
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 5524
Code, or distributions under division (C) of section 5709.43 of 5525
the Revised Code, or any combination thereof, are, after 5526
accounting for any appropriate coverage requirements, sufficient 5527
in time and amount, and are committed by the proceedings, to pay 5528
the debt charges on the securities issued to evidence that 5529
indebtedness and payable from those receipts, and the taxing 5530
authority of the district confirms the fiscal officer's estimate, 5531
which confirmation is approved by the superintendent of public 5532
instruction; 5533

(2) The fiscal officer of the school district certifies, and 5534
the taxing authority of the district confirms, that the district, 5535
at the time of the certification and confirmation, reasonably 5536
expects to have sufficient revenue available for the purpose of 5537
operating such permanent improvements for their intended purpose 5538
upon acquisition or completion thereof, and the superintendent of 5539
public instruction approves the taxing authority's confirmation. 5540

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The maximum maturity of securities issued under division (H) 5541
of this section shall be the lesser of twenty years or the maximum 5542
maturity calculated under section 133.20 of the Revised Code. 5543

(I) A school district may incur net indebtedness by the 5544
issuance of securities in accordance with the provisions of this 5545
chapter in excess of the limit specified in division (B) of this 5546
section when necessary to raise the school district portion of the 5547
basic project cost pursuant to Chapter 3318. of the Revised Code. 5548
The school facilities commission shall notify the superintendent 5549
of public instruction whenever a school district will exceed the 5550
nine per cent limit pursuant to this division. 5551

Sec. 133.07. (A) A county shall not incur, without a vote of 5552
the electors, either of the following: 5553

(1) Net indebtedness for all purposes that exceeds an amount 5554
equal to one per cent of its tax valuation; 5555

(2) Net indebtedness for the purpose of paying the county's 5556
share of the cost of the construction, improvement, maintenance, 5557
or repair of state highways that exceeds an amount equal to 5558
one-half of one per cent of its tax valuation. 5559

(B) A county shall not incur total net indebtedness that 5560
exceeds an amount equal to one of the following limitations that 5561
applies to the county: 5562

(1) A county with a valuation not exceeding one hundred 5563
million dollars, three per cent of that tax valuation; 5564

(2) A county with a tax valuation exceeding one hundred 5565
million dollars but not exceeding three hundred million dollars, 5566
three million dollars plus one and one-half per cent of that tax 5567
valuation in excess of one hundred million dollars; 5568

(3) A county with a tax valuation exceeding three hundred 5569
million dollars, six million dollars plus two and one-half per 5570

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cent of that tax valuation in excess of three hundred million 5571
dollars. 5572

(C) In calculating the net indebtedness of a county, none of 5573
the following securities shall be considered: 5574

(1) Securities described in section 307.201 of the Revised 5575
Code; 5576

(2) Self-supporting securities issued for any purposes, 5577
including, but not limited to, any of the following general 5578
purposes: 5579

(a) Water systems or facilities; 5580

(b) Sanitary sewerage systems or facilities, or surface and 5581
storm water drainage and sewerage systems or facilities, or a 5582
combination of those systems or facilities; 5583

(c) County or joint county scrap tire collection, storage, 5584
monocell, monofill, or recovery facilities, or any combination of 5585
those facilities; 5586

(d) Off-street parking lots, facilities, or buildings, or 5587
on-street parking facilities, or any combination of off-street and 5588
on-street parking facilities; 5589

(e) Facilities for the care or treatment of the sick or 5590
infirm, and for housing the persons providing that care or 5591
treatment and their families; 5592

(f) Recreational, sports, convention, auditorium, museum, 5593
trade show, and other public attraction facilities; 5594

(g) Facilities for natural resources exploration, 5595
development, recovery, use, and sale; 5596

(h) Correctional and detention facilities and related 5597
rehabilitation facilities. 5598

(3) Securities issued for the purpose of purchasing, 5599

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constructing, improving, or extending water or sanitary or surface
and storm water sewerage systems or facilities, or a combination
of those systems or facilities, to the extent that an agreement
entered into with another subdivision requires the other
subdivision to pay to the county amounts equivalent to debt
charges on the securities;

(4) Voted general obligation securities issued for the
purpose of permanent improvements for sanitary sewerage or water
systems or facilities to the extent that the total principal
amount of voted securities outstanding for the purpose does not
exceed an amount equal to two per cent of the county's tax
valuation;

(5) Securities issued for permanent improvements to house
agencies, departments, boards, or commissions of the county or of
any municipal corporation located, in whole or in part, in the
county, to the extent that the revenues, other than revenues from
unvoted county property taxes, derived from leases or other
agreements between the county and those agencies, departments,
boards, commissions, or municipal corporations relating to the use
of the permanent improvements are sufficient to cover the cost of
all operating expenses of the permanent improvements paid by the
county and debt charges on the securities;

(6) Securities issued pursuant to section 133.08 of the
Revised Code;

(7) Securities issued for the purpose of acquiring or
constructing roads, highways, bridges, or viaducts, for the
purpose of acquiring or making other highway permanent
improvements, or for the purpose of procuring and maintaining
computer systems for the office of the clerk of any
county-operated municipal court, for the office of the clerk of
the court of common pleas, or for the office of the clerk of the
probate, juvenile, or domestic relations division of the court of

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common pleas to the extent that the legislation authorizing the
issuance of the securities includes a covenant to appropriate from
moneys distributed to the county pursuant to division (B) of
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a
sufficient amount to cover debt charges on and financing costs
relating to the securities as they become due;

(8) Securities issued for the purpose of acquiring,
constructing, improving, and equipping a county, multicounty, or
multicounty-municipal jail, workhouse, juvenile detention
facility, or correctional facility;

(9) Securities issued for the acquisition, construction,
equipping, or repair of any permanent improvement or any class or
group of permanent improvements enumerated in a resolution adopted
pursuant to division (D) of section 5739.026 of the Revised Code
to the extent that the legislation authorizing the issuance of the
securities includes a covenant to appropriate from moneys received
from the taxes authorized under section 5739.023 and division
(A)(5) of section 5739.026 of the Revised Code an amount
sufficient to pay debt charges on the securities and those moneys
shall be pledged for that purpose;

(10) Securities issued for county or joint county solid waste
or hazardous waste collection, transfer, or disposal facilities,
or resource recovery and solid or hazardous waste recycling
facilities, or any combination of those facilities;

(11) Securities issued for the acquisition, construction, and
equipping of a port authority educational and cultural facility
under section 307.671 of the Revised Code;

(12) Securities issued for the acquisition, construction,
equipping, and improving of a municipal educational and cultural
facility under division (B)(1) of section 307.672 of the Revised

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Code; 5663

(13) Securities issued for energy conservation measures under 5664
section 307.041 of the Revised Code; 5665

(14) Securities issued for the acquisition, construction, 5666
equipping, improving, or repair of a sports facility, including 5667
obligations issued to pay costs of a sports facility under section 5668
307.673 of the Revised Code; 5669

(15) Securities issued under section 755.17 of the Revised 5670
Code if the legislation authorizing issuance of the securities 5671
includes a covenant to appropriate from revenue received from a 5672
tax authorized under division (A)(5) of section 5739.026 and 5673
section 5741.023 of the Revised Code an amount sufficient to pay 5674
debt charges on the securities, and the board of county 5675
commissioners pledges that revenue for that purpose, pursuant to 5676
section 755.171 of the Revised Code; 5677

(16) Sales tax supported bonds issued pursuant to section 5678
133.081 of the Revised Code for the purpose of acquiring, 5679
constructing, improving, or equipping any permanent improvement to 5680
the extent that the legislation authorizing the issuance of the 5681
sales tax supported bonds pledges county sales taxes to the 5682
payment of debt charges on the sales tax supported bonds and 5683
contains a covenant to appropriate from county sales taxes a 5684
sufficient amount to cover debt charges or the financing costs 5685
related to the sales tax supported bonds as they become due.; 5686

(17) Bonds or notes issued under section 133.60 of the 5687
Revised Code if the legislation authorizing issuance of the bonds 5688
or notes includes a covenant to appropriate from revenue received 5689
from a tax authorized under division (A)(9) of section 5739.026 5690
and section 5741.023 of the Revised Code an amount sufficient to 5691
pay the debt charges on the bonds or notes, and the board of 5692
county commissioners pledges that revenue for that purpose.; 5693

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(18) Securities issued under section 3707.55 of the Revised
Code for the acquisition of real property by a general health
district;

(19) Securities issued under division (A)(3) of section
3313.37 of the Revised Code for the acquisition of real and
personal property by an educational service center.

(D) In calculating the net indebtedness of a county, no
obligation incurred under division (D) of section 339.06 of the
Revised Code shall be considered.

Sec. 140.01. As used in this chapter:

(A) "Hospital agency" means any public hospital agency or any
nonprofit hospital agency.

(B) "Public hospital agency" means any county, board of
county hospital trustees established pursuant to section 339.02 of
the Revised Code, county hospital commission established pursuant
to section 339.14 of the Revised Code, municipal corporation, new
community authority organized under Chapter 349. of the Revised
Code, joint township hospital district, state or municipal
university or college operating or authorized to operate a
hospital facility, or the state.

(C) "Nonprofit hospital agency" means a corporation or
association not for profit, no part of the net earnings of which
inures or may lawfully inure to the benefit of any private
shareholder or individual, that has authority to own or operate a
hospital facility or provides or is to provide services to one or
more other hospital agencies.

(D) "Governing body" means, in the case of a county, the
board of county commissioners or other legislative body; in the
case of a board of county hospital trustees, the board; in the
case of a county hospital commission, the commission; in the case

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of a municipal corporation, the council or other legislative
authority; in the case of a new community authority, its board of
trustees; in the case of a joint township hospital district, the
joint township district hospital board; in the case of a state or
municipal university or college, its board of trustees or board of
directors; in the case of a nonprofit hospital agency, the board
of trustees or other body having general management ~~thereof~~ of the
agency; and, in the case of the state, the director of development
or the Ohio higher educational facility commission.

(E) "Hospital facilities" means buildings, structures and
other improvements, additions thereto and extensions thereof,
furnishings, equipment, and real estate and interests in real
estate, used or to be used for or in connection with one or more
hospitals, emergency, intensive, intermediate, extended,
long-term, or self-care facilities, diagnostic and treatment and
out-patient facilities, facilities related to programs for home
health services, clinics, laboratories, public health centers,
research facilities, and rehabilitation facilities, for or
pertaining to diagnosis, treatment, care, or rehabilitation of
sick, ill, injured, infirm, impaired, disabled, or handicapped
persons, or the prevention, detection, and control of disease, and
also includes education, training, and food service facilities for
health professions personnel, housing facilities for such
personnel and their families, and parking and service facilities
in connection with any of the foregoing; and includes any one,
part of, or any combination of the foregoing; and further includes
site improvements, utilities, machinery, facilities, furnishings,
and any separate or connected buildings, structures, improvements,
sites, utilities, facilities, or equipment to be used in, or in
connection with the operation or maintenance of, or supplementing
or otherwise related to the services or facilities to be provided
by, any one or more of such hospital facilities.

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(F) "Costs of hospital facilities" means the costs of 5756
acquiring or constructing hospital facilities, costs of improving 5757
one or more hospital facilities, including reconstructing, 5758
rehabilitating, remodeling, renovating, and enlarging, costs of 5759
equipping and furnishing such facilities, and all financing costs 5760
pertaining thereto, including, without limitation thereto, costs 5761
of engineering, architectural, and other professional services, 5762
designs, plans, specifications and surveys, and estimates of cost, 5763
costs of tests and inspections, the costs of any indemnity or 5764
surety bonds and premiums on insurance, all related direct or 5765
allocable administrative expenses pertaining thereto, fees and 5766
expenses of trustees, depositories, and paying agents for the 5767
obligations, cost of issuance of the obligations and financing 5768
charges and fees and expenses of financial advisors, attorneys, 5769
accountants, consultants and rating services in connection 5770
therewith, capitalized interest on the obligations, amounts 5771
necessary to establish reserves as required by the bond 5772
proceedings, the reimbursement of all moneys advanced or applied 5773
by the hospital agency or others or borrowed from others for the 5774
payment of any item or items of costs of such facilities, and all 5775
other expenses necessary or incident to planning or determining 5776
feasibility or practicability with respect to such facilities, and 5777
such other expenses as may be necessary or incident to the 5778
acquisition, construction, reconstruction, rehabilitation, 5779
remodeling, renovation, enlargement, improvement, equipment, and 5780
furnishing of such facilities, the financing thereof, and the 5781
placing of the same in use and operation, including any one, part 5782
of, or combination of such classes of costs and expenses, and 5783
means the costs of refinancing obligations issued by, or 5784
reimbursement of money advanced by, nonprofit hospital agencies or 5785
others the proceeds of which were used for the payment of costs of 5786
hospital facilities, if the governing body of the public hospital 5787
agency determines that the refinancing or reimbursement advances 5788

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the purposes of this chapter, whether or not the refinancing or 5789
reimbursement is in conjunction with the acquisition or 5790
construction of additional hospital facilities. 5791

(G) "Hospital receipts" means all moneys received by or on 5792
behalf of a hospital agency from or in connection with the 5793
ownership, operation, acquisition, construction, improvement, 5794
equipping, or financing of any hospital facilities, including, 5795
without limitation thereto, any rentals and other moneys received 5796
from the lease, sale, or other disposition of hospital facilities, 5797
and any gifts, grants, interest subsidies, or other moneys 5798
received under any federal program for assistance in financing the 5799
costs of hospital facilities, and any other gifts, grants, and 5800
donations, and receipts therefrom, available for financing the 5801
costs of hospital facilities. 5802

(H) "Obligations" means bonds, notes, or other evidences of 5803
indebtedness or obligation, including interest coupons pertaining 5804
thereto, issued or issuable by a public hospital agency to pay 5805
costs of hospital facilities. 5806

(I) "Bond service charges" means principal, interest, and 5807
call premium, if any, required to be paid on obligations. 5808

(J) "Bond proceedings" means one or more ordinances, 5809
resolutions, trust agreements, indentures, and other agreements or 5810
documents, and amendments and supplements to the foregoing, or any 5811
combination thereof, authorizing or providing for the terms, 5812
including any variable interest rates, and conditions applicable 5813
to, or providing for the security of, obligations and the 5814
provisions contained in such obligations. 5815

(K) "Nursing home" has the same meaning as in division (A)(1) 5816
of section 5701.13 of the Revised Code. 5817

(L) "Residential care facility" has the same meaning as in 5818
division (A)(2) of section 5701.13 of the Revised Code. 5819

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- (M) "Adult care facility" has the same meaning as in division 5820
(A)(3) of section 5701.13 of the Revised Code. 5821
- (N) "Independent living facility" means any self-care 5822
facility or other housing facility designed or used as a residence 5823
for elderly persons. An "independent living facility" does not 5824
include a residential facility, or that part of a residential 5825
facility, that is any of the following: 5826
- (1) A hospital required to be certified by section 3727.02 of 5827
the Revised Code; 5828
- (2) A nursing home or residential care facility; 5829
- (3) An adult care facility; 5830
- (4) A hospice licensed under section 3712.04 of the Revised 5831
Code; 5832
- (5) A habilitation center as defined in section 5123.041 of 5833
the Revised Code; 5834
- (6) A residential facility for the mentally ill licensed by 5835
the department of mental health under section 5119.22 of the 5836
Revised Code; 5837
- (7) A facility licensed to provide methadone treatment under 5838
section 3793.11 of the Revised Code; 5839
- (8) A facility certified as an alcohol and drug addiction 5840
program under section 3793.06 of the Revised Code; 5841
- (9) A residential facility licensed under section 5123.19 of 5842
the Revised Code or a facility providing services under a contract 5843
with the department of mental retardation and developmental 5844
disabilities under section 5123.18 of the Revised Code; 5845
- (10) A residential facility used as part of a hospital to 5846
provide housing for staff of the hospital or students pursuing a 5847
course of study at the hospital. 5848

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Sec. 151.04. This section applies to obligations as defined 5849
in this section. 5850

(A) As used in this section: 5851

(1) "Costs of capital facilities" include related direct 5852
administrative expenses and allocable portions of direct costs of 5853
the using institution. 5854

(2) "Obligations" means obligations as defined in section 5855
~~154.30~~ 151.01 of the Revised Code issued to pay costs of capital 5856
facilities for state-supported or state-assisted institutions of 5857
higher education. 5858

(3) "State-supported or state-assisted institutions of higher 5859
education" means a state university or college, or community 5860
college district, technical college district, university branch 5861
district, or state community college, or other institution for 5862
education, including technical education, beyond the high school, 5863
receiving state support or assistance for its expenses of 5864
operation. "State university or college" means each of the state 5865
universities identified in section 3345.011 of the Revised Code, 5866
the northeastern Ohio universities college of medicine, and the 5867
medical college of Ohio at Toledo. 5868

(4) "Using institution" means the state-supported or 5869
state-assisted institution of higher education, or two or more 5870
institutions acting jointly, that are the ultimate users of 5871
capital facilities for state-supported and state-assisted 5872
institutions of higher education financed with net proceeds of 5873
obligations. 5874

(B) The issuing authority shall issue obligations to pay 5875
costs of capital facilities for state-supported and state-assisted 5876
institutions of higher education pursuant to Section 2n of Article 5877
VIII, Ohio Constitution, section 151.01 of the Revised Code, and 5878

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this section. 5879

(C) Net proceeds of obligations shall be deposited into the 5880
higher education improvement fund created by division (F) of 5881
section 154.21 of the Revised Code. 5882

(D) There is hereby created in the state treasury the "higher 5883
education capital facilities bond service fund." All moneys 5884
received by the state and required by the bond proceedings, 5885
consistent with sections 151.01 and 151.04 of the Revised Code, to 5886
be deposited, transferred, or credited to the bond service fund, 5887
and all other moneys transferred or allocated to or received for 5888
the purposes of that fund, shall be deposited and credited to the 5889
bond service fund, subject to any applicable provisions of the 5890
bond proceedings but without necessity for any act of 5891
appropriation. During the period beginning with the date of the 5892
first issuance of obligations and continuing during the time that 5893
any obligations are outstanding in accordance with their terms, so 5894
long as moneys in the bond service fund are insufficient to pay 5895
debt service when due on those obligations payable from that fund 5896
(except the principal amounts of bond anticipation notes payable 5897
from the proceeds of renewal notes or bonds anticipated) and due 5898
in the particular fiscal year, a sufficient amount of revenues of 5899
the state is committed and, without necessity for further act of 5900
appropriation, shall be paid to the bond service fund for the 5901
purpose of paying that debt service when due. 5902

Sec. 166.03. (A) There is hereby created the facilities 5903
establishment fund within the state treasury, consisting of 5904
proceeds from the issuance of obligations as specified under 5905
section 166.08 of the Revised Code; the moneys received by the 5906
state from the sources specified in section 166.09 of the Revised 5907
Code; service charges imposed under sections 166.06 and 166.07 of 5908
the Revised Code; any grants, gifts, or contributions of moneys 5909

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received by the director of development to be used for loans made 5910
under section 166.07 of the Revised Code or for the payment of the 5911
allowable costs of project facilities; and all other moneys 5912
appropriated or transferred to the fund. Moneys in the loan 5913
guarantee fund in excess of four per cent of the unpaid principal 5914
amount of loan repayments guaranteed under section 166.06 of the 5915
Revised Code, but subject to the provisions and requirements of 5916
any guarantee contracts, may be transferred to the facilities 5917
establishment fund by the treasurer of state upon the order of the 5918
director of development. Moneys received by the state under 5919
Chapter 122. of the Revised Code, to the extent allocable to the 5920
utilization of moneys derived from proceeds of the sale of 5921
obligations pursuant to section 166.08 of the Revised Code, shall 5922
be credited to the facilities establishment fund. 5923

(B) All moneys appropriated or transferred to the facilities 5924
establishment fund may be released at the request of the director 5925
of development for payment of allowable costs or the making of 5926
loans under this chapter, for transfer to the loan guarantee fund 5927
established in section 166.06 of the Revised Code, or for use for 5928
the purpose of or transfer to the funds established by sections 5929
122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, 122.601, 5930
and 122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the 5931
funds established by sections 122.26 and 166.031 of the Revised 5932
Code, but only for such of those purposes as are within the 5933
authorization of Section 13 of Article VIII, Ohio Constitution, in 5934
all cases subject to the approval of the controlling board. 5935

(C) The department of development, in the administration of 5936
the facilities establishment fund, is encouraged to utilize and 5937
promote the utilization of, to the maximum practicable extent, the 5938
other existing programs, business incentives, and tax incentives 5939
that department is required or authorized to administer or 5940
supervise. 5941

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Sec. 169.01. As used in this chapter, unless the context
otherwise requires:

(A) "Financial organization" means any bank, trust company,
savings bank, safe deposit company, mutual savings bank without
mutual stock, savings and loan association, credit union, or
investment company.

(B)(1) "Unclaimed funds" means any moneys, rights to moneys,
or intangible property, described in section 169.02 of the Revised
Code, when, as shown by the records of the holder, the owner has
not, within the times provided in section 169.02 of the Revised
Code, done any of the following:

(a) Increased, decreased, or adjusted the amount of such
funds;

(b) Assigned, paid premiums, or encumbered such funds;

(c) Presented an appropriate record for the crediting of such
funds or received payment of such funds by check, draft, or
otherwise;

(d) Corresponded with the holder concerning such funds;

(e) Otherwise indicated an interest in or knowledge of such
funds;

(f) Transacted business with the holder.

(2) "Unclaimed funds" does not include any of the following:

(a) Money received or collected under section 9.39 of the
Revised Code;

(b) Any payment or credit due to a business association from
a business association representing sums payable to suppliers, or
payment for services rendered, in the course of business,
including, but not limited to, checks or memoranda, overpayments,
unidentified remittances, nonrefunded overcharges, discounts,

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refunds, and rebates;	5971
(c) Any payment or credit received by a business association	5972
from a business association for tangible goods sold, or services	5973
performed, in the course of business, including, but not limited	5974
to, checks or memoranda, overpayments, unidentified remittances,	5975
nonrefunded overcharges, discounts, refunds, and rebates;	5976
<u>(d) Any credit due a retail customer that is represented by a</u>	5977
<u>gift certificate, gift card, merchandise credit, or merchandise</u>	5978
<u>credit card, redeemable only for merchandise.</u>	5979
For purposes of divisions (B)(2)(b) and (c) of this section,	5980
"business association" means any corporation, joint venture,	5981
business trust, limited liability company, partnership,	5982
association, or other business entity composed of one or more	5983
individuals, whether or not the entity is for profit.	5984
(C) "Owner" means any person, or the person's legal	5985
representative, entitled to receive or having a legal or equitable	5986
interest in or claim against moneys, rights to moneys, or other	5987
intangible property, subject to this chapter.	5988
(D)(1) "Holder" means any person that has possession,	5989
custody, or control of moneys, rights to moneys, or other	5990
intangible property, or that is indebted to another, if any of the	5991
following applies:	5992
(a) Such person resides in this state;	5993
(b) Such person is formed under the laws of this state;	5994
(c) Such person is formed under the laws of the United States	5995
and has an office or principal place of business in this state;	5996
	5997
(d) The records of such person indicate that the last known	5998
address of the owner of such moneys, rights to moneys, or other	5999
intangible property is in this state;	6000

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(e) The records of such person do not indicate the last known address of the owner of the moneys, rights to moneys, or other intangible property and the entity originating or issuing the moneys, rights to moneys, or other intangible property is this state or any political subdivision of this state, or is incorporated, organized, created, or otherwise located in this state. Division (D)(1)(e) of this section applies to all moneys, rights to moneys, or other intangible property that is in the possession, custody, or control of such person on or after July 22, 1994, whether the moneys, rights to moneys, or other intangible property becomes unclaimed funds prior to or on or after ~~such~~ that date.

(2) "Holder" does not mean any hospital granted tax-exempt status under section 501(c)(3) of the Internal Revenue Code or any hospital owned or operated by the state or by any political subdivision. Any entity in order to be exempt from the definition of "holder" pursuant to this division shall make a reasonable, good-faith effort to contact the owner of the unclaimed funds.

(E) "Person" includes a natural person; corporation, whether for profit or not for profit; copartnership; unincorporated association or organization; public authority; estate; trust; two or more persons having a joint or common interest; eleemosynary organization; fraternal or cooperative association; other legal or community entity; the United States government, including any district, territory, possession, officer, agency, department, authority, instrumentality, board, bureau, or court; or any state or political subdivision thereof, including any officer, agency, board, bureau, commission, division, department, authority, court, or instrumentality.

(F) "Mortgage funds" means the mortgage insurance fund created by section 122.561 of the Revised Code, and the housing guarantee fund created by division (D) of section 128.11 of the

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Revised Code.

(G) "Lawful claims" means any vested right a holder of unclaimed funds has against the owner of such unclaimed funds.

(H) "Public utility" means any entity defined as such by division (A) of section 745.01 or by section 4905.02 of the Revised Code.

(I) "Deposit" means to place money in the custody of a financial organization for the purpose of establishing an income-bearing account by purchase or otherwise.

(J) "Income-bearing account" means a time or savings account, whether or not evidenced by a certificate of deposit, or an investment account through which investments are made solely in obligations of the United States or its agencies or instrumentalities or guaranteed as to principal and interest by the United States or its agencies or instrumentalities, debt securities rated as investment grade by at least two nationally recognized rating services, debt securities which the director of commerce has determined to have been issued for the safety and welfare of the residents of this state, and equity interests in mutual funds that invest solely in some or all of the above-listed securities and involve no general liability, without regard to whether income earned on such accounts, securities, or interests is paid periodically or at the end of a term.

Sec. 173.40. There is hereby created a component of the medicaid program established under Chapter 5111. of the Revised Code to be known as the preadmission screening system providing options and resources today program, or PASSPORT. ~~Through the medical assistance program established under Chapter 5111. of the Revised Code, the~~ The PASSPORT program shall provide home and community-based services as an alternative to nursing facility placement for aged and disabled ~~persons~~ medicaid recipients. The

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program shall be operated pursuant to a home and community-based 6064
waiver granted by the United States secretary of health and human 6065
services under section 1915 of the "Social Security Act," 49 Stat. 6066
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 6067
shall administer the program. ~~The department of aging shall enter~~ 6068
~~into~~ through an interagency agreement entered into with the 6069
department of job and family services ~~regarding services provided~~ 6070
~~under the program to recipients of medical assistance under~~ 6071
~~Chapter 5111. under section 5111.86~~ of the Revised Code. The 6072
directors of aging and job and family services shall adopt rules 6073
in accordance with Chapter 119. of the Revised Code to implement 6074
the program. 6075

Sec. 173.46. The department of aging shall develop and 6076
publish a guide to nursing facilities in this state for use by 6077
individuals considering nursing facility placement and their 6078
families, friends, and advisors. The guide shall be titled the 6079
Ohio long-term care consumer guide. 6080

The consumer guide shall be published in computerized form 6081
for distribution over the internet. The guide shall be made 6082
available not later than ~~fourteen months after the effective date~~ 6083
~~of this section~~ March 1, 2002, and shall be updated in accordance 6084
with section 173.52 of the Revised Code. 6085

Every two years, the department shall publish an executive 6086
summary of the consumer guide, and shall make the executive 6087
summary available in both computerized and printed forms. 6088

Sec. 173.47. The department of aging may contract with any 6089
person or government entity to perform any function related to the 6090
publication of the Ohio long-term care consumer guide or the 6091
collection and preparation of data and other material for the 6092
guide, except that the department shall contract to have the 6093
customer satisfaction surveys conducted under section 173.54 of 6094

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the Revised Code. ~~In awarding the contract to have the surveys~~ 6095
~~conducted~~ To the extent possible, the department shall contract 6096
with a person or government entity that has experience in 6097
surveying the customer satisfaction of nursing facility residents 6098
and their families. The department's contract shall permit the 6099
person or government entity to subcontract with other persons or 6100
government entities for purposes of conducting all or part of the 6101
surveys. 6102

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 6103
consist of ~~nine~~ eleven members. ~~Seven~~ Nine of the members shall be 6104
appointed by the governor with the advice and consent of the 6105
senate. The director of commerce and the director of development, 6106
or their respective designees, shall also be voting members of the 6107
agency. Of the ~~seven~~ nine appointed members, at least one shall 6108
have experience in residential housing construction; at least one 6109
shall have experience in residential housing mortgage lending, 6110
loan servicing, or brokering; at least one shall have experience 6111
in the licensed residential housing brokerage business; at least 6112
one shall have experience with the housing needs of senior 6113
citizens; at least one shall be from a background in labor 6114
representation in the construction industry; at least one shall 6115
represent the interests of nonprofit multifamily housing 6116
development organizations; at least one shall represent the 6117
interests of for-profit multifamily housing development 6118
corporations; and two shall be public members. No more than ~~five~~ 6119
six of the appointed members of the agency shall be of the same 6120
political party. ~~Of the initial appointments made to the agency,~~ 6121
~~two shall be for a term ending on January 31, 1984, two shall be~~ 6122
~~for a term ending on January 31, 1985, one shall be for a term~~ 6123
~~ending on January 31, 1986, one shall be for a term ending on~~ 6124
~~January 31, 1987, and one shall be for a term ending on January~~ 6125
~~31, 1988, the term for each member to be designated by the~~ 6126

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~~governor~~ Of the appointments made to the agency for the eighth and 6127
ninth appointed members in accordance with this amendment, one 6128
shall be for a term ending on January 31, 2005, and one shall be 6129
for a term ending on January 31, 2006. Thereafter, each appointed 6130
member shall serve for a term ending on the thirty-first day of 6131
January which is six years following the date of termination of 6132
the term which it succeeds. Each member shall hold office from the 6133
date of the member's appointment until the end of the term for 6134
which the member was appointed. Any member appointed to fill a 6135
vacancy occurring prior to the expiration of the term for which 6136
the member's predecessor was appointed shall hold office for the 6137
remainder of such term. Any appointed member shall continue in 6138
office subsequent to the expiration date of the member's term 6139
until the member's successor takes office, or until a period of 6140
sixty days has elapsed, whichever occurs first. Each appointed 6141
member may be removed from office by the governor for misfeasance, 6142
nonfeasance, malfeasance in office, or for failure to attend in 6143
person three consecutive meetings of the agency. 6144

(2) The director of development or the director's designee 6145
shall be the chairperson of the agency. The agency shall elect one 6146
of its appointed members as vice-chairperson and such other 6147
officers as it deems necessary, who need not be members of the 6148
agency. Each appointed member of the agency shall receive 6149
compensation at the rate of one hundred fifty dollars per agency 6150
meeting attended in person, not to exceed a maximum of three 6151
thousand dollars per year. All members shall be reimbursed for 6152
their actual and necessary expenses incurred in the discharge of 6153
their official duties. 6154

(3) ~~Five~~ six members of the agency constitute a quorum, and 6155
the affirmative vote of ~~five~~ six members shall be necessary for 6156
any action taken by the agency. No vacancy in membership of the 6157
agency impairs the right of a quorum to exercise all the rights 6158

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and perform all the duties of the agency. Meetings of the agency 6159
may be held at any place within the state. Meetings of the agency, 6160
including notice of the place of meetings, shall comply with 6161
section 121.22 of the Revised Code. 6162

(B) The appointed members of the agency are not subject to 6163
section 102.02 of the Revised Code. Each such appointed member 6164
shall file with the agency a signed written statement setting 6165
forth the general nature of sales of goods, property or services 6166
or of loans to the agency in which such member has a pecuniary 6167
interest or in which any member of the member's immediate family, 6168
as defined in section 102.01 of the Revised Code, or any 6169
corporation, partnership or enterprise of which the member is an 6170
officer, director, or partner, or of which the member or a member 6171
of the member's immediate family, as so defined, owns more than a 6172
five per cent interest, has a pecuniary interest, and of which 6173
sale, loan and interest such member has knowledge. The statement 6174
shall be supplemented from time to time to reflect changes in the 6175
general nature of any such sales or loans. No member shall 6176
participate in portions of agency meetings dealing with, or vote 6177
concerning, any such matter. The requirements of this section 6178
pertaining to disclosure and prohibition from participation and 6179
voting do not apply to agency loans to lending institutions or 6180
contracts between the agency and lending institutions for the 6181
purchase, administration, or servicing of loans notwithstanding 6182
that such lending institution has a director, officer, employee, 6183
or owner who is a member of the agency, and no such loans or 6184
contracts shall be deemed to be prohibited or otherwise regulated 6185
by reason of any other law or rule. 6186

Sec. 175.21. (A) The low- and moderate-income housing trust 6187
fund is hereby created in the state treasury. The fund shall 6188
consist of all appropriations, grants, gifts, loan repayments, and 6189
contributions of money made from any source to the department of 6190

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development for the fund. All investment earnings of the fund 6191
shall be credited to the fund. The director of development shall 6192
allocate a portion of the money in the fund to an account of the 6193
Ohio housing finance agency. The department shall administer the 6194
fund. The agency shall use money allocated to it in the fund for 6195
implementing and administering its programs and duties under 6196
sections 175.22 and 175.24 of the Revised Code, and the department 6197
shall use the remaining money in the fund for implementing and 6198
administering its programs and duties under sections 175.22 to 6199
175.25 of the Revised Code. Use of all money in the fund is 6200
subject to the following restrictions: forty-five per cent of the 6201
~~money in the fund~~ amount of funds awarded during any one fiscal 6202
year shall be used to make grants and loans to nonprofit 6203
organizations under section 175.22 of the Revised Code, not less 6204
than ~~thirty-five~~ forty-five per cent of the ~~money in the fund~~ 6205
amount of funds awarded during any one fiscal year shall be used 6206
to make grants and loans for activities that will provide housing 6207
and housing assistance to families and individuals in rural areas 6208
and small cities that would not be eligible to participate ~~in the~~ 6209
~~small cities program of the community development and block grant~~ 6210
~~program under sections 570.420 to 570.438 of the Code of Federal~~ 6211
~~Regulations as a participating jurisdiction under the "HOME~~ 6212
~~Investment Partnerships Act," 104 Stat. 4094 (1990), 42 U.S.C.~~ 6213
12701 note, 12721, no more than ~~five~~ six per cent of the money in 6214
the fund shall be used for administration, and no money in the 6215
fund shall be used to pay for any legal services other than the 6216
usual and customary legal services associated with the acquisition 6217
of housing. Except as otherwise provided by the director under 6218
division (B) of this section, money in the fund may be used as 6219
matching money for federal funds received by the state, counties, 6220
municipal corporations, and townships for the activities listed in 6221
section 175.22 of the Revised Code. 6222

(B) If after the second quarter of any year it appears to the 6223

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

Sec. 175.22. (A) The department of development and the Ohio
housing finance agency shall each develop programs under which, in
accordance with rules adopted under this section, it may make
grants, loans, loan guarantees, and loan subsidies to counties,
municipal corporations, townships, local housing authorities, and
nonprofit organizations and may make loans, loan guarantees, and
loan subsidies to private developers and private lenders to assist
them in activities that will provide housing and housing
assistance for specifically targeted low- and moderate-income
families and individuals. There shall be no minimum housing
project size for awards under this division for any project that
is being developed for a special needs population and that is
supported by a social service agency where the housing project
will be located. Activities for which grants, loans, loan
guarantees, and loan subsidies may be made under this section
include all of the following:

(1) Acquiring, financing, constructing, leasing,
rehabilitating, remodeling, improving, and equipping publicly or
privately owned housing;

(2) Providing supportive services related to housing and the
homeless, including housing counseling~~r~~. Not more than twenty per
cent of the current year appropriation authority for the low- and

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moderate-income housing trust fund shall be awarded in any fiscal 6255
year for such supportive services. 6256

(3) Providing rental assistance payments or other project 6257
operating subsidies that lower tenant rents. 6258

(B) Grants, loans, loan guarantees, and loan subsidies may be 6259
made to counties, municipal corporations, townships, and nonprofit 6260
organizations for the additional purposes of providing technical 6261
assistance, design and finance services and consultation, and 6262
payment of pre-development and administrative costs related to any 6263
of the activities listed above. 6264

(C) In developing programs under this section, the department 6265
and the agency shall invite, accept, and consider public comment, 6266
and recommendations from the housing trust fund advisory committee 6267
created under section 175.25 of the Revised Code, on how the 6268
programs should be designed to most effectively benefit low- and 6269
moderate-income families and individuals. The programs developed 6270
under this section shall respond collectively to housing and 6271
housing assistance needs of low- and moderate-income families and 6272
individuals statewide. 6273

(D) The department and the agency, in accordance with Chapter 6274
119. of the Revised Code, shall each adopt rules under which it 6275
shall administer programs developed by it under this section. The 6276
rules shall prescribe procedures and forms whereby counties, 6277
municipal corporations, townships, local housing authorities, and 6278
nonprofit organizations may apply for grants, loans, loan 6279
guarantees, and loan subsidies and private developers and private 6280
lenders may apply for loans, loan guarantees, and loan subsidies; 6281
eligibility criteria for the receipt of funds; procedures for 6282
reviewing and granting or denying applications; procedures for 6283
paying out funds; conditions on the use of funds; procedures for 6284
monitoring the use of funds; and procedures under which a 6285
recipient shall be required to repay funds that are improperly 6286

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used. The rules adopted by the department shall do both of the 6287
following: 6288

(1) Require each recipient of a grant or loan made from the 6289
low- and moderate-income housing trust fund for activities that 6290
will provide, or assist in providing, a rental housing project, to 6291
reasonably ensure that the rental housing project will be 6292
affordable to those families and individuals targeted for the 6293
rental housing project for the useful life of the rental housing 6294
project or for thirty years, whichever is longer; 6295

(2) Require each recipient of a grant or loan made from the 6296
low- and moderate-income housing trust fund for activities that 6297
will provide, or assist in providing, a housing project to prepare 6298
and implement a plan to reasonably assist any families and 6299
individuals displaced by the housing project in obtaining decent 6300
affordable housing. 6301

(E) In prescribing eligibility criteria and conditions for 6302
the use of funds, neither the department nor agency is limited to 6303
the criteria and conditions specified in this section and each may 6304
prescribe additional eligibility criteria and conditions that 6305
relate to the purposes for which grants, loans, loan guarantees, 6306
and loan subsidies may be made. However, the department and agency 6307
are limited by the following specifically targeted low- and 6308
moderate-income guidelines: 6309

(1) Not less than seventy-five per cent of the money granted 6310
and loaned under this section in any ~~biennium~~ fiscal year shall be 6311
for activities that will provide affordable housing and housing 6312
assistance to families and individuals in a county whose incomes 6313
are equal to or less than fifty per cent of the median income for 6314
that county, as determined by the department under section 175.23 6315
of the Revised Code. 6316

(2) The remainder of the money granted and loaned under this 6317
section in any ~~biennium~~ fiscal year shall be for activities that 6318

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will provide affordable housing and housing assistance to families 6319
and individuals in a county whose incomes are equal to or less 6320
than eighty per cent of the median income for that county, as 6321
determined by the department under section 175.23 of the Revised 6322
Code. 6323

(F) In making grants, loans, loan guarantees, and loan 6324
subsidies under this section, the department and the agency shall 6325
give preference to viable projects and activities that will 6326
benefit those families and individuals in a county whose incomes 6327
are equal to or less than thirty-five per cent of the median 6328
income for that county, as determined by the department under 6329
section 175.23 of the Revised Code. The department and the agency 6330
shall monitor the programs developed under this section to ensure 6331
that money granted and loaned under this section is not used in a 6332
manner that violates division (H) of section 4112.02 of the 6333
Revised Code or discriminates against families with children. 6334

Sec. 175.24. (A) Annually, the department of development 6335
shall submit a report to the president of the senate and the 6336
speaker of the house of representatives describing the activities 6337
of the department under sections 175.21 to 175.25 of the Revised 6338
Code during the previous ~~calendar~~ state fiscal year. 6339

(B) Annually, the Ohio housing finance agency shall submit a 6340
report to the president of the senate and the speaker of the house 6341
of representatives describing the activities of the agency under 6342
sections 175.21, 175.22, and 175.24 of the Revised Code during the 6343
previous ~~calendar~~ state fiscal year. 6344

Sec. 179.02. (A) There is hereby established the Ohio 6345
commission on dispute resolution and conflict management, 6346
consisting of twelve members, unless a vacancy exists in an 6347
appointment at any given time. The purpose of the commission is to 6348
provide, coordinate, fund, and evaluate dispute resolution and 6349

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conflict management education, training, and research programs in 6350
this state, and to consult with, educate, train, provide resources 6351
for, and otherwise assist and facilitate other persons and public 6352
or private agencies, organizations, or entities that are engaged 6353
in activities related to dispute resolution and conflict 6354
management. Four members of the commission shall be appointed by 6355
the governor, four members shall be appointed by the chief justice 6356
of the supreme court, two members shall be appointed by the 6357
president of the senate, and two members shall be appointed by the 6358
speaker of the house of representatives. 6359

Within thirty days after ~~the effective date of this section~~ 6360
June 30, 1995, the governor, the chief justice of the supreme 6361
court, the president of the senate, and the speaker of the house 6362
of representatives shall make initial appointments to the 6363
commission. Of the initial appointments made to the commission by 6364
the governor and the chief justice, two each shall be for a term 6365
ending two years after ~~the effective date of this section~~ June 30, 6366
1995, and two each shall be for a term ending four years after 6367
that date. Of the initial appointments made to the commission by 6368
the president of the senate and the speaker of the house of 6369
representatives, one each shall be for a term ending two years 6370
after ~~the effective date of this section~~ June 30, 1995, and one 6371
each shall be for a term ending four years after that date. 6372
Thereafter, terms of office shall be for three years, with each 6373
term ending on the same day of the same month of the year as the 6374
term that it succeeds. Each member shall hold office from the date 6375
of appointment until the end of the term for which appointed. 6376
Members may be reappointed. ~~Vacancies~~ 6377

Vacancies shall be filled in the manner provided for original 6378
appointments. Any member appointed to fill a vacancy occurring 6379
prior to the expiration date of the term for which the member's 6380
predecessor was appointed shall hold office as a member for the 6381

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remainder of that term. A 6382

A member shall continue in office subsequent to the 6383
expiration date of the member's term until ~~a~~ the member's 6384
successor takes office or until a period of sixty days has 6385
elapsed, whichever occurs first. 6386

(B) The commission shall meet within two weeks after all of 6387
its initial members have been appointed, at a time and place 6388
determined by the governor. Thereafter, the commission shall meet 6389
at least quarterly, or more often upon the call of the ~~chairman~~ 6390
chairperson or at the request of the executive director of the 6391
commission. ~~The~~ 6392

The commission shall organize by selecting from among its 6393
members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, 6394
and ~~such~~ other necessary officers ~~as are necessary~~. All officers 6395
shall be elected annually by vote of the members of the 6396
commission. ~~Each~~ 6397

Each member of the commission shall have one vote. ~~Seven~~ A 6398
majority of the members constitute of the commission, as it exists 6399
at any given time, constitutes a quorum, and the votes of a 6400
majority of the members present at a meeting of the commission are 6401
required to validate an action of the commission. 6402

(C) The members of the commission shall serve without 6403
compensation, but each member shall be reimbursed for actual and 6404
necessary expenses incurred in the performance of official duties, 6405
and actual mileage for each mile necessarily traveled in the 6406
performance of official duties. 6407

Sec. 179.03. (A) The Ohio commission on dispute resolution 6408
and conflict management shall do all of the following: 6409

(1) Appoint and set the compensation of an executive 6410
director, who shall serve at the pleasure of the commission; 6411

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- (2) Establish and maintain a central office; 6412
- (3) Adopt rules to govern the application for, and the 6413
awarding of, grants made available by the commission under 6414
sections 179.01 to 179.04 of the Revised Code out of the dispute 6415
resolution and conflict management commission gifts, grants, and 6416
reimbursements fund established by division (C) of this section; 6417
- (4) Seek, solicit, and apply for grants from any public or 6418
private source to provide for the operation of dispute resolution 6419
and conflict management programs in this state; 6420
- (5) Adopt standards for the evaluation of dispute resolution 6421
and conflict management programs funded pursuant to sections 6422
179.01 to 179.04 of the Revised Code; 6423
- (6) Provide technical aid and assistance to dispute 6424
resolution and conflict management programs, to centers that 6425
provide these programs, and to public and private agencies and 6426
organizations that provide these programs or engage in dispute 6427
resolution and conflict management ~~activities~~ services; 6428
- (7) Approve an annual operating budget; 6429
- (8) Prepare an annual report on the operation of the 6430
commission and the office established by the commission, and 6431
provide the report to the governor, the supreme court, and the 6432
general assembly. 6433
- (B) The commission may do any of the following: 6434
- (1) Receive and accept donations, grants, awards, bequests, 6435
gifts, reimbursements, and similar funds from any lawful source; 6436
- (2) Accept the services of volunteer workers and consultants 6437
at no compensation, other than reimbursement for actual and 6438
necessary expenses incurred in the performance of their official 6439
duties, and reimburse any volunteer workers or consultants for 6440
their actual and necessary expenses so incurred; 6441

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(3) Prepare and publish statistical data and case studies and 6442
other data pertinent to the development, operation, and evaluation 6443
of dispute resolution and conflict management programs and centers 6444
that provide these programs or engage in dispute resolution and 6445
conflict management services; 6446

(4) Conduct programs that have a general objective of 6447
training and educating mediators and other persons engaged in 6448
providing dispute resolution and conflict management services; 6449

(5) Develop programs and curricula that are designed to 6450
provide dispute resolution and conflict management training and 6451
education for public and private education, as well as other 6452
appropriate education forums; 6453

(6) Enter into contracts for dispute resolution and conflict 6454
management services or authorize the executive director to enter 6455
into those contracts. 6456

(C) There is hereby established in the state treasury the 6457
dispute resolution and conflict management commission gifts, 6458
grants, and reimbursements fund. All donations, grants, awards, 6459
bequests, gifts, ~~and~~ reimbursements, and similar funds received by 6460
the commission under this section shall be deposited in the fund. 6461

Sec. 179.04. (A) No person shall be appointed executive 6462
director of the Ohio commission on dispute resolution and conflict 6463
management unless the person is trained in law, public affairs, 6464
business administration, or social sciences and the person has 6465
experience in administering dispute resolution and conflict 6466
management programs or services. The executive director appointed 6467
by the commission shall serve at the pleasure of the commission. 6468

(B) The executive director shall do both of the following: 6469

(1) Appoint and set the compensation of personnel who are 6470
necessary for the efficient operation of the office established by 6471

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the commission, with the approval of the commission;

(2) Keep and maintain financial records pertaining to the awarding of grants and contracts authorized ~~pursuant to~~ under sections 179.01 to 179.04 of the Revised Code, and report periodically, but not less than annually, to the commission on all relevant data pertaining to the operations, costs, and projected needs of the office established by the commission and on recommendations for legislation or amendments to court rules that may be appropriate to improve dispute resolution and conflict management programs.

(C) The executive director may do any of the following:

(1) Make all necessary arrangements to coordinate the services of the office established by the commission with any federal, state, county, municipal, township, or private entity or program established to provide dispute resolution and conflict management services and to obtain and provide all funds allowable from any such entity or under any such ~~programs~~ program;

(2) Consult and cooperate with professional groups concerned with the study, development, implementation, and evaluation of dispute resolution and conflict management programs and services and the operation of the ~~state dispute resolution and conflict management~~ office established by the commission;

(3) Accept the services of volunteer workers and consultants at no compensation, other than reimbursement for actual and necessary expenses incurred in the performance of their official duties, and provide for the reimbursement of any volunteer workers or consultants for their actual and necessary expenses so incurred;

(4) Prescribe any forms that are necessary for the uniform operation of sections 179.01 to 179.04 of the Revised Code;

(5) With the authorization of the commission, enter into

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contracts for dispute resolution and conflict management services. 6503

Sec. 181.51. As used in sections 181.51 to 181.56 of the 6504
Revised Code: 6505

(A) "Federal criminal justice acts" means any federal law 6506
that authorizes financial assistance and other forms of assistance 6507
to be given by the federal government to the states to be used for 6508
the improvement of the criminal and juvenile justice systems of 6509
the states. 6510

(B)(1) "Criminal justice system" includes all of the 6511
functions of the following: 6512

(a) The state highway patrol, county sheriff offices, 6513
municipal and township police departments, and all other law 6514
enforcement agencies; 6515

(b) The courts of appeals, courts of common pleas, municipal 6516
courts, county courts, and mayor's courts, when dealing with 6517
criminal cases; 6518

(c) The prosecuting attorneys, city directors of law, village 6519
solicitors, and other prosecuting authorities when prosecuting or 6520
otherwise handling criminal cases and the county and joint county 6521
public defenders and other public defender agencies or offices; 6522
6523

(d) The department of rehabilitation and correction, 6524
probation departments, county and municipal jails and workhouses, 6525
and any other department, agency, or facility that is concerned 6526
with the rehabilitation or correction of criminal offenders; 6527

(e) Any public or private agency whose purposes include the 6528
prevention of crime or the diversion, adjudication, detention, or 6529
rehabilitation of criminal offenders; 6530

(f) Any public or private agency, the purposes of which 6531

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include assistance to crime victims or witnesses.

(2) The inclusion of any public or private agency, the purposes of which include assistance to crime victims or witnesses, as part of the criminal justice system pursuant to division (B)(1) of this section does not limit, and shall not be construed as limiting, the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.

(C) "Juvenile justice system" includes all of the functions of the juvenile courts, the department of youth services, any public or private agency whose purposes include the prevention of delinquency or the diversion, adjudication, detention, or rehabilitation of delinquent children, and any of the functions of the criminal justice system that are applicable to children.

(D) "Comprehensive plan" means a document that coordinates, evaluates, and otherwise assists, on an annual or multi-year basis, ~~all~~ any of the functions of the criminal and juvenile justice systems of the state or a specified area of the state, that conforms to the priorities of the state with respect to criminal and juvenile justice systems, and that conforms with the requirements of all federal criminal justice acts. These functions may include, but are not limited to, ~~all~~ any of the following:

(1) Crime and delinquency prevention;

(2) Identification, detection, apprehension, and detention of persons charged with criminal offenses or delinquent acts;

(3) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;

(4) Adjudication or diversion of persons charged with

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criminal offenses or delinquent acts; 6563

(5) Custodial treatment of criminal offenders ~~and~~ delinquent 6564
children, or both; 6565

(6) Institutional and noninstitutional rehabilitation of 6566
criminal offenders ~~and~~ delinquent children, or both. 6567

(E) "Metropolitan county criminal justice services agency" 6568
means an agency that is established pursuant to division (A) of 6569
section 181.54 of the Revised Code. 6570

(F) "Administrative planning district" means a district that 6571
is established pursuant to division (A) or (B) of section 181.56 6572
of the Revised Code. 6573

(G) "Criminal justice coordinating council" means a criminal 6574
justice services agency that is established pursuant to division 6575
~~(B)~~(D) of section 181.56 of the Revised Code. 6576

(H) "Local elected official" means any person who is a member 6577
of a board of county commissioners or township trustees or of a 6578
city or village council, judge of the court of common pleas, a 6579
municipal court, or a county court, sheriff, county coroner, 6580
prosecuting attorney, city director of law, village solicitor, or 6581
mayor. 6582

(I) "Juvenile justice coordinating council" means a juvenile 6583
justice services agency that is established pursuant to division 6584
(D) of section 181.56 of the Revised Code. 6585

Sec. 181.52. (A) There is hereby created an office of 6586
criminal justice services. The governor shall appoint a director 6587
of the office, and the director may appoint, within the office, 6588
any professional and technical personnel and other employees that 6589
are necessary to enable the office to comply with sections 181.51 6590
to 181.56 of the Revised Code. The director and the assistant 6591
director of the office, and all professional and technical 6592

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personnel employed within the office who are not public employees 6593
as defined in section 4117.01 of the Revised Code, shall be in the 6594
unclassified civil service, and all other persons employed within 6595
the office shall be in the classified civil service. The director 6596
may enter into any contracts, except contracts governed by Chapter 6597
4117. of the Revised Code, that are necessary for the operation of 6598
the office. 6599

(B) Subject to division ~~(D)~~(E) of this section and subject to 6600
divisions (D) to (F) of section 5120.09 of the Revised Code 6601
insofar as those divisions relate to federal criminal justice acts 6602
that the governor requires the department of rehabilitation and 6603
correction to administer, the office of criminal justice services 6604
shall do all of the following: 6605

(1) Serve as the state criminal justice services agency and 6606
perform criminal ~~and juvenile~~ justice system planning in the 6607
state, including any planning that is required by any federal law; 6608

(2) Collect, analyze, and correlate information and data 6609
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 6610
state; 6611

(3) Cooperate with and provide technical assistance to state 6612
departments, administrative planning districts, metropolitan 6613
county criminal justice services agencies, criminal justice 6614
coordinating councils, agencies, offices, and departments of the 6615
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 6616
other appropriate organizations and persons; 6617

(4) Encourage and assist agencies, offices, and departments 6618
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 6619
and other appropriate organizations and persons to solve problems 6620
that relate to the duties of the office; 6621

(5) Administer within the state any federal criminal justice 6622
acts ~~or juvenile justice acts~~ that the governor requires it to 6623

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administer; 6624

(6) Administer funds received under the "Family Violence Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program. 6625 6626 6627 6628 6629

(7) Implement the state comprehensive plans; 6630

~~(7)~~(8) Audit grant activities of agencies, offices, 6631 organizations, and persons that are financed in whole or in part 6632 by funds granted through the office; 6633

~~(8)~~(9) Monitor or evaluate the performance of criminal ~~and~~ 6634 juvenile justice ~~systems~~ system projects and programs in the state 6635 that are financed in whole or in part by funds granted through the 6636 office; 6637

~~(9)~~(10) Apply for, allocate, disburse, and account for grants 6638 that are made available pursuant to federal criminal justice acts 6639 ~~or juvenile justice acts~~, or made available from other federal, 6640 state, or private sources, to improve the criminal ~~and juvenile~~ 6641 justice ~~systems~~ system in the state. All money from such federal 6642 grants shall, if the terms under which the money is received 6643 require that the money be deposited into an interest-bearing fund 6644 or account, be deposited in the state treasury to the credit of 6645 the federal program purposes fund, which is hereby created. All 6646 investment earnings of the fund shall be credited to the fund. 6647 6648

~~(10)~~(11) Contract with federal, state, and local agencies, 6649 foundations, corporations, businesses, and persons when necessary 6650 to carry out the duties of the office; 6651

~~(11)~~(12) Oversee the activities of metropolitan county 6652 criminal justice services agencies, administrative planning 6653 districts, and criminal justice coordinating councils in the 6654

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state; 6655

+12)(13) Advise the general assembly and governor on 6656
legislation and other significant matters that pertain to the 6657
improvement and reform of criminal and juvenile justice systems in 6658
the state; 6659

+13)(14) Prepare and recommend legislation to the general 6660
assembly and governor for the improvement of the criminal and 6661
juvenile justice systems in the state; 6662

+14)(15) Assist, advise, and make any reports that are 6663
requested or required by the governor, attorney general, or 6664
general assembly; 6665

+15)(16) Adopt rules pursuant to Chapter 119. of the Revised 6666
Code. 6667

(C) Division Upon the request of the governor, the office of 6668
criminal justice services may do any of the following: 6669

(1) Collect, analyze, or correlate information and data 6670
concerning the juvenile justice system in the state; 6671

(2) Cooperate with and provide technical assistance to state 6672
departments, administrative planning districts, metropolitan 6673
county criminal justice service agencies, criminal justice 6674
coordinating councils, agency offices, and the departments of the 6675
juvenile justice system in the state and other appropriate 6676
organizations and persons; 6677

(3) Encourage and assist agencies, offices, and departments 6678
of the juvenile justice system in the state and other appropriate 6679
organizations and persons to solve problems that relate to the 6680
duties of the office. 6681

(D) Divisions (B) and (C) of this section does do not limit 6682
the discretion or authority of the attorney general with respect 6683
to crime victim assistance and criminal justice programs. 6684

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~~(D)~~(E) Nothing in this section is intended to diminish or 6685
alter the status of the office of the attorney general as a 6686
criminal justice services agency. 6687

Sec. 181.54. (A) A county may enter into an agreement with 6688
the largest city within the county to establish a metropolitan 6689
county criminal justice services agency, if the population of the 6690
county exceeds five hundred thousand or the population of the city 6691
exceeds two hundred fifty thousand. 6692

(B) A metropolitan county criminal justice services agency 6693
shall do all of the following: 6694

(1) Accomplish criminal and juvenile justice systems planning 6695
within its services area; 6696

(2) Collect, analyze, and correlate information and data 6697
concerning the criminal and juvenile justice systems within its 6698
services area; 6699

(3) Cooperate with and provide technical assistance to all 6700
criminal and juvenile justice agencies and systems and other 6701
appropriate organizations and persons within its services area; 6702

(4) Encourage and assist agencies of the criminal and 6703
juvenile justice systems and other appropriate organizations and 6704
persons to solve problems that relate to its duties; 6705

(5) Administer within its services area any federal criminal 6706
justice acts or juvenile justice acts that the office of criminal 6707
justice services pursuant to section 5139.11 of the Revised Code 6708
or the department of youth services administers within the state; 6709

(6) Implement the comprehensive plans for its services area; 6710

(7) Monitor or evaluate, within its services area, the 6711
performance of the criminal and juvenile justice systems projects 6712
and programs that are financed in whole or in part by funds 6713

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granted through it;

(8) Apply for, allocate, and disburse grants that are made available pursuant to any federal criminal justice acts, or pursuant to any other federal, state, or private sources for the purpose of improving the criminal and juvenile justice systems;

(9) Contract with federal, state, and local agencies, foundations, corporations, and other businesses or persons to carry out the duties of the agency.

Sec. 181.55. (A)~~(1)~~ When funds are available for ~~this purpose~~ criminal justice purposes pursuant to section 181.54 of the Revised Code, the office of criminal justice services shall provide funds to metropolitan county criminal justice services agencies for the purpose of developing, coordinating, evaluating, and implementing comprehensive plans within their respective counties. The office of criminal justice services shall provide funds to an agency only if it complies with the conditions of division (B) of this section.

(2) When funds are available for juvenile justice purposes pursuant to section 181.54 of the Revised Code, the department of youth services shall provide funds to metropolitan county criminal justice services agencies for the purpose of developing, coordinating, evaluating, and implementing comprehensive plans within their respective counties. The department shall provide funds to an agency only if it complies with the conditions of division (B) of this section.

(B) A metropolitan county criminal justice services agency shall do all of the following:

(1) Submit, in a form that is acceptable to the office of criminal justice services or the department of youth services pursuant to section 5139.01 of the Revised Code, a comprehensive

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plan for the county; 6744

(2) Establish a metropolitan county criminal justice services 6745
supervisory board whose members shall include a majority of the 6746
local elected officials in the county and representatives from law 6747
enforcement agencies, courts, prosecuting authorities, public 6748
defender agencies, rehabilitation and correction agencies, 6749
community organizations, juvenile justice services agencies, 6750
professionals, and private citizens in the county, and that shall 6751
have the authority set forth in division (C) of this section; 6752

(3) Organize in the manner provided in sections 167.01 to 6753
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 6754
unless the board created pursuant to division (B)(2) of this 6755
section organizes pursuant to these sections. 6756

(C) A metropolitan county criminal justice services 6757
supervisory board shall do all of the following: 6758

(1) Exercise leadership in improving the quality of the 6759
criminal and juvenile justice systems in the county; 6760

(2) Review, approve, and maintain general oversight of the 6761
comprehensive plans for the county and the implementation of the 6762
plans; 6763

(3) Review and comment on the overall needs and 6764
accomplishments of the criminal and juvenile justice systems in 6765
the county; 6766

(4) Establish, as required to comply with this division, task 6767
forces, ad hoc committees, and other committees, whose members 6768
shall be appointed by the ~~chairman~~ chairperson of the board; 6769
6770

(5) Establish any rules that the board considers necessary 6771
and that are consistent with the federal criminal justice acts and 6772
section 181.52 of the Revised Code. 6773

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Sec. 181.56. (A) In counties in which a metropolitan county criminal justice services agency does not exist, the office of criminal justice services shall discharge the office's duties that the governor requires it to administer by establishing administrative planning districts for criminal justice programs. An administrative planning district shall contain a group of contiguous counties in which no county has a metropolitan county criminal justice services agency.

(B) In counties in which a metropolitan county criminal justice services agency does not exist, the department of youth services shall discharge pursuant to section 5139.11 of the Revised Code the department's duty by establishing administrative planning districts for juvenile justice programs.

(C) All administrative planning districts shall contain a group of contiguous counties in which no county has a metropolitan county criminal justice services agency.

(D) Any county or any combination of contiguous counties within an administrative planning district may form a criminal justice coordinating council or a juvenile justice coordinating council for its respective programs, if the county or the group of counties has a total population in excess of two hundred fifty thousand. The council shall comply with the conditions set forth in divisions (B) and (C) of section 181.55 of the Revised Code, and exercise within its jurisdiction the powers and duties set forth in division (B) of section 181.54 of the Revised Code.

Sec. 183.09. The fiscal year of the tobacco use prevention and control foundation shall be the same as the fiscal year of the state.

Within ninety days after the end of each fiscal year, the foundation shall submit to the governor and the general assembly

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both of the following:

(A) A report of the activities of the foundation during the preceding fiscal year and an independent and objective evaluation of the progress being made by the foundation in reducing tobacco use by Ohioans;

(B) A financial report of the foundation for the preceding fiscal year, which shall include both:

(1) Information on the amount and percentage of overhead and administrative expenditures compared to programmatic expenditures;

(2) An independent auditor's report on the ~~general purpose~~ basic financial statements and required supplementary information of the foundation. Such financial statements shall be prepared in conformity with generally accepted accounting principles prescribed for governmental entities.

Sec. 183.10. The law enforcement improvements trust fund is hereby created in the state treasury. Money credited to the fund shall be used by the attorney general to maintain, upgrade, and modernize the law enforcement training, law enforcement technology, and laboratory ~~facilities~~ equipment of the office of the attorney general. All investment earnings of the fund shall be credited to the fund.

Sec. 183.17. The fiscal year of the southern Ohio agricultural and community development foundation shall be the same as the fiscal year of the state.

Within ninety days after the end of each fiscal year, the foundation shall submit to the governor and the general assembly both of the following:

(A) A report of the activities of the foundation during the preceding fiscal year. The report shall also contain an

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independent evaluation of the progress being made by the
foundation in carrying out its duties.

(B) A financial report of the foundation for the preceding
year, which shall include both:

(1) Information on the amount and percentage of overhead and
administrative expenditures compared to programmatic expenditures;

(2) An independent auditor's report on the ~~general-purpose~~
basic financial statements and required supplementary information
of the foundation. Such financial statements shall be prepared in
conformity with generally accepted accounting principles
prescribed for governmental entities.

On or before July 1, 2010, the foundation shall report to the
governor and the general assembly on the progress that the
foundation has made in replacing the production of tobacco in
southern Ohio with the production of other agricultural products
and in mitigating the adverse economic impact of reduced tobacco
production in the region. ~~In~~ If the foundation concludes that a
need for additional funding still exists, the foundation may
request that provision be made for a portion of the payments
credited to the tobacco master settlement agreement fund to
continue to be transferred to the southern Ohio agricultural and
community development trust fund.

Sec. 183.28. The education technology trust fund is hereby
created in the state treasury. Money credited to the fund shall be
used to pay costs of ~~new and innovative technology for primary and~~
~~secondary education, including chartered nonpublic schools, and~~
~~higher education, including state institutions of higher education~~
~~and private nonprofit institutions of higher education holding~~
~~certificates of authorization~~ the Ohio SchoolNet commission under
section ~~1713.02~~ 3301.80 of the Revised Code. All investment
earnings of the fund shall be credited to the fund.

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Sec. 183.30. (A) ~~No~~ Except as provided in division (D) of 6864
this section, no more than five per cent of the total expenditures 6865
of the tobacco use prevention and control foundation in a fiscal 6866
year shall be for administrative expenses of the foundation. 6867

(B) ~~No~~ Except as provided in division (D) of this section, no 6868
more than five per cent of the total expenditures of the southern 6869
Ohio agricultural and community development foundation in a fiscal 6870
year shall be for administrative expenses of the foundation. 6871

(C) ~~No~~ Except as provided in division (D) of this section, no 6872
more than five per cent of the total expenditures of the 6873
biomedical research and technology transfer commission in a fiscal 6874
year shall be for administrative expenses of the commission. 6875

(D) This section's five per cent limitation on administrative 6876
expenses does not apply in fiscal years 2001 and 2002. 6877
6878

Sec. 301.27. (A) As used in this section: 6879

(1) "Credit card" includes a gasoline credit card and a 6880
telephone credit card. 6881

(2) "Officer" includes an individual who also is an 6882
appointing authority. 6883

(3) "Gasoline and oil expenses," "minor motor vehicle 6884
maintenance expenses," and "emergency motor vehicle repair 6885
expenses" refer to only those expenses incurred for motor vehicles 6886
owned or leased by the county. 6887

(B) A credit card held by a board of county commissioners or 6888
the office of any other county appointing authority shall be used 6889
only to pay work-related ~~food, transportation, gasoline~~ expenses, 6890
limited to the following: 6891

(1) Food expenses; 6892

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<u>(2) Transportation expenses;</u>	6893
<u>(3) Gasoline and oil, minor expenses;</u>	6894
<u>(4) Minor motor vehicle maintenance, emergency;</u>	6895
<u>(5) Emergency motor vehicle repair, telephone, lodging, and</u>	6896
<u>internet expenses;</u>	6897
<u>(6) Telephone expenses;</u>	6898
<u>(7) Lodging expenses;</u>	6899
<u>(8) Internet service provider expenses;</u>	6900
<u>(9) In the case of a public children services agency,</u>	6901
<u>expenses for purchases for children for whom the agency is</u>	6902
<u>providing temporary emergency care pursuant to section 5153.16 of</u>	6903
<u>the Revised Code, children in the temporary or permanent custody</u>	6904
<u>of the agency, and children in a planned permanent living</u>	6905
<u>arrangement.</u>	6906
 (C) A county appointing authority may apply to the board of	6907
county commissioners for authorization to have an officer or	6908
employee of the appointing authority use a credit card held by	6909
that appointing authority. The authorization request shall state	6910
whether the card is to be issued only in the name of the office of	6911
the appointing authority itself or whether the issued card shall	6912
also include the name of a specified officer or employee.	6913
 (D) The debt incurred as a result of the use of a credit card	6914
pursuant to this section shall be paid from moneys appropriated to	6915
the appointing authority for work-related food, transportation,	6916
gasoline and oil, minor motor vehicle maintenance, emergency motor	6917
vehicle repair, telephone, lodging, and internet service provider	6918
<u>expenses listed in division (B) of this section.</u>	6919
 (E)(1) Except as otherwise provided in division (E)(2) of	6920
this section, every officer or employee authorized to use a credit	6921
card held by the board or appointing authority shall submit to the	6922

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board by the first day of each month an estimate of the officer's
or employee's work-related ~~food, transportation, gasoline and oil,~~
~~minor motor vehicle maintenance, emergency motor vehicle repair,~~
~~telephone, lodging, and internet service provider~~ expenses listed
in division (B) of this section for that month, unless the board
authorizes, by resolution, the officer or employee to submit to
the board such an estimate for a period longer than one month. The
board may revise the estimate and determine the amount it
approves, if any, not to exceed the estimated amount. The board
shall certify the amount of its determination to the county
auditor along with the necessary information for the auditor to
determine the appropriate appropriation line item from which such
expenditures are to be made. After receiving certification from
the county auditor that the determined sum of money is in the
treasury or in the process of collection to the credit of the
appropriate appropriation line item for which the credit card is
approved for use, and is free from previous and then-outstanding
obligations or certifications, the board shall authorize the
officer or employee to incur debt for such expenses against the
county's credit up to the authorized amount.

(2) In lieu of following the procedure set forth in division
(E)(1) of this section, a board of county commissioners may adopt
a resolution authorizing an officer or employee of an appointing
authority to use a county credit card to pay for specific classes
of the work-related expenses listed in division (B) of this
section, or use a specific credit card for any of those
work-related expenses listed in division (B) of this section,
without submitting an estimate of those expenses to the board as
required by division (E)(1) of this section. Prior to adopting the
resolution, the board shall notify the county auditor. The
resolution shall specify whether the officer's or employee's
exemption extends to the use of a specific card, which card shall

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be identified by its number, or to one or more specific
work-related uses from the classes of uses permitted under
division (B) of this section. Before any credit card exempted for
specific uses may be used to make purchases for uses other than
those specific uses listed in the resolution, the procedures
outlined in division (E)(1) of this section must be followed or
the use shall be considered an unauthorized use. Use of any credit
card under division (E)(2) of this section shall be limited to the
amount appropriated and encumbered in a specific appropriation
line item for the permitted use or uses designated in the
authorizing resolution, or, in the case of a resolution that
authorizes use of a specific credit card, for each of the
permitted uses listed in division (B) of this section, but only to
the extent the moneys in such appropriations are not otherwise
encumbered.

(F)(1) Any time a county credit card approved for use for an
authorized amount under division (E)(1) of this section is used
for more than that authorized amount, the appointing authority may
request the board of county commissioners to authorize after the
fact the expenditure of any amount charged beyond the originally
authorized amount if, upon the board's request, the county auditor
certifies that sum of money is in the treasury or in the process
of collection to the credit of the appropriate appropriation line
item for which the credit card was used and is free from previous
and then-outstanding obligations or certifications. If the card is
used for more than the amount originally authorized and if for any
reason that amount is not authorized after the fact, then the
county treasury shall be reimbursed for any amount spent beyond
the originally authorized amount in the following manner:

(a) If the card is issued in the name of a specific officer
or employee, then that officer or employee is liable in person and
upon any official bond the officer or employee has given to the

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county to reimburse the county treasury for the amount charged to 6987
the county beyond the originally authorized amount. 6988

(b) If the card was issued to the office of the appointing 6989
authority, then the appointing authority is liable in person and 6990
upon any official bond the appointing authority has given to the 6991
county for the amount charged to the county beyond the originally 6992
authorized amount. 6993

(2) Any time a county credit card authorized for use under 6994
division (E)(2) of this section is used for more than the amount 6995
appropriated under that division, the appointing authority may 6996
request the board of county commissioners to issue a supplemental 6997
appropriation or make a transfer to the proper line item account 6998
as permitted in section 5705.40 of the Revised Code, to cover the 6999
amount charged beyond the originally appropriated amount. If the 7000
card is used for more than the amount originally appropriated and 7001
if for any reason that amount is not appropriated or transferred 7002
as permitted by this section, then the county treasury shall be 7003
reimbursed for any amount spent beyond the originally appropriated 7004
amount in the following manner: 7005

(a) If the card is issued in the name of a specific officer 7006
or employee, then that officer or employee is liable in person and 7007
upon any official bond the officer or employee has given to the 7008
county for reimbursing the county treasury for any amount charged 7009
on the card beyond the originally appropriated amount. 7010

(b) If the card is issued in the name of the office of the 7011
appointing authority, then the appointing authority is liable in 7012
person and upon any official bond the appointing authority has 7013
given to the county for reimbursement for any amount charged on 7014
the card beyond the originally appropriated amount. 7015

(3) Whenever any officer or employee authorized to use a 7016
credit card held by the board or the office of any other county 7017

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7018 appointing authority suspects the loss, theft, or possibility of
7019 unauthorized use of the county credit card the officer or employee
7020 is authorized to use, the officer or employee shall so notify the
7021 officer's or employee's appointing authority or the board
7022 immediately and in writing.

7023 (4) If the county auditor determines there has been a credit
7024 card expenditure beyond the appropriated or authorized amount as
7025 provided in division (E) of this section, the auditor immediately
7026 shall notify the board of county commissioners of this fact. When
7027 the board of county commissioners determines on its own or after
7028 notification from the county auditor that the county treasury
7029 should be reimbursed for credit card expenditures beyond the
7030 appropriated or authorized amount as provided in divisions (F)(1)
7031 and (2) of this section, it shall give written notice to the
7032 officer or employee or appointing authority liable to the treasury
7033 as provided in divisions (F)(1) and (2) of this section. If,
7034 within thirty days after issuance of this written notice the
7035 county treasury is not reimbursed for the amount shown on the
7036 written notice, the prosecuting attorney of the county shall
7037 recover that amount from the officer or employee or appointing
7038 authority who is liable under this section by civil action in any
7039 court of appropriate jurisdiction.

7040 (G) Use of a county credit card for any use other than those
7041 permitted under division (B) of this section is a violation of law
7042 for the purposes of section 2913.21 of the Revised Code.

7043 **Sec. 313.091.** In connection with the performance of duties
7044 ~~performed in accordance with~~ under this chapter, a coroner, deputy
7045 coroner, or representative of a coroner or deputy coroner may
7046 request, in writing, to inspect and receive a copy of the deceased
7047 person's medical and psychiatric records. The person to whom the
7048 request is delivered shall make such records in the person's

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custody available during normal business hours to the coroner, 7049
deputy coroner, or representative for purposes of inspection and 7050
copying. A person who provides copies of medical or psychiatric 7051
records pursuant to a request made under this section may request, 7052
in writing, reimbursement in a specified amount for the necessary 7053
and reasonable costs of copying the records, in which case the 7054
coroner, deputy coroner, or representative shall remit that amount 7055
to the person upon receipt of the copies. 7056

Any medical or psychiatric record provided to a coroner, 7057
deputy coroner, or representative of a coroner or deputy coroner 7058
under this section is not a public record subject to section 7059
149.43 of the Revised Code. The release of a deceased person's 7060
medical or psychiatric records to a coroner, deputy coroner, or 7061
representative of a coroner or deputy coroner in accordance with 7062
this section does not violate division (B)(4) of section 4731.22 7063
or section 5122.31 of the Revised Code. 7064

As used in this section and section 313.10 of the Revised 7065
Code, "medical record" has the same meaning as in division (A)(3) 7066
of section 149.43 of the Revised Code. 7067

Sec. 325.071. There shall be allowed annually to the sheriff, 7068
in addition to all salary and allowances otherwise provided by 7069
law, an amount equal to one-half of the official salary allowed 7070
under ~~sections~~ division (A) of section 325.06 and section 325.18 7071
of the Revised Code, to provide for expenses that the sheriff 7072
incurs in the performance of the sheriff's official duties and in 7073
the furtherance of justice. Upon the order of the sheriff, the 7074
county auditor shall draw the auditor's warrant on the county 7075
treasurer, payable to the sheriff or any other person as the order 7076
designates, for the amount the order requires. The amounts the 7077
order requires, not exceeding the amount provided by this section, 7078
shall be paid out of the general fund of the county. 7079

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Nothing shall be paid under this section until the sheriff
gives bond to the state in an amount not less than the sheriff's
official salary, to be fixed by the court of common pleas or the
probate court, with sureties to be approved by either of those
courts. The bond shall be conditioned that the sheriff will
faithfully discharge all the duties enjoined upon the sheriff, and
pay over all moneys the sheriff receives in an official capacity.
The bond, with the approval of the court of common pleas or the
probate court of the amount of the bond and the sureties on the
bond, shall be deposited with the county treasurer.

The sheriff annually, before the first Monday of January,
shall file with the county auditor an itemized statement, verified
by the sheriff, as to the manner in which the fund provided by
this section has been expended during the current year, and, if
any part of that fund remains in the sheriff's hands unexpended,
forthwith shall pay the remainder into the county treasury.

Sec. 329.042. The county department of job and family
services shall certify public assistance and nonpublic assistance
households eligible under the "Food Stamp Act of 1964," 78 Stat.
703, 7 U.S.C.A. 2011, as amended, and federal and state
regulations adopted pursuant to such act, to enable low-income
households to participate in the food stamp program and thereby to
purchase foods having a greater monetary value than is possible
under public assistance standard allowances or other low-income
budgets.

The county department of job and family services shall
administer the distribution of food stamp ~~coupons~~ benefits under
the supervision of the department of job and family services. ~~Such~~
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~
~~Code, or by some alternative~~ a method approved by the department

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of job and family services in accordance with the "Food Stamp Act 7111
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 7112
regulations issued thereunder. 7113

The document referred to as the "authorization-to-participate 7114
card," which shows the face value of the ~~coupon allotment~~ benefits 7115
an eligible household is entitled to receive on presentment of the 7116
document, shall be issued, immediately upon certification, to a 7117
household determined under division (C) of section 5101.54 of the 7118
Revised Code to be in immediate need of food assistance by being 7119
personally handed by a member of the staff of the county 7120
department of job and family services to the member of the 7121
household in whose name application was made for participation in 7122
the program or the authorized representative of such member of the 7123
household. 7124

Sec. ~~5101.19~~ 329.19. ~~(A) Upon determining that a person or 7125
persons are eligible for aid payments~~ benefits or services under 7126
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 7127
administered by the county department of job and family services, 7128
the county department may issue an identification card ~~shall be~~ 7129
~~issued to the individual designated to receive warrants for aid~~ 7130
~~payments~~ person or persons. ~~Such cards may be made up and issued~~ 7131
~~by the county department of job and family services, or the~~ 7132
~~department of job and family services may enter into a contract~~ 7133
~~with any person, corporation, or agency, public or private, to~~ 7134
~~furnish cards to individuals certified by the county department.~~ 7135
The county department of job and family services shall determine 7136
the card's material, design, and informational content, which 7137
~~shall~~ may include a photograph, social security number, name, and 7138
signature, and shall prescribe the procedure by which it is 7139
issued. 7140

~~(B) Any county department of job and family services which on 7141
July 7, 1972 is furnishing identification cards to individuals 7142~~

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~~designated to receive warrants for aid payments under Chapter 5107. of the Revised Code, may continue to issue such cards and may issue identification cards to individuals designated to receive warrants for aid payments under Chapter 5115. of the Revised Code under procedures developed by the county, in lieu of those established under division (A) of this section, provided:~~

~~(1) The information borne on the card is substantially the same as that required in division (A) of this section;~~

~~(2) The county complies with any regulations adopted by the director of job and family services which are applicable to such a procedure.~~

~~(C) The individual designated to receive warrants for aid payments shall present the identification card issued under this section as a condition for the acceptance and payment of the warrants.~~

In issuing identification cards under this section, the county department shall comply with any state or federal laws governing the issuance of the cards. All expenses incurred in issuing the issuance of identification cards under this section shall be paid from funds appropriated available to the county department of job and family services for administrative expenses.

Sec. 340.16. Not later than ninety days after the effective date of this section, the department of mental health and the department of job and family services shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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The department of mental health and department of job and family services shall collaborate in formulating a plan that delineates the funding responsibilities of public children services agencies and boards of alcohol, drug addiction, and mental health services for services provided under section 5111.022 of the Revised Code to children in the custody of public children services agencies. The departments shall complete the plan not later than ninety days after the effective date of this section.

Sec. 349.01. As used in this chapter:

(A) "New community" means a community or an addition to an existing community planned pursuant to this chapter so that it includes facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, and designed in accordance with planning concepts for the placement of utility, open space, and other supportive facilities.

(B) "New community development program" means a program for the development of a new community characterized by well-balanced and diversified land use patterns and which includes land acquisition and land development, the acquisition, construction, operation, and maintenance of community facilities, and the provision of services authorized in ~~sections 349.01 to 349.16 of the Revised Code~~ this chapter.

(C) "New community district" means the area of land described by the developer in the petition as set forth in division (A) of section 349.03 of the Revised Code for development as a new community and any lands added to ~~such~~ the district by amendment of the resolution establishing the community authority.

(D) "New community authority" means a body corporate and politic in this state, established pursuant to section 349.03 of the Revised Code and governed by a board of trustees as provided

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in section 349.04 of the Revised Code.

(E) "Developer" means any person, organized for carrying out a new community development program who owns or controls, through leases of at least seventy-five years' duration, options, or contracts to purchase, the land within a new community district, or any ~~municipality~~ municipal corporation, county, or port authority that owns the land within a new community district, or has the ability to acquire such land, either by voluntary acquisition or condemnation in order to eliminate slum, blighted, and deteriorated or deteriorating areas and to prevent the recurrence thereof.

(F) "Organizational board of commissioners" means, if the new community district is located in only one county, the board of county commissioners of such county; if located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of such board shall require a majority vote of the members of each separate board of county commissioners; or, if more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

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(I) "Community facilities" means all real property, 7236
buildings, structures, or other facilities, including related 7237
fixtures, equipment, and furnishings, to be owned, operated, 7238
financed, constructed, and maintained under this chapter, 7239
including public, community, village, neighborhood, or town 7240
buildings, centers and plazas, auditoriums, day care centers, 7241
recreation halls, educational facilities, hospital facilities as 7242
defined in section 140.01 of the Revised Code, recreational 7243
facilities, natural resource facilities, including parks and other 7244
open space land, lakes and streams, cultural facilities, community 7245
streets, pathway and bikeway systems, pedestrian underpasses and 7246
overpasses, lighting facilities, design amenities, or other 7247
community facilities, and buildings needed in connection with 7248
water supply or sewage disposal installations or steam, gas, or 7249
electric lines or installation. 7250

(J) "Cost" as applied to a new community development program 7251
means all costs related to land acquisition and land development, 7252
the acquisition, construction, maintenance, and operation of 7253
community facilities and offices of the community authority, and 7254
of providing furnishings and equipment therefor, financing charges 7255
including interest prior to and during construction and for the 7256
duration of the new community development program, planning 7257
expenses, engineering expenses, administrative expenses including 7258
working capital, and all other expenses necessary and incident to 7259
the carrying forward of the new community development program. 7260

(K) "Income source" means any and all sources of income to 7261
the community authority, including community development charges 7262
of which the new community authority is the beneficiary as 7263
provided in section 349.07 of the Revised Code, rentals, user fees 7264
and other charges received by the new community authority, any 7265
gift or grant received, any moneys received from any funds 7266
invested by or on behalf of the new community authority, and 7267

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proceeds from the sale or lease of land and community facilities. 7268

(L) "Community development charge" means a dollar amount 7269
which shall be determined on the basis of the assessed valuation 7270
of real property or interests in real property in a new community 7271
district sold, leased, or otherwise conveyed by the developer or 7272
the new community authority, the income of the residents of such 7273
property subject to such charge under section 349.07 of the 7274
Revised Code, if such property is devoted to residential uses or 7275
to the profits of any business, a uniform fee on each parcel of 7276
such real property originally sold, leased, or otherwise conveyed 7277
by the developer or new community authority, or any combination of 7278
the foregoing bases. 7279

(M) "Proximate city" means any city that, as of the date of 7280
filing of the petition under section 349.03 of the Revised Code, 7281
is the most populous city of the county in which the proposed new 7282
community district is located, is the most populous city of an 7283
adjoining county if any portion of such city is within five miles 7284
of any part of the boundaries of such district, or exercises 7285
extraterritorial subdivision authority under section 711.09 of the 7286
Revised Code with respect to any part of such district. 7287

Sec. 503.162. (A) After certification of a resolution as 7288
provided in section 503.161 of the Revised Code, the board of 7289
elections shall submit the question of whether the township's name 7290
shall be changed to the electors of the unincorporated area of the 7291
township in accordance with division (C) of that section, and the 7292
ballot language shall be substantially as follows: 7293

"Shall the township of (name) change its name to 7294
..... (proposed name)? 7295

..... For name change 7296

..... Against name change" 7297

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(B) At least forty-five days before the election on this 7298
question, the board of township trustees shall provide notice of 7299
the election and an explanation of the proposed name change in a 7300
newspaper of general circulation in the township for three 7301
consecutive weeks and shall post the notice and explanation in 7302
five conspicuous places in the unincorporated area of the 7303
township. 7304

(C) If a majority of the votes cast on the proposition of 7305
changing the township's name is in the affirmative, the name 7306
change is adopted and becomes effective ninety days after the 7307
board of elections certifies the election results to the clerk of 7308
the township. Upon receipt of the certification of the election 7309
results from the board of elections, the clerk of the township 7310
shall send a copy of that certification to the secretary of state 7311
~~and to the state and local government commission of Ohio.~~ 7312

(D) A change in the name of a township shall not alter the 7313
rights or liabilities of the township as previously named. 7314

Sec. 504.03. (A)(1) If a limited home rule government is 7315
adopted pursuant to section 504.02 of the Revised Code, it shall 7316
remain in effect for at least three years except as otherwise 7317
provided in division (B) of this section. At the end of that 7318
period, if the board of township trustees determines that that 7319
government is not in the best interests of the township, it may 7320
adopt a resolution causing the board of elections to submit to the 7321
electors of the unincorporated area of the township the question 7322
of whether the township should continue the limited home rule 7323
government. The question shall be voted upon at the next general 7324
election occurring at least seventy-five days after the 7325
certification of the resolution to the board of elections. After 7326
certification of the resolution, the board of elections shall 7327
submit the question to the electors of the unincorporated area of 7328

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the township, and the ballot language shall be substantially as 7329
follows: 7330

"Shall the township of (name) continue the 7331
limited home rule government under which it is operating? 7332

..... For continuation of the limited home rule government 7333

..... Against continuation of the limited home rule government" 7334

(2) At least forty-five days before the election on the 7335
question of continuing the limited home rule government, the board 7336
of township trustees shall have notice of the election published 7337
in a newspaper of general circulation in the township for three 7338
consecutive weeks and have the notice posted in five conspicuous 7339
places in the unincorporated area of the township. 7340

(B) The electors of a township that has adopted a limited 7341
home rule government may propose at any time by initiative 7342
petition, in accordance with section 504.14 of the Revised Code, a 7343
resolution submitting to the electors in the unincorporated area 7344
of the township, in an election, the question set forth in 7345
division (A)(1) of this section. 7346

(C) If a majority of the votes cast under division (A) or (B) 7347
of this section on the proposition of continuing the limited home 7348
rule government is in the negative, that government is terminated 7349
effective on the first day of January immediately following the 7350
election, and a limited home rule government shall not be adopted 7351
in the unincorporated area of the township pursuant to section 7352
504.02 of the Revised Code for at least three years after that 7353
date. 7354

(D) If a limited home rule government is terminated pursuant 7355
to under this section, the board of township trustees immediately 7356
shall adopt a resolution repealing all resolutions adopted 7357
pursuant to this chapter that are not authorized by any other 7358
section of the Revised Code outside this chapter, effective on the 7359
first day of January immediately following the election described 7360

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in division (A) or (B) of this section. However, no resolution
adopted under this division shall affect or impair the obligations
of the township under any security issued or contracts entered
into by the township in connection with the financing of any water
supply facility or sewer improvement under sections 504.18 to
504.20 of the Revised Code or the authority of the township to
collect or enforce any assessments or other revenues constituting
security for or source of payments of debt service charges of
those securities.

(E) Upon the termination of a limited home rule government
under this section, if the township had converted its board of
township trustees to a five-member board under section 504.21 of
the Revised Code, the current board member who received the lowest
number of votes of the current board members who were elected at
the most recent election for township trustees, and the current
board member who received the lowest number of votes of the
current board members who were elected at the second most recent
election for township trustees, shall cease to be township
trustees on the date that the limited home rule government
terminates. Their offices likewise shall cease to exist at that
time, and the board shall continue as a three-member board as
provided in section 505.01 of the Revised Code.

Sec. 504.04. (A) A township that adopts a limited home rule
government may do all of the following by resolution, provided
that any of these resolutions, other than a resolution to supply
water or sewer services in accordance with sections 504.18 to
504.20 of the Revised Code, may be enforced only by the imposition
of civil fines as authorized in this chapter:

(1) Exercise all powers of local self-government within the
unincorporated area of the township, other than powers that are in
conflict with general laws, except that the township shall comply
with the requirements and prohibitions of this chapter, and shall

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enact no taxes other than those authorized by general law, and
except that no resolution adopted pursuant to this chapter shall
encroach upon the powers, duties, and privileges of elected
township officers or change, alter, combine, eliminate, or
otherwise modify the form or structure of the township government
unless the change is required or permitted by this chapter;

(2) Adopt and enforce within the unincorporated area of the
township local police, sanitary, and other similar regulations
that are not in conflict with general laws or otherwise prohibited
by division (B) of this section;

(3) Supply water and sewer services to users within the
unincorporated area of the township in accordance with sections
504.18 to 504.20 of the Revised Code.

(B) No resolution adopted pursuant to this chapter shall do
any of the following:

(1) Create a criminal offense or impose criminal penalties,
except as authorized by division (A) of this section;

(2) Impose civil fines other than as authorized by this
chapter;

(3) Establish or revise subdivision regulations, road
construction standards, urban sediment rules, or storm water and
drainage regulations;

(4) Establish or revise building standards, building codes,
and other standard codes except as provided in section 504.13 of
the Revised Code;

(5) Increase, decrease, or otherwise alter the powers or
duties of a township under any other chapter of the Revised Code
pertaining to agriculture or the conservation or development of
natural resources;

(6) Establish regulations affecting hunting, trapping,

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fishing, or the possession, use, or sale of firearms; 7423

(7) Establish or revise water or sewer regulations, except in 7424
accordance with sections 504.18 and 504.19 of the Revised Code. 7425

Nothing in this chapter shall be construed as affecting the 7426
powers of counties with regard to the subjects listed in divisions 7427
(B)(3) to (5) of this section. 7428

(C) Under a limited home rule government, all officers shall 7429
have the qualifications, and be nominated, elected, or appointed, 7430
as provided in Chapter 505. of the Revised Code, except that the 7431
board of township trustees shall appoint a full-time or part-time 7432
law director pursuant to section 504.15 of the Revised Code, and 7433
except that section 504.21 of the Revised Code also shall apply if 7434
a five-member board of township trustees is approved for the 7435
township. 7436

(D) In case of conflict between resolutions enacted by a 7437
board of township trustees and municipal ordinances or 7438
resolutions, the ordinance or resolution enacted by the municipal 7439
corporation prevails. In case of conflict between resolutions 7440
enacted by a board of township trustees and any county resolution, 7441
the resolution enacted by the board of township trustees prevails. 7442

Sec. 504.21. (A) By a unanimous vote, the board of township 7443
trustees of a limited home rule township may pass a resolution to 7444
place on the ballot at the next general election described in this 7445
division the question of whether the board should be converted to 7446
a five-member board. Upon passage of the resolution, the question 7447
shall be voted upon at the next general election occurring at 7448
least seventy-five days after the board certifies the resolution 7449
to the board of elections. 7450

(B) If a majority of the votes cast on the question of 7451
converting the board of township trustees to a five-member board 7452

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is in the affirmative, at the next election at which any members
of the board are elected, two additional board members shall be
elected, one for a four-year term of office and the other for a
two-year term of office. Their successors thereafter shall be
elected for four-year terms of office.

(C) If a board of township trustees is converted to a
five-member board, the board members shall be elected by
determining which individuals receive the highest number of votes
from a slate of candidates running for the office of township
trustee. If the first election after a township converts its board
of township trustees to a five-member board is an election for
three four-year term members and one two-year term member, the
three candidates who receive the highest number of votes from the
slate of candidates for township trustee shall serve a four-year
term and the candidate who receives the fourth highest number of
votes from that slate of candidates shall serve a two-year term.

Sec. 505.24. Each township trustee is entitled to
compensation as follows:

(A) Except as otherwise provided in division (B) of this
section, an amount for each day of service in the business of the
township, to be paid from the township treasury as follows:

(1) In townships having a budget of fifty thousand dollars or
less, twenty dollars per day for not more than two hundred days;

(2) In townships having a budget of more than fifty thousand
but not more than one hundred thousand dollars, twenty-four
dollars per day for not more than two hundred days;

(3) In townships having a budget of more than one hundred
thousand but not more than two hundred fifty thousand dollars,
twenty-eight dollars and fifty cents per day for not more than two

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hundred days;	7483
(4) In townships having a budget of more than two hundred	7484
fifty thousand but not more than five hundred thousand dollars,	7485
thirty-three dollars per day for not more than two hundred days;	7486
(5) In townships having a budget of more than five hundred	7487
thousand but not more than seven hundred fifty thousand dollars,	7488
thirty-five dollars per day for not more than two hundred days;	7489
(6) In townships having a budget of more than seven hundred	7490
fifty thousand but not more than one million five hundred thousand	7491
dollars, forty dollars per day for not more than two hundred days;	7492
(7) In townships having a budget of more than one million	7493
five hundred thousand but not more than three million five hundred	7494
thousand dollars, forty-four dollars per day for not more than two	7495
hundred days;	7496
(8) In townships having a budget of more than three million	7497
five hundred thousand dollars but not more than six million	7498
dollars, forty-eight dollars per day for not more than two hundred	7499
days;	7500
(9) In townships having a budget of more than six million	7501
dollars, fifty-two dollars per day for not more than two hundred	7502
days.	7503
(B) Beginning in calendar year 1999, the amounts paid as	7504
specified in division (A) of this section shall be replaced by the	7505
following amounts:	7506
(1) In calendar year 1999, the amounts specified in division	7507
(A) of this section increased by three per cent;	7508
(2) In calendar year 2000, the amounts determined under	7509
division (B)(1) of this section increased by three per cent;	7510
(3) In calendar year 2001, the amounts determined under	7511
division (B)(2) of this section increased by three per cent;	7512

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(4) In calendar year 2002, except in townships having a budget of more than six million dollars, the amounts determined under division (B)(3) of this section increased by three per cent; in townships having a budget of more than six million but not more than ten million dollars, seventy dollars per day for not more than two hundred days; and in townships having a budget of more than ten million dollars, ninety dollars per day for not more than two hundred days;

(5) In calendar years 2003 through 2008, the amounts determined under division (B) of this section for the immediately preceding calendar year increased by the lesser of the following:

(a) Three per cent;

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded to the nearest one-tenth of one per cent;

(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.

As used in division (B) of this section, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.

(C) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township clerk of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township clerk and

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preserved for inspection by any persons interested.

By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office. The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township general fund or from other township funds in such proportions as the board may specify by resolution. A board of township trustees that has adopted a salary method of compensation may return to a method of compensation on a per diem basis as specified in this division by a majority vote. Any change in the method of compensation shall be effective on the first day of January of the year following the year during which the board has voted to change the method of compensation.

Sec. 507.09. (A) Except as otherwise provided in division (D) of this section, the township clerk shall be entitled to compensation as follows:

(1) In townships having a budget of fifty thousand dollars or less, three thousand five hundred dollars;

(2) In townships having a budget of more than fifty thousand but not more than one hundred thousand dollars, five thousand five hundred dollars;

(3) In townships having a budget of more than one hundred thousand but not more than two hundred fifty thousand dollars, seven thousand seven hundred dollars;

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(4) In townships having a budget of more than two hundred 7574
fifty thousand but not more than five hundred thousand dollars, 7575
nine thousand nine hundred dollars; 7576

(5) In townships having a budget of more than five hundred 7577
thousand but not more than seven hundred fifty thousand dollars, 7578
eleven thousand dollars; 7579

(6) In townships having a budget of more than seven hundred 7580
fifty thousand but not more than one million five hundred thousand 7581
dollars, thirteen thousand two hundred dollars; 7582

(7) In townships having a budget of more than one million 7583
five hundred thousand but not more than three million five hundred 7584
thousand dollars, fifteen thousand four hundred dollars; 7585

(8) In townships having a budget of more than three million 7586
five hundred thousand dollars but not more than six million 7587
dollars, sixteen thousand five hundred dollars; 7588

(9) In townships having a budget of more than six million 7589
dollars, seventeen thousand six hundred dollars. 7590

(B) Any township clerk may elect to receive less than the 7591
compensation the clerk is entitled to under division (A) of this 7592
section. Any clerk electing to do this shall so notify the board 7593
of township trustees in writing, and the board shall include this 7594
notice in the minutes of its next board meeting. 7595

(C) The compensation of the township clerk shall be paid in 7596
equal monthly payments. If the office of clerk is held by more 7597
than one person during any calendar year, each person holding the 7598
office shall receive payments for only those months, and any 7599
fractions of those months, during which the person holds the 7600
office. 7601

(D) Beginning in calendar year 1999, the township clerk shall 7602
be entitled to compensation as follows: 7603

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(1) In calendar year 1999, the compensation specified in 7604
division (A) of this section increased by three per cent; 7605

(2) In calendar year 2000, the compensation determined under 7606
division (D)(1) of this section increased by three per cent; 7607

(3) In calendar year 2001, the compensation determined under 7608
division (D)(2) of this section increased by three per cent; 7609

(4) In calendar year 2002, except in townships having a 7610
budget of more than six million dollars, the compensation 7611
determined under division (D)(3) of this section increased by 7612
three per cent; in townships having a budget of more than six 7613
million but not more than ten million dollars, nineteen thousand 7614
eight hundred ten dollars; and in townships having a budget of 7615
more than ten million dollars, twenty thousand nine hundred 7616
dollars; 7617

(5) In calendar years 2003 through 2008, the compensation 7618
determined under division (D) of this section for the immediately 7619
preceding calendar year increased by the lesser of the following: 7620

(a) Three per cent; 7621

(b) The percentage increase, if any, in the consumer price 7622
index over the twelve-month period that ends on the thirtieth day 7623
of September of the immediately preceding calendar year, rounded 7624
to the nearest one-tenth of one per cent; 7625

(6) In calendar year 2009 and thereafter, the amount 7626
determined under division (D) of this section for calendar year 7627
2008. 7628

As used in this division, "consumer price index" has the same 7629
meaning as in section 325.18 of the Revised Code. 7630

Sec. 901.43. (A) The director of agriculture may authorize 7631
any department of agriculture laboratory to perform a laboratory 7632

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service for any person, organization, political subdivision, state 7633
agency, federal agency, or other entity, whether public or 7634
private. The director shall adopt and enforce rules to provide for 7635
the rendering of a laboratory service. 7636

(B) The director may charge a reasonable fee for the 7637
performance of a laboratory service, except when the service is 7638
performed on an official sample taken by the director acting 7639
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 7640
Revised Code; by a board of health acting as the licensor of 7641
retail food establishments or food service operations under 7642
Chapter 3717. of the Revised Code; or by the director of health 7643
acting as the licensor of food service operations under Chapter 7644
3717. of the Revised Code. The director of agriculture shall adopt 7645
rules specifying what constitutes an official sample. 7646

The director shall publish a list of laboratory services 7647
offered, together with the fee for each service. 7648

(C) The director may enter into a contract with any person, 7649
organization, political subdivision, state agency, federal agency, 7650
or other entity for the provision of a laboratory service. 7651

(D)(1) The director may adopt rules establishing standards 7652
for accreditation of laboratories and laboratory services and in 7653
doing so may adopt by reference existing or recognized standards 7654
or practices. 7655

(2) The director may inspect and accredit laboratories and 7656
laboratory services, and may charge a reasonable fee for the 7657
inspections and accreditation. 7658

(E)(1) All moneys collected by the director under this 7659
section that are from fees generated by a laboratory service 7660
performed by the department and related to the diseases of 7661
animals, and all moneys so collected that are from fees generated 7662
for the inspection and accreditation of laboratories and 7663

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laboratory services related to the diseases of animals, shall be
deposited in the animal industry laboratory fund, which is hereby
created in the state treasury. The director shall use the moneys
in the animal industry laboratory fund to pay the expenses
necessary to operate the animal industry laboratory, including the
purchase of supplies and equipment for the laboratory that
provides laboratory services related to the diseases of animals.

(2) All moneys collected by the director under this section
that are from fees generated by a laboratory service performed by
the consumer analytical laboratory, and all moneys so collected
that are from fees generated for the inspection and accreditation
of laboratories and laboratory services not related to weights and
measures or the diseases of animals, shall be deposited in the
laboratory services fund, which is hereby created in the state
treasury. The moneys held in the fund may be used to pay the
expenses necessary to operate the consumer analytical laboratory,
including the purchase of supplies and equipment.

(3) All moneys collected by the director under this section
that are from fees generated by a laboratory service performed by
the weights and measures laboratory, and all moneys so collected
that are from fees generated for the inspection and accreditation
of laboratories and laboratory services related to weights and
measures, shall be deposited in the weights and measures
laboratory fund, which is hereby created in the state treasury.
The moneys held in the fund may be used to pay the expenses
necessary to operate the division of weights and measures,
including the purchase of supplies and equipment.

Sec. 901.63. (A) The agricultural financing commission shall
do both of the following until July 1, ~~2001~~ 2003:

(1) Make recommendations to the director of agriculture about
financial assistance applications made pursuant to sections 901.80

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to 901.83 of the Revised Code. In making its recommendations, the
commission shall utilize criteria established by rules adopted
under division (A)(8)(b) of section 901.82 of the Revised Code.

(2) Advise the director in the administration of sections
901.80 to 901.83 of the Revised Code.

With respect to sections 901.80 to 901.83 of the Revised
Code, the role of the commission is solely advisory. No officer,
member, or employee of the commission is liable for damages in a
civil action for any injury, death, or loss to person or property
that allegedly arises out of purchasing any loan or providing a
loan guarantee, failure to purchase a loan or provide a loan
guarantee, or failure to take action under sections 901.80 to
901.83 of the Revised Code, or that allegedly arises out of any
act or omission of the department of agriculture that involves
those sections.

(B) The commission may:

(1) Adopt bylaws for the conduct of its business;

(2) Exercise all rights, powers, and duties conferred on the
commission as an issuer under Chapter 902. of the Revised Code;

(3) Contract with, retain, or designate financial
consultants, accountants, and such other consultants and
independent contractors as the commission may determine to be
necessary or appropriate to carry out the purposes of this chapter
and to fix the terms of those contracts;

(4) Undertake and carry out or authorize the completion of
studies and analyses of agricultural conditions and needs within
the state relevant to the purpose of this chapter to the extent
not otherwise undertaken by other departments or agencies of the
state satisfactory for ~~such~~ that purpose;

(5) Acquire by gift, purchase, foreclosure, or other means,

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and hold, assign, pledge, lease, transfer, or otherwise dispose 7726
of, real and personal property, or any interest in that real and 7727
personal property, in the exercise of its powers and the 7728
performance of its duties under this chapter and Chapter 902. of 7729
the Revised Code; 7730

(6) Receive and accept gifts, grants, loans, or any other 7731
financial or other form of aid from any federal, state, local, or 7732
private agency or fund and enter into any contract with any such 7733
agency or fund in connection therewith, and receive and accept aid 7734
or contributions from any other source of money, property, labor, 7735
or things of value, to be held, used, and applied only for the 7736
purposes for which ~~such~~ the grants and contributions are made, all 7737
within the purposes of this chapter and Chapter 902. of the 7738
Revised Code; 7739

(7) Sue and be sued in its own name with respect to its 7740
contracts or to enforce this chapter or its obligations or 7741
covenants made under this chapter and Chapter 902. of the Revised 7742
Code; 7743

(8) Make and enter into all contracts, commitments, and 7744
agreements, and execute all instruments necessary or incidental to 7745
the performance of its duties and the execution of its powers 7746
under this chapter and Chapter 902. of the Revised Code; 7747

(9) Adopt an official seal; 7748

(10) Do any and all things necessary or appropriate to carry 7749
out the public purposes and exercise the powers granted to the 7750
commission in this chapter and Chapter 902. of the Revised Code 7751
and the public purposes of Section 13 of Article VIII, Ohio 7752
Constitution. 7753

Any instrument by which real property is acquired pursuant to 7754
this section shall identify the agency of the state that has the 7755
use and benefit of the real property as specified in section 7756

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5301.012 of the Revised Code.

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Sec. 901.81. (A) As used in this section and sections 901.82 and 901.83 of the Revised Code:

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(1) "Financial institution" means any banking corporation; trust company; savings and loan association; building and loan association; or corporation, partnership, or other institution that is engaged in lending or investing funds for agricultural or other business purposes and that is eligible to become a depository for public moneys under section 135.03 of the Revised Code.

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(2) "Eligible applicant" means a person who has made all of the demonstrations enumerated in division (B) of section 901.82 of the Revised Code.

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(B) A financial institution that wishes to participate in the program established under section 901.80 of the Revised Code shall accept and review applications for loans from eligible applicants. Forms and procedures involved in the application process shall comply with rules adopted under division (A)(8)(a) of section 901.82 of the Revised Code. The financial institution shall apply all usual lending standards to determine the creditworthiness of each eligible applicant, including whether the eligible applicant has the ability to repay the loan and whether adequate security exists for the loan.

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The financial institution shall forward to the department of ~~development~~ agriculture the completed loan application of an eligible applicant whom the financial institution has determined to be creditworthy, along with the farm business plan and management strategy required by division (A)(5) of section 901.82 of the Revised Code, and any other information required by rules adopted under division (A)(8) of section 901.82 of the Revised Code. If a loan guarantee is involved, the financial institution

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also shall forward a request by the financial institution to enter 7788
into a contract of guarantee described in section 901.83 of the 7789
Revised Code. 7790

The department ~~of development~~ shall proceed with the loan 7791
application in accordance with ~~division (A)(12) of section 122.011~~ 7792
901.82 of the Revised Code. 7793

Sec. 901.82. (A) In administering the program established 7794
under section 901.80 of the Revised Code, the director of 7795
agriculture shall do all of the following: 7796

(1) Receive, review, analyze, and summarize applications for 7797
financial assistance forwarded to the director by ~~the department~~ 7798
~~of development~~, a financial institution under section 901.81 of 7799
the Revised Code and, after processing, forward them to the 7800
agricultural financing commission together with necessary 7801
supporting information; 7802

(2) Receive the recommendations of the commission made under 7803
division (A)(1) of section 901.63 of the Revised Code and make a 7804
final determination whether to approve ~~the~~ an application for 7805
financial assistance; 7806

(3) Transmit the director's determinations to approve 7807
assistance to the controlling board together with any information 7808
the controlling board requires for its review and its decision 7809
whether to approve the release of money for the financial 7810
assistance; 7811

(4) Work in conjunction with financial institutions and other 7812
private and public financing sources to purchase loans from 7813
financial institutions or provide loan guarantees to eligible 7814
applicants; 7815

(5) Require each applicant to provide a farm business plan, 7816
including an overview of the type of agricultural operation the 7817

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applicant anticipates conducting, and a management strategy for
the project;

(6) Inform agricultural organizations and others in the state
of the existence of the program established under section 901.80
of the Revised Code and of the financial assistance available
under the program;

(7) Report to the governor, president of the senate, speaker
of the house of representatives, and minority leaders of the
senate and the house of representatives by the thirtieth day of
June of each year on the activities carried out under the program
during the preceding calendar year. The report shall include the
number of loans purchased or loan guarantees made that year, the
amount of each such loan or loan guarantee, the county in which
the loan recipient's farm is located, and whatever other
information the director determines is relevant to include.

(8) Adopt rules in accordance with Chapter 119. of the
Revised Code establishing all of the following with regard to the
program:

(a) Forms and procedures by which eligible applicants may
apply for financial assistance;

(b) Criteria for reviewing, evaluating, and ranking
applications, and for approving applications that best serve the
goals of the program;

(c) Reporting requirements and monitoring procedures;

(d) Interest rates, payment schedules, loan transfer
provisions, penalties, including penalties for the conversion of
land devoted exclusively to agricultural use as defined in section
5713.30 of the Revised Code, and other terms and conditions for
loans purchased and loan guarantees provided under the program;

(e) Criteria for determining whether the location at which

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the applicant proposes to use financial assistance provided under 7848
the program is in an area in which agriculture is the primary land 7849
use at the time the application is made and whether the land at 7850
that location reasonably may not be expected to be converted to a 7851
nonagricultural use during the period of time that the applicant's 7852
obligation to repay the loan remains outstanding; 7853

(f) Any other rules necessary to implement and administer the 7854
program. 7855

(B) In order to be eligible for financial assistance under 7856
section 901.80 of the Revised Code, an applicant shall demonstrate 7857
all of the following: 7858

(1) That the applicant is domiciled in this state; 7859

(2) That the applicant is unable to obtain sufficient 7860
financing from commercial or agricultural lending sources; 7861

(3) That the applicant has the ability to repay the loan, 7862
primarily from the cash flow of the proposed farming operation, 7863
and that there is adequate security for the loan; 7864

(4) That the applicant has sufficient education, training, or 7865
experience in the type of farming for which the applicant requests 7866
the financial assistance; 7867

(5) That there are no zoning restrictions, environmental 7868
regulations, or other impairments to the use of the land for the 7869
purpose intended; 7870

(6) That the location at which the applicant proposes to use 7871
the financial assistance is in an area in which agriculture is the 7872
primary land use at the time the application is made and that the 7873
land at that location reasonably may not be expected to be 7874
converted to a nonagricultural use during the period of time that 7875
the applicant's obligation to repay the financial assistance 7876
remains outstanding. In demonstrating the information required 7877

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under division (B)~~(5)~~(6) of this section, the applicant shall 7878
utilize criteria established in rules adopted under division 7879
(A)(8)(e) of this section. 7880

Sec. 917.07. The dairy industry fund is hereby created in the 7881
state treasury. All inspection fees and license fees collected 7882
under this chapter shall be deposited into the fund. 7883

~~The dairy fund is hereby created in the state treasury. All~~ 7884
~~together with all~~ fine moneys received by the treasurer of state 7885
pursuant to division ~~(E)~~(F) of section 917.99 of the Revised Code 7886
and any other moneys collected under this chapter, ~~except for~~ 7887
~~inspection fees and license fees, shall be deposited into the~~ 7888
~~fund.~~ 7889

Moneys credited to the dairy industry fund ~~and the dairy fund~~ 7890
shall be used to operate and pay expenses of the division of dairy 7891
in the department of agriculture. 7892

Sec. 917.99. (A) Whoever violates division (C) of section 7893
917.09 of the Revised Code is guilty of a misdemeanor of the 7894
second degree on a first offense and a misdemeanor of the first 7895
degree on each subsequent offense. 7896

(B) Whoever violates section 917.13 or 917.14 of the Revised 7897
Code is guilty of a misdemeanor of the first degree on a first 7898
offense, a felony of the fifth degree on a second offense, and a 7899
felony of the fourth degree on each subsequent offense. 7900

(C) Whoever violates division (A), (B), (C), (D), or (G) of 7901
section 917.05 of the Revised Code is guilty of a misdemeanor of 7902
the fourth degree. 7903

(D) Whoever violates division (E) or (F) of section 917.05 of 7904
the Revised Code is guilty of a misdemeanor of the second degree 7905
on a first offense and a misdemeanor of the first degree on each 7906

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subsequent offense. 7907

(E) Each day of violation of a provision described in 7908
divisions (A) to (D) of this section constitutes a separate 7909
offense. 7910

(F) The court imposing a fine under divisions (A) to (D) of 7911
this section shall order that not less than fifty per cent of the 7912
fine be disbursed to the treasurer of state for deposit into the 7913
dairy industry fund created in section 917.07 of the Revised Code. 7914
Subject to that minimum percentage, the court's order shall 7915
specify the percentage of the fine that the clerk of the court 7916
shall disburse to the treasurer of state. The clerk of the court 7917
shall disburse the remainder of the fine to the county treasurer. 7918

Sec. 1309.40. (A) Presentation for filing of a financing 7919
statement, tender of the filing fee, and acceptance of the 7920
statement by the filing officer constitute filing under sections 7921
1309.01 to 1309.50 of the Revised Code. 7922

(B)(1) Except as provided in divisions (B)(2) and (F) of this 7923
section, a filed financing statement is effective for a period of 7924
five years from the date of filing. The effectiveness of a filed 7925
financing statement lapses on the expiration of the five-year 7926
period unless a continuation statement is filed prior to the 7927
lapse. If a security interest perfected by filing exists at the 7928
time insolvency proceedings are commenced by or against the 7929
debtor, the security interest remains perfected until termination 7930
of the insolvency proceedings and thereafter for a period of sixty 7931
days or until expiration of the five-year period, whichever occurs 7932
later. Upon lapse the security interest becomes unperfected, 7933
unless it is perfected without filing. If the security interest 7934
becomes unperfected upon lapse, it is deemed to have been 7935
unperfected as against a person who became a purchaser or lien 7936
creditor before lapse. 7937

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(2) A filed financing statement that states that it relates to an obligation secured by both (a) a mortgage upon real estate filed for record within this state and (b) a security interest in collateral, whether or not such collateral includes or consists of goods which are or are to become fixtures situated upon such real estate, shall, if such financing statement states a maturity date of such obligation, or the final installment thereof, of more than five years, be fully effective until the maturity date set forth therein. Such financing statement shall also contain a reference to the recorder's file number of the mortgage upon real estate or to the volume and page of the mortgage record in which such mortgage is recorded.

(C) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in division (B)(1) of this section, or within six months prior to the stated maturity date referred to in division (B)(2) of this section. A continuation statement shall be filed on a form prescribed by the secretary of state. A continuation statement filed in the office of the county recorder shall also comply with Chapter 317. of the Revised Code. The continuation statement must be signed by the secured party, identify the original statement by file number, and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with division (B) of section 1309.42 of the Revised Code, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in division (B) of this section unless another continuation statement is filed

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prior to such lapse. Succeeding continuation statements may be
filed in the same manner to continue the effectiveness of the
original statement. The filing officer may remove a lapsed
statement from the files and destroy it immediately if the filing
officer has retained a microfilm or other photographic record, or
in other cases one year after the lapse. The filing officer shall
so arrange matters by physical annexation of financing statements
to continuation statements or other related filings, or by other
means, that if the filing officer physically destroys the
financing statements of a period more than five years past, those
which have been continued by a continuation statement or which are
still effective under division (B)(2) or (F) of this section shall
be retained.

(D) Except as provided in division (G) of this section, a
filing officer shall assign each statement a consecutive file
number and shall hold the statement or a microfilm or other
photographic or digitized copy thereof for public inspection. In
addition, the filing officer shall index the statements according
to the name of the debtor and shall note in the index the file
number, the date and hour of filing, and the address of the debtor
given in the statement. In addition to the indexing required in
the previous sentence, statements covering crops growing or to be
grown or timber to be cut or minerals or the like, including oil
and gas, or accounts subject to division (E) of section 1309.03 of
the Revised Code, or a financing statement filed as a fixture
filing pursuant to section 1309.32 of the Revised Code shall also
be indexed in the real estate mortgage records by the filing
officer according to the name of the debtor or, if the financing
statement shows the record owner or record lessee to be other than
the debtor, then according to the name of the record owner or
record lessee given in the statement. The fee to be charged for
indexing financing statements in the real estate mortgage records

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shall be two dollars for each record owner or lessee listed in the statement, as provided in division (E) of section 317.32 of the Revised Code.

(E) The fee for filing, indexing, and furnishing filing data for an original, amended, or ~~a~~ continuation statement on a form that is prescribed by the secretary of state shall be ~~nine~~ twelve dollars. The fee for filing, indexing, and furnishing filing data for an original, amended, or ~~a~~ continuation statement on a form that is not prescribed by the secretary of state and that is filed in the office of the county recorder shall be eleven dollars.

(F) If the debtor is a transmitting utility and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage that is effective as a fixture filing under division (E) of section 1309.39 of the Revised Code remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(G) If the person filing any original or amended financing statement, termination statement, statement of assignment, or statement of release requests a copy thereof, the filing officer shall note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(H)(1) Upon request of any person, the filing officer shall issue a certificate showing whether there is on file on the date and hour stated ~~therein~~ in the certificate, any presently effective financing statement naming a particular debtor, owner, ~~or lessee~~, and any statement of assignment ~~thereof~~ of the financing statement, and, if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party ~~therein~~ in each such statement. The fee for such a certificate shall be ~~nine~~ twenty dollars ~~plus one dollar for each~~

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~~financing statement and for each statement of assignment reported~~ 8034
~~therein. Upon~~ 8035

(2) Upon request, the a county recorder who is a filing 8036
officer shall furnish to any person a copy of any filed financing 8037
statement or naming a particular debtor, owner, or lessee and any 8038
filed statement of assignment of the financing statement. When 8039
such a request for copies is made in the office of the county 8040
recorder, the county recorder shall charge a fee of one dollar per 8041
page. When a request for copies is made in the office of the 8042
secretary of state, the fee shall not exceed one dollar per page. 8043

(3) Any person may request from the secretary of state a copy 8044
of any financing statement naming a particular debtor, owner, or 8045
lessee, and of any statement of assignment of the financing 8046
statement, that is on file with the secretary of state. The 8047
request shall be made in writing to the secretary of state, and 8048
the secretary of state shall charge and collect a fee of five 8049
dollars for each copy requested. 8050

Sec. 1309.401. ~~Through June 30, 2001, four dollars and fifty~~ 8051
~~cents, and, on and after July 1, 2001, four dollars, of each fee~~ 8052
~~collected by the secretary of state under sections 1309.42 and~~ 8053
~~1309.43 and divisions (E) and (H) of section 1309.40 of the~~ 8054
~~Revised Code, and all of the fees collected by the secretary of~~ 8055
~~state under section 1309.402 (A) All fees collected by the~~ 8056
~~secretary of state for filings under Title XIII or XVII of the~~ 8057
~~Revised Code, shall be deposited in into the state treasury to the~~ 8058
~~credit of the corporate and uniform commercial code filing fund,~~ 8059
~~which is hereby created. The remainder of each such fee shall be~~ 8060
~~deposited in the general revenue fund. All moneys credited to the~~ 8061
~~corporate and uniform commercial code filing fund, subject to~~ 8062
division (B) of this section, shall be used only for the purpose 8063
of paying for the operations of the office of the secretary of 8064
state, other than the division of elections, and for the purpose 8065

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of paying for expenses relating to the processing of filings under 8066
Title ~~XIII~~ or XVII and ~~Chapter 1329~~ of the Revised Code and the 8067
~~uniform commercial code.~~ 8068

(B) The secretary of state business technology fund is hereby 8069
created in the state treasury. One per cent of the money credited 8070
to the corporate and uniform commercial code filing fund shall be 8071
transferred to the credit of this fund. All moneys credited to 8072
this fund shall be used only for the upkeep, improvement, or 8073
replacement of equipment, or for the purpose of training employees 8074
in the use of equipment, used to conduct business of the secretary 8075
of state's office under Title XIII or XVII of the Revised Code. 8076

Sec. 1309.402. The fee for expedited filing service by the 8078
secretary of state for any filing under this chapter ~~is ten~~ 8079
~~dollars in addition to~~ shall be the fee set by rule under division 8080
(A) of section 111.23 of the Revised Code plus the fee the 8081
secretary of state is otherwise required to collect for the filing 8082
under this chapter. 8083

Sec. 1309.42. (A) A financing statement may disclose an 8084
assignment of a security interest in the collateral described in 8085
the financing statement by indication in the financing statement 8086
of the name and address of the assignee or by an assignment itself 8087
or a copy thereof on the face or back of the statement. On 8088
presentation to the filing officer of such a financing statement, 8089
the filing officer shall proceed as provided in division (D) of 8090
section 1309.40 of the Revised Code. The fee for filing, indexing, 8091
and furnishing filing data for a financing statement so indicating 8092
an assignment shall be ~~nine~~ twelve dollars. 8093

(B) A secured party may assign of record all or a part of the 8094
secured party's rights under a financing statement by the filing 8095
in the place where the original financing statement was filed of a 8096

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separate written statement of assignment. The statement of
assignment shall be on a form prescribed by the secretary of
state, shall be signed by the secured party of record, shall set
forth the name of the secured party of record and the debtor, the
file number and the date of filing of the financing statement, and
the name and address of the assignee, and shall contain a
description of the collateral assigned. A statement of assignment
filed in the office of the county recorder shall also comply with
Chapter 317. of the Revised Code. On presentation to the filing
officer of a separate statement of assignment, the filing officer
shall mark the separate statement with the date and hour of
filing. The filing officer shall note the assignment on the index
of the financing statement, or in the case of a fixture filing, or
a filing covering crops growing or to be grown or timber to be
cut, or covering minerals or the like, including oil and gas, or
accounts subject to division (E) of section 1309.03 of the Revised
Code, the filing officer shall index the assignment under the name
of the assignor as grantor and, to the extent that the law of this
state provides for indexing the assignment of a mortgage under the
name of the assignee, the filing officer shall index the
assignment of the financing statement under the name of the
assignee. The fee for filing, indexing, and furnishing filing data
about such a separate statement of assignment shall be ~~nine~~ twelve
dollars if on a form prescribed by the secretary of state. The fee
for filing, indexing, and furnishing filing data about such a
separate statement of assignment on a form that is not prescribed
by the secretary of state and that is filed in the office of the
county recorder shall be eleven dollars. Notwithstanding the
provisions of this division, an assignment of record of a security
interest in a fixture contained in a mortgage effective as a
fixture filing pursuant to division (E) of section 1309.39 of the
Revised Code may be made only by an assignment of the mortgage in
the manner provided by the law of this state other than sections

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1309.01 to 1309.50 of the Revised Code. 8130

8131

(C) After the disclosure or filing of an assignment under 8132

this section, the assignee is the secured party of record. 8133

Sec. 1309.525. (A) Except as provided in division (C) of this 8134

section, the fee for filing and indexing a record under sections 8135

1309.501 to 1309.527 of the Revised Code is twelve dollars. 8136

8137

(B) The fee for responding to a request for information from 8138

the filing office, including for communicating whether there is on 8139

file any financing statement naming a particular debtor is: 8140

(1) Twenty dollars if the request is communicated in writing; 8141

(2) Twenty dollars if the request is communicated by another 8142

medium authorized by the filing office rule. 8143

However, the fee otherwise required under division (B) of 8144

this section is five dollars if the request is limited to 8145

communicating only whether there is on file any financing 8146

statement naming a particular debtor and the name of the secured 8147

party or record relating thereto. Division (B) of this section 8148

does not require that a fee be charged for remote access searching 8149

of the filing office data base. 8150

(C) This section does not require a fee with respect to a 8151

record of a mortgage that is effective as a financing statement 8152

filed as a fixture filing or as a financing statement covering 8153

as-extracted collateral or timber to be cut under division (C) of 8154

section 1309.502 of the Revised Code. However, the recording and 8155

satisfaction fees that otherwise would be applicable to the record 8156

of the mortgage apply. 8157

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of 8158

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the Revised Code:	8159
(1) "Trade name" means a name used in business or trade to	8160
designate the business of the user and to which the user asserts a	8161
right to exclusive use.	8162
(2) "Fictitious name" means a name used in business or trade	8163
that is fictitious and that the user has not registered or is not	8164
entitled to register as a trade name. It does not include the name	8165
of record of any domestic corporation that is formed under Chapter	8166
1701. or 1702. of the Revised Code, any foreign corporation that	8167
is registered pursuant to Chapter 1703. of the Revised Code, any	8168
domestic or foreign limited liability company that is formed under	8169
or registered pursuant to Chapter 1705. of the Revised Code, any	8170
domestic or foreign limited partnership that is formed under or	8171
registered pursuant to Chapter 1782. of the Revised Code, or any	8172
domestic or foreign limited liability partnership that is formed	8173
under or registered pursuant to Chapter 1775. of the Revised Code.	8174
	8175
(3) "Person" includes any individual, general partnership,	8176
limited partnership, limited liability partnership, corporation,	8177
association, professional association, limited liability company,	8178
society, foundation, federation, or organization formed under the	8179
laws of this state or any other state.	8180
(B) Subject to sections 1329.01 to 1329.10 of the Revised	8181
Code, any person may register with the secretary of state, on a	8182
form prescribed by the secretary of state, any trade name under	8183
which the person is operating, setting forth all of the following:	8184
(1) The name and business address of the applicant for	8185
registration and any of the following that is applicable:	8186
(a) If the applicant is a general partnership, the names and	8187
residence addresses of all of the partners;	8188
(b) If the applicant is a limited partnership existing prior	8189

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to July 1, 1994, that has not registered with the secretary of
state pursuant to Chapter 1782. of the Revised Code, the name of
the Ohio county in which its certificate of limited partnership or
application for registration as a foreign limited partnership is
filed;

(c) If the applicant is a limited partnership to which
division (B)(1)(b) of this section does not apply or is a
corporation, professional association, limited liability company,
or other entity, the form of the entity and the state under the
laws of which it was formed.

(2) The trade name to be registered;

(3) The general nature of the business conducted by the
applicant;

(4) The length of time during which the trade name has been
used by the applicant in business operations in this state.

(C) The trade name application shall be signed by the
applicant or by any authorized representative of the applicant.

A single trade name may be registered upon each trade name
application submitted under sections 1329.01 to 1329.10 of the
Revised Code.

The trade name application shall be accompanied by a filing
fee of ~~twenty~~ fifty dollars, payable to the secretary of state.

(D) Any person who does business under a fictitious name and
who has not registered and does not wish to register the
fictitious name as a trade name or who cannot do so because the
name is not available for registration shall report the use of the
fictitious name to the secretary of state, on a form prescribed by
the secretary of state, setting forth all of the following:

(1) The name and business address of the user and any of the
following that is applicable:

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(a) If the user is a general partnership, the names and 8220
residence addresses of all the partners; 8221

(b) If the user is a limited partnership existing prior to 8222
July 1, 1994, that has not been registered with the secretary of 8223
state pursuant to Chapter 1782. of the Revised Code, the name of 8224
the Ohio county in which its certificate of limited partnership or 8225
application for registration as a foreign limited partnership is 8226
filed; 8227

(c) If the user is a limited partnership to which division 8228
(D)(1)(b) of this section does not apply or is a corporation, 8229
professional association, limited liability company, or other 8230
entity, the form of the entity and the state under whose laws it 8231
was formed. 8232

(2) The fictitious name being used; 8233

(3) The general nature of the business conducted by the user. 8234
8235

(E) The report of use of a fictitious name shall be signed by 8236
the user or by any authorized representative of the user. 8237

A single fictitious name may be registered upon each 8238
fictitious name report submitted under sections 1329.01 to 1329.10 8239
of the Revised Code. 8240

The fictitious name report shall be accompanied by a filing 8241
fee of ~~ten~~ fifty dollars, payable to the secretary of state. 8242

A report under this division shall be made within thirty days 8243
after the date of the first use of the fictitious name. 8244

Sec. 1329.04. Registration of a trade name or report of a 8245
fictitious name, under sections 1329.01 to 1329.10 of the Revised 8246
Code, shall be effective for a term of five years from the date of 8247
registration or report. Upon application filed within six months 8248

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prior to the expiration of such term, on a form furnished by the 8249
secretary of state, the registration or report may be renewed at 8250
the end of each five-year period for a like term, provided that a 8251
general partnership shall renew its registration or report 8252
whenever there has been a change in the listing of partners on its 8253
registration or report and a limited partnership shall renew its 8254
registration or report when a change occurs in the listing of its 8255
general partners on its registration or report. Such a renewal 8256
shall extend the registration or report for five years, unless 8257
further changes occur in the interim. A The renewal fee specified 8258
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 8259
Code, payable to the secretary of state, shall accompany the 8260
application for renewal of the registration or report. 8261

The secretary of state shall notify persons who have 8262
registered trade names or reported fictitious names, within the 8263
six months next preceding the expiration of the five years from 8264
the date of registration or report, of the necessity of renewal by 8265
writing to the last known address of such persons. 8266

Sec. 1329.06. Any trade name or fictitious name and its 8267
registration or report shall be assignable by an instrument in 8268
writing duly executed and may be recorded with the secretary of 8269
state upon the payment of a the fee specified in division (S)(4) 8270
of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the 8271
secretary of state, who, recording the assignment, shall issue in 8272
the name of the assignee a new certificate for the remainder of 8273
the term of the registration or report or the last renewal 8274
thereof. The instrument shall be on a form prescribed by the 8275
secretary of state. 8276

Sec. 1329.07. The registrant of any trade name or a person 8277
who reports a fictitious name shall record all changes of the 8278
registrant's business address by filing with the secretary of 8279

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state a statement in writing, on a form prescribed by the 8280
secretary of state, setting forth the name previously registered 8281
or reported, the date of the registration or report, and the new 8282
address of the applicant. ~~A~~ The filing fee specified in division 8283
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 8284
accompany ~~such~~ the statement. 8285

Sec. 1329.42. A person who uses in this state a name, mark, 8286
or device to indicate ownership of articles or supplies may file 8287
in the office of the secretary of state, on a form to be 8288
prescribed by the secretary of state, a verified statement setting 8289
forth, but not limited to, the following information: 8290

(A) The name and business address of the person filing the 8291
statement; and, if a corporation, the state of incorporation; 8292

(B) The nature of the business of the applicant; 8293

(C) The type of articles or supplies in connection with which 8294
the name, mark, or device is used. 8295

The statement shall include or be accompanied by a specimen 8296
evidencing actual use of the name, mark, or device, together with 8297
~~a~~ the filing fee specified in division (U)(1) of ~~twenty dollars~~ 8298
section 111.16 of the Revised Code. The registration of a name, 8299
mark, or device pursuant to this section is effective for a 8300
ten-year period beginning on the date of registration. If an 8301
application for renewal is filed within six months prior to the 8302
expiration of the ten-year period on a form prescribed by the 8303
secretary of state, the registration may be renewed at the end of 8304
each ten-year period for an additional ten-year period. ~~A~~ The 8305
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 8306
111.16 of the Revised Code shall accompany the application for 8307
renewal. The secretary of state shall notify a registrant within 8308
the six months next preceding the expiration of ten years from the 8309
date of registration of the necessity of renewal by writing to the 8310

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last known address of the registrant. 8311

Sec. 1329.421. The registrant of a name, mark, or device used 8312
to indicate ownership shall record all changes of the registrant's 8313
business address by filing with the secretary of state a written 8314
statement, on a form prescribed by the secretary of state, of the 8315
new address. A The filing fee of three dollars specified in 8316
division (U)(2) of section 111.16 of the Revised Code shall 8317
accompany the statement. 8318

Sec. 1329.45. The certificate of the filing of any name, 8319
mark, or device under sections 1329.41 to 1329.53 of the Revised 8320
Code and the benefits obtained ~~thereunder~~ under it shall be 8321
assignable with the sale of the articles or supplies on which the 8322
same are produced and used. Assignments shall be by instruments in 8323
writing duly executed and may be recorded upon the payment of a 8324
the fee specified in division (U)(2) of ten dollars section 111.16 8325
of the Revised Code, payable to the secretary of state, who, after 8326
recording the assignment, upon request of the assignee, may issue 8327
in the assignee's name a new certificate. The instrument shall be 8328
on a form prescribed by the secretary of state. 8329

Sec. 1329.56. (A) Subject to the limitations set forth in 8330
sections 1329.54 to 1329.67 of the Revised Code, any person who 8331
adopts and uses a trademark or service mark in this state may file 8332
in the office of the secretary of state, on a form to be 8333
prescribed by the secretary of state, an application for 8334
registration of that trademark or service mark that sets forth, 8335
but is not limited to, the following information: 8336

(1) The name and business address of the person applying for 8337
the registration; if the person is a corporation, the state of its 8338
incorporation; if the person is a partnership or limited liability 8339
partnership, the state in which the partnership is organized and 8340

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the names of the general partners; and, if the person is a limited
liability company, the state of its organization;

(2) The goods or services on or in connection with which the
mark is used, the mode or manner in which the mark is used on or
in connection with the goods or services, and the class in which
the goods or services fall;

(3) The date when the mark was first used anywhere and the
date when it was first used in this state by the applicant or the
applicant's predecessor in interest;

(4) A statement that the applicant is the owner of the mark,
that the mark is in use, and that, to the knowledge of the person
verifying the application, no other person has the right to use
the mark in the state either in the identical form of the mark, or
in near resemblance to the mark, as to be likely, when used on or
in connection with the goods or services of another person, to
cause confusion or mistake or to deceive;

(5) A statement that, to the knowledge of the person
verifying the application, no other person has a registration or a
pending intent to use application of the same or a confusingly
similar mark in the United States patent and trademark office for
the same or similar goods or services or a statement that the
applicant is the owner of a concurrent registration in the United
States patent and trademark office of the applicant's mark
covering an area including this state.

(B) The application shall be signed and verified by the
applicant, by an authorized representative, or by an officer of
the firm, limited liability company, limited liability
partnership, general partnership, or limited partnership,
corporation, union, association, or other organization that is the
applicant.

(C) The application shall be accompanied by a specimen of the

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mark as actually used and shall contain a brief description of the
mark as it appears on the specimen.

(D) The application shall be accompanied by ~~a~~ the filing fee
specified in division (U)(1) of twenty dollars that is section
111.16 of the Revised Code, payable to the secretary of state.

Sec. 1329.58. Registration of a trademark or service mark
under sections 1329.54 to 1329.67 of the Revised Code shall be
effective for a term of ten years from the date of registration.
Upon the filing of an application within six months prior to the
expiration of that term on a form furnished by the secretary of
state, the registrant may renew the registration at the end of
each ten-year period for a similar term. ~~A~~ The renewal fee
specified in division (U)(2) of ten dollars that is section 111.16
of the Revised Code, payable to the secretary of state, shall
accompany the renewal application. The renewal application shall
require the applicant to state that the mark still is in use in
this state.

Sec. 1329.60. Any trademark or service mark and its
registration shall be assignable with the good will of the
business in which the trademark or service mark is used, or with
that part of the good will of the business connected with the use
of and symbolized by the trademark or service mark. Assignment
shall be by instruments in writing duly executed and may be
recorded with the secretary of state upon the payment of ~~a~~ the fee
specified in division (U)(2) of ten dollars section 111.16 of the
Revised Code, payable to the secretary of state, who, after
recording the assignment, shall issue in the name of the assignee
a new certificate for the remainder of the term of the
registration or of the last renewal thereof. The instrument shall
be on a form prescribed by the secretary of state. An assignment
of any registration shall be void as against any subsequent

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purchaser for valuable consideration without notice unless it is 8403
recorded with the secretary of state within three months after the 8404
date thereof or prior to such subsequent purchase. 8405

Sec. 1329.601. The registrant of a trademark or service mark 8406
shall record all changes of the registrant's business address by 8407
filing a written statement, on a form prescribed by the secretary 8408
of state, of the new address with the secretary of state. ~~A~~ The 8409
filing fee of three dollars specified in division (U)(2) of 8410
section 111.16 of the Revised Code shall accompany the statement. 8411

Sec. 1345.21. As used in sections 1345.21 to 1345.28 of the 8412
Revised Code: 8413

(A) "Home solicitation sale" means a sale of consumer goods 8414
or services in which the seller or a person acting for the seller 8415
engages in a personal solicitation of the sale at a residence of 8416
the buyer, including solicitations in response to or following an 8417
invitation by the buyer, and the buyer's agreement or offer to 8418
purchase is there given to the seller or a person acting for the 8419
seller, or in which the buyer's agreement or offer to purchase is 8420
made at a place other than the seller's place of business. It does 8421
not include a transaction or transactions in which: 8422

(1) The total purchase price to be paid by the buyer, whether 8423
under single or multiple contracts, is less than twenty-five 8424
dollars; 8425

(2) The transaction was conducted and consummated entirely by 8426
mail or by telephone if initiated by the buyer, and without any 8427
other contact between the seller or the seller's representative 8428
prior to the delivery of goods or performance of the service; 8429

(3) The final agreement is made pursuant to prior 8430
negotiations in the course of a visit by the buyer to a retail 8431
business establishment having a fixed permanent location where the 8432

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goods are exhibited or the services are offered for sale on a 8433
continuing basis; 8434

(4) The buyer initiates the contact between the parties for 8435
the purpose of negotiating a purchase and the seller has a 8436
business establishment at a fixed location in this state where the 8437
goods or services involved in the transaction are regularly 8438
offered or exhibited for sale. 8439

Advertisements by such a seller in newspapers, magazines, 8440
catalogues, radio, or television do not constitute the seller 8441
initiation of the contact. 8442

(5) The buyer initiates the contact between the parties, the 8443
goods or services are needed to meet a bona fide immediate 8444
personal emergency of the buyer which will jeopardize the welfare, 8445
health, or safety of natural persons, or endanger property which 8446
the buyer owns or for which the buyer is responsible, and the 8447
buyer furnishes the seller with a separate, dated, and signed 8448
statement in the buyer's handwriting describing the situation 8449
requiring immediate remedy and expressly acknowledging and waiving 8450
the right to cancel the sale within three business days; 8451

(6) The buyer has initiated the contact between the parties 8452
and specifically requested the seller to visit the buyer's home 8453
for the purpose of repairing or performing maintenance upon the 8454
buyer's personal property. If, in the course of such a visit, the 8455
seller sells the buyer additional services or goods other than 8456
replacement parts necessarily used in performing the maintenance 8457
or in making the repairs, the sale of those additional goods or 8458
services does not fall within this exclusion. 8459

(7) The buyer is accorded the right of rescission by the 8460
"Consumer Credit Protection Act," (1968) 82 Stat. 152, 15 U.S.C. 8461
1635, or regulations adopted pursuant to it. 8462

(B) "Sale" includes a lease or rental. 8463

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(C) "Seller" includes a lessor or anyone offering goods for rent.	8464 8465
(D) "Buyer" includes a lessee or anyone who gives a consideration for the privilege of using goods.	8466 8467
(E) "Consumer goods or services" means goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses or instruction or training regardless of the purpose for which they are taken.	8468 8469 8470 8471
(F) "Consumer goods or services" does not include goods or services pertaining to any of the following:	8472 8473
(1) Sales or rentals of real property by a real estate broker or salesperson, or by a foreign real estate dealer or salesperson, who is licensed by the Ohio real estate commission under Chapter 4735. of the Revised Code;	8474 8475 8476 8477
(2) The sale of securities or commodities by a broker-dealer registered with the securities and exchange commission;	8478 8479
(3) The sale of securities or commodities by a securities dealer or salesperson licensed by the division of securities under Chapter 1707. of the Revised Code;	8480 8481 8482
(4) The sale of insurance by a person licensed by the superintendent of insurance;	8483 8484
(5) Goods sold or services provided by automobile dealers and salespersons licensed by the registrar of motor vehicles under Chapter 4517. of the Revised Code;	8485 8486 8487
(6) The sale of property at an auction by an auctioneer licensed by the department of commerce <u>agriculture</u> under Chapter 4707. of the Revised Code.	8488 8489 8490
(G) "Purchase price" means the total cumulative price of the consumer goods or services, including all interest and service charges.	8491 8492 8493

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(H) "Place of business" means the main office, or a permanent 8494
branch office or permanent local address of a seller. 8495

(I) "Business day" means any calendar day except Sunday, or 8496
the following business holidays: New Year's day, Presidents' day, 8497
Memorial day, Independence day, Labor day, Columbus day, Veterans 8498
day, Thanksgiving day, and Christmas day. 8499

Sec. 1501.01. Except where otherwise expressly provided, the 8500
director of natural resources shall formulate and institute all 8501
the policies and programs of the department of natural resources. 8502
The chief of any division of the department shall not enter into 8503
any contract, agreement, or understanding unless it is approved by 8504
the director. No appointee or employee of the director, other than 8505
the assistant director, may bind the director in a contract except 8506
when given general or special authority to do so by the director. 8507
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The director shall correlate and coordinate the work and 8509
activities of the divisions in the department to eliminate 8510
unnecessary duplications of effort and overlapping of functions. 8511
The chiefs of the various divisions of the department shall meet 8512
with the director at least once each month at a time and place 8513
designated by the director. 8514

The director may create advisory boards to any of those 8515
divisions in conformity with section 121.13 of the Revised Code. 8516

The director may accept and expend gifts, devises, and 8517
bequests of money, lands, and other properties on behalf of the 8518
department or any division thereof under the terms set forth in 8519
section 9.20 of the Revised Code. Any political subdivision of 8520
this state may make contributions to the department for the use of 8521
the department or any division therein according to the terms of 8522
the contribution. 8523

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The director may publish and sell or otherwise distribute 8524
data, reports, and information. 8525

The director shall adopt rules in accordance with Chapter 8526
119. of the Revised Code to permit the department to accept by 8527
means of a credit card the payment of fees, charges, and rentals 8528
at those facilities described in section 1501.07 of the Revised 8529
Code that are operated by the department, for any data, reports, 8530
or information sold by the department, and for any other goods or 8531
services provided by the department. 8532

Whenever authorized by the governor to do so, the director 8533
may appropriate property for the uses and purposes authorized to 8534
be performed by the department and on behalf of any division 8535
within the department. This authority shall be exercised in the 8536
manner provided in sections 163.01 to 163.22 of the Revised Code 8537
for the appropriation of property by the director of 8538
administrative services. This authority to appropriate property is 8539
in addition to the authority provided by law for the appropriation 8540
of property by divisions of the department. The director of 8541
natural resources also may acquire by purchase, lease, or 8542
otherwise such real and personal property rights or privileges in 8543
the name of the state as are necessary for the purposes of the 8544
department or any division therein. The director, with the 8545
approval of the governor and the attorney general, may sell, 8546
lease, or exchange portions of lands or property, real or 8547
personal, of any division of the department or grant easements or 8548
licenses for the use thereof, or enter into agreements for the 8549
sale of water from lands and waters under the administration or 8550
care of the department or any of its divisions, when the sale, 8551
lease, exchange, easement, agreement, or license for use is 8552
advantageous to the state, provided that such approval is not 8553
required for leases and contracts made under ~~section 1507.12, if~~ 8554
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 8555

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the Revised Code. Water may be sold from a reservoir only to the 8556
extent that the reservoir was designed to yield a supply of water 8557
for a purpose other than recreation or wildlife, and the water 8558
sold is in excess of that needed to maintain the reservoir for 8559
purposes of recreation or wildlife. 8560

Money received from such sales, leases, easements, exchanges, 8561
agreements, or licenses for use, except revenues required to be 8562
set aside or paid into depositories or trust funds for the payment 8563
of bonds issued under sections 1501.12 to 1501.15 of the Revised 8564
Code, and to maintain the required reserves therefor as provided 8565
in the orders authorizing the issuance of such bonds or the trust 8566
agreements securing such bonds, revenues required to be paid and 8567
credited pursuant to the bond proceeding applicable to obligations 8568
issued pursuant to section 154.22, and revenues generated under 8569
section 1520.05 of the Revised Code, shall be deposited in the 8570
state treasury to the credit of the fund of the division of the 8571
department having prior jurisdiction over the lands or property. 8572
If no such fund exists, the money shall be credited to the general 8573
revenue fund. All such money received from lands or properties 8574
administered by the division of wildlife shall be credited to the 8575
wildlife fund. 8576

The director shall provide for the custody, safekeeping, and 8577
deposit of all moneys, checks, and drafts received by the 8578
department or its employees prior to paying them to the treasurer 8579
of state under section 113.08 of the Revised Code. 8580

The director shall cooperate with the nature conservancy, 8581
other nonprofit organizations, and the United States fish and 8582
wildlife service in order to secure protection of islands in the 8583
Ohio river and the wildlife and wildlife habitat of those islands. 8584

Any instrument by which real property is acquired pursuant to 8585
this section shall identify the agency of the state that has the 8586
use and benefit of the real property as specified in section 8587

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5301.012 of the Revised Code.

Sec. 1501.04. There is hereby created in the department of natural resources a recreation and resources commission composed of the ~~chairman~~ chairperson of the wildlife council created under section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of the parks and recreation council created under section 1541.40 of the Revised Code, the ~~chairman~~ chairperson of the waterways safety council created under section 1547.73 of the Revised Code, the ~~chairman~~ chairperson of the technical advisory council on oil and gas created under section 1509.38 of the Revised Code, the chairman of the forestry advisory council created under section 1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio soil and water conservation commission created under section 1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio natural areas council created under section 1517.03 of the Revised Code, the ~~chairman~~ chairperson of the Ohio water advisory council created under section 1521.031 of the Revised Code, the chairperson of the recycling and litter prevention advisory council created under section 1502.04 of the Revised Code, the chairperson of the civilian conservation advisory council created under section 1553.10 of the Revised Code, the ~~chairman~~ chairperson of the Ohio geology advisory council created under section 1505.11 of the Revised Code, and five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall belong to the same political party. The director of natural resources shall be an ex officio member of the commission, with a voice in its deliberations, but without the power to vote.

Terms of office of members of the commission appointed by the governor shall be for five years, commencing on the second day of February and ending on the first day of February. Each member shall hold office from the date of ~~his~~ appointment until the end

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of the term for which ~~he~~ the member was appointed. 8620

In the event of the death, removal, resignation, or 8621
incapacity of a member of the commission, the governor, with the 8622
advice and consent of the senate, shall appoint a successor who 8623
shall hold office for the remainder of the term for which ~~his~~ the 8624
member's predecessor was appointed. Any member shall continue in 8625
office subsequent to the expiration date of ~~his~~ the member's term 8626
until ~~his~~ the member's successor takes office, or until a period 8627
of sixty days has elapsed, whichever occurs first. 8628

The governor may remove any appointed member of the 8629
commission for misfeasance, nonfeasance, or malfeasance in office. 8630

The commission shall exercise no administrative function, but 8631
may: 8632

(A) Advise with and recommend to the director of natural 8633
resources as to plans and programs for the management, 8634
development, utilization, and conservation of the natural 8635
resources of the state; 8636

(B) Advise with and recommend to the director as to methods 8637
of coordinating the work of the divisions of the department; 8638

(C) Consider and make recommendations upon any matter which 8639
the director may submit to it; 8640

(D) Submit to the governor biennially recommendations for 8641
amendments to the conservation laws of the state. 8642

~~Before~~ Each member of the commission, before entering upon 8643
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 8644
~~commission~~ shall take and subscribe to an oath of office, which 8645
oath, in writing, shall be filed in the office of the secretary of 8646
state. 8647

The members of the commission shall serve without 8648
compensation, but shall be entitled to receive their actual and 8649

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necessary expenses incurred in the performance of their official
duties. 8650
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The commission, by a majority vote of all its members, shall
adopt and amend bylaws. 8652
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To be eligible for appointment, a person shall be a citizen
of the United States and an elector of the state and shall possess
a knowledge of and have an interest in the natural resources of
this state. 8654
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The commission shall hold at least four regular quarterly
meetings each year. Special meetings shall be held at such times
as the bylaws of the commission provide. Notices of all meetings
shall be given in such manner as the bylaws provide. The
commission shall choose annually from among its members a ~~chairman~~
chairperson to preside over its meetings and a secretary to keep a
record of its proceedings. A majority of the members of the
commission constitutes a quorum. No advice shall be given or
recommendation made without a majority of the members of the
commission concurring therein. 8658
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Sec. 1501.23. The department of natural resources may utilize
the services of volunteers to implement clean-up and
beautification programs or any other programs that accomplish any
of the purposes of the department. The director of natural
resources shall approve all volunteer programs and may recruit,
train, and supervise the services of community volunteers or
volunteer groups for volunteer programs. The director may
designate volunteers in a volunteer program as state employees for
the purpose of motor vehicle accident liability insurance under
section 9.83 of the Revised Code, for the purpose of immunity
under section 9.86 of the Revised Code, and for the purpose of
indemnification from liability incurred in the performance of
their duties under section 9.87 of the Revised Code. 8668
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Sec. 1501.40. The department of natural resources is the designated state agency responsible for the coordination and administration of sections 120 to 136 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 12401 to 12456, ~~and amendments thereto as amended~~. With the assistance of the ~~state~~ Ohio community service ~~advisory committee~~ council created in section 121.40 of the Revised Code, the director of natural resources shall coordinate with other state agencies to apply for funding under the act when appropriate and shall administer any federal funds the state receives under sections 120 to 136 of the act.

Sec. 1502.12. (A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The chief of the division of recycling and litter prevention, with the approval of the director of natural resources, may make grants from the fund for the purpose of supporting market development activities for scrap tires. The grants may be awarded to individuals, businesses, and entities certified under division (B) of section 1502.04 of the Revised Code.

(B) Projects and activities that are eligible for grants under this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Sec. 1503.011. The chief of the division of forestry shall be

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responsible for the conservation and development of forests within 8710
this state. ~~He~~ The chief shall be concerned with silvicultural 8711
practices, including the proper planting, growing, protecting, 8712
harvesting, and managing of trees for such purposes as watershed 8713
and soil protection, timber production and utilization, 8714
recreation, aesthetics, wildlife habitat development, and urban 8715
enhancement and for all benefits that forests provide. 8716

The chief may do any or all of the following: 8717

(A) Provide rural forestry assistance to nonindustrial 8718
private forest landowners, including advice in tree planting, 8719
forest improvement, harvesting, and all aspects of conservation; 8720

(B) Provide urban forestry assistance to individuals, 8721
nonprofit organizations, and political subdivisions to manage 8722
their urban forest resource and develop comprehensive tree care 8723
programs; 8724

(C) Provide wood utilization, marketing, and rural forestry 8725
development assistance to forest industries, political 8726
subdivisions and agencies thereof, and state and federal agencies 8727
for the purpose of establishing and maintaining a viable, 8728
economically sound wood-based industry while expanding the forest 8729
resource of this state; 8730

(D) Provide forest pest protection assistance to forest 8731
landowners, political subdivisions and agencies thereof, and state 8732
and federal agencies on assessing and evaluating the health and 8733
vigor of the forest resource; 8734

(E) Provide technical assistance to landowners in developing 8735
forest windbreaks, filter strips, and other forest management 8736
practices that provide conservation benefits; 8737

(F) Provide awareness of and education concerning the 8738
programs provided for under divisions (A) to (E) of this section; 8739

(G) Enter into agreements with political subdivisions and 8740

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agencies thereof, state and federal agencies, firefighting
agencies and private fire companies, as those terms are defined in
section 9.60 of the Revised Code, nonprofit organizations, and
individuals to meet the needs of forestry assistance in this state
and, in accordance with ~~sections~~ section 1503.01 ~~and 1503.35~~ of
the Revised Code, develop and administer grant programs for any of
those entities requesting assistance. The chief shall adopt, and
may amend and rescind, rules in accordance with Chapter 119. of
the Revised Code establishing such requirements and procedures as
are necessary to implement this division.

As used in this section, "nonprofit organization" has the
same meaning as in section 4141.01 of the Revised Code.

Sec. 1507.01. There is hereby created in the department of
natural resources the division of engineering to be administered
by the chief engineer of the department, who shall be a
professional engineer registered under Chapter 4733. of the
Revised Code. The chief engineer shall do all of the following:

(A) Administer this chapter;

(B) Provide engineering, architectural, land surveying, and
related administrative and maintenance support services to the
other divisions in the department;

(C) Upon request of the director of natural resources,
implement the department's capital improvement program and
facility maintenance projects, including all associated
engineering, architectural, design, contracting, surveying,
inspection, and management responsibilities and requirements;

(D) With the approval of the director, act as contracting
officer in departmental engineering, architectural, surveying, and
construction matters regarding capital improvements except for
those matters otherwise specifically provided for in law;

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~~(E) As long as the state retains ownership of the Burr Oak water system, administer, operate, and maintain the Burr Oak water system and, with the approval of the director, act as contracting agent in matters concerning that system;~~ 8771
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~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code; 8775
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~~(G)~~(F) Coordinate the department's roadway maintenance program with the department of transportation pursuant to section 5511.05 of the Revised Code and maintain the roadway inventory of the department of natural resources; 8777
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~~(H) Coordinate the department's emergency response activities with the emergency management agency created in section 5502.22 of the Revised Code;~~ 8781
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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 8784
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~~(J)~~(H) Subject to the approval of the director, employ professional and technical assistants and such other employees as are necessary for the performance of the activities required or authorized under this chapter, other work of the division, and any other work agreed to under working agreements or contractual arrangements; prescribe their duties; and fix their compensation in accordance with such schedules as are provided by law for the compensation of state employees. 8787
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Sec. 1509.06. An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is 8795
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applicable: 8801

(A) The name and address of the owner and, if a corporation, 8802
the name and address of the statutory agent; 8803

(B) The signature of the owner or the owner's authorized 8804
agent. When an authorized agent signs an application, it shall be 8805
accompanied by a certified copy of the appointment as such agent. 8806

(C) The names and addresses of all persons holding the 8807
royalty interest in the tract upon which the well is located or is 8808
to be drilled or within a proposed drilling unit; 8809

(D) The location of the tract or drilling unit on which the 8810
well is located or is to be drilled identified by section or lot 8811
number, city, village, township, and county; 8812

(E) Designation of the well by name and number; 8813

(F) The geological formation to be tested or used and the 8814
proposed total depth of the well; 8815

(G) The type of drilling equipment to be used; 8816

(H) If the well is for the injection of a liquid, identity of 8817
the geological formation to be used as the injection zone and the 8818
composition of the liquid to be injected; 8819

(I) A sworn statement that all requirements of any municipal 8820
corporation, county, or township having jurisdiction over any 8821
activity related to the drilling or operation of an oil or gas 8822
well that have been filed with the division of mineral resources 8823
management and are in effect at the time the application is filed, 8824
including, but not limited to, zoning ordinances and resolutions 8825
and the requirements of section 4513.34 of the Revised Code, will 8826
be complied with until abandonment of the well; 8827

(J) A plan for restoration of the land surface disturbed by 8828
drilling operations. The plan shall provide for compliance with 8829
the restoration requirements of division (A) of section 1509.072 8830

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of the Revised Code and any rules adopted by the chief pertaining 8831
to that restoration. 8832

(K) A description by name or number of the county, township, 8833
and municipal corporation roads, streets, and highways that the 8834
applicant anticipates will be used for access to and egress from 8835
the well site; 8836

(L) Such other relevant information as the chief prescribes 8837
by rule. 8838

Each application shall be accompanied by a map, on a scale 8839
not smaller than four hundred feet to the inch, prepared by an 8840
Ohio registered surveyor, showing the location of the well and 8841
containing such other data as may be prescribed by the chief. If 8842
the well is or is to be located within the excavations and 8843
workings of a mine, the map also shall include the location of the 8844
mine, the name of the mine, and the name of the person operating 8845
the mine. 8846

The chief shall cause a copy of the weekly circular prepared 8847
by the division to be provided to the county engineer of each 8848
county that contains active or proposed drilling activity. The 8849
weekly circular shall contain, in the manner prescribed by the 8850
chief, the names of all applicants for permits, the location of 8851
each well or proposed well, the information required by division 8852
(K) of this section, and any additional information the chief 8853
prescribes. 8854

The chief shall not issue a permit for at least ten days 8855
after the date of filing of the application for the permit unless, 8856
upon reasonable cause shown, the chief waives that period or a 8857
request for expedited review is filed under this section. However, 8858
the chief shall issue a permit within twenty-one days of the 8859
filing of the application unless the chief denies the application 8860
by order. 8861

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An applicant may file a request with the chief for expedited review of a permit application if the well is not or is not to be located in a gas storage reservoir or reservoir protective area, as "reservoir protective area" is defined in section 1571.01 of the Revised Code. If the well is or is to be located in a coal bearing township, the application shall be accompanied by the affidavit of the landowner prescribed in section 1509.08 of the Revised Code.

In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, a request for expedited review shall be accompanied by a separate nonrefundable filing fee of five hundred dollars. Upon the filing of a request for expedited review, the chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in the approved application.

The chief shall issue an order denying a permit if the chief finds that there is a substantial risk that the operation will result in violations of this chapter or rules adopted under it that will present an imminent danger to public health or safety or

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damage to the environment, provided that where the chief finds 8894
that terms or conditions to the permit can reasonably be expected 8895
to prevent such violations, the chief shall issue the permit 8896
subject to those terms or conditions. 8897

Each application for a permit required by section 1509.05 of 8898
the Revised Code, except an application for a well drilled or 8899
reopened for purposes of section 1509.22 of the Revised Code, also 8900
shall be accompanied by a nonrefundable fee of two hundred fifty 8901
dollars. 8902

The chief may order the immediate suspension of drilling, 8903
operating, or plugging activities after finding that any person is 8904
causing, engaging in, or maintaining a condition or activity that 8905
in the chief's judgment presents an imminent danger to public 8906
health or safety or results in or is likely to result in immediate 8907
substantial damage to natural resources or for nonpayment of the 8908
fee required by this section. The chief may order the immediate 8909
suspension of the drilling or reopening of a well in a coal 8910
bearing township after determining that the drilling or reopening 8911
activities present an imminent and substantial threat to public 8912
health or safety or to miners' health or safety. Before issuing 8913
any such order, the chief shall notify the owner in such manner as 8914
in the chief's judgment would provide reasonable notification that 8915
the chief intends to issue a suspension order. The chief may issue 8916
such an order without prior notification if reasonable attempts to 8917
notify the owner have failed, but in such an event notification 8918
shall be given as soon thereafter as practical. Within five 8919
calendar days after the issuance of the order, the chief shall 8920
provide the owner an opportunity to be heard and to present 8921
evidence that the condition or activity is not likely to result in 8922
immediate substantial damage to natural resources or does not 8923
present an imminent danger to public health or safety or to 8924
miners' health or safety, if applicable. In the case of activities 8925

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in a coal bearing township, if the chief, after considering
evidence presented by the owner, determines that the activities do
not present such a threat, the chief shall revoke the suspension
order. Notwithstanding any provision of this chapter, the owner
may appeal a suspension order directly to the court of common
pleas of the county in which the activity is located or, if in a
coal bearing township, to the ~~mine-examining-board~~ reclamation
commission under section 1513.13 of the Revised Code.

Sec. 1509.071. (A) When the chief of the division of mineral
resources management finds that an owner has failed to comply with
the restoration requirements of section 1509.072, plugging
requirements of section 1509.12, or permit provisions of section
1509.13 of the Revised Code, or rules and orders relating thereto,
the chief shall make a finding of that fact and declare any surety
bond filed to ensure compliance with those sections and rules
forfeited in the amount set by rule of the chief. The chief
thereupon shall certify the total forfeiture to the attorney
general, who shall proceed to collect the amount of the
forfeiture.

In lieu of total forfeiture, the surety, at its option, may
cause the well to be properly plugged and abandoned and the area
properly restored or pay to the treasurer of state the cost of
plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as
provided in this section shall be deposited in the state treasury
to the credit of the oil and gas well fund created in section
1509.02 of the Revised Code. The fund shall be expended by the
chief for the following purposes in addition to the other purposes
specified in that section:

(1) In accordance with division (D) of this section, to plug

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wells or to restore the land surface properly as required in 8957
section 1509.072 of the Revised Code for which the bonds have been 8958
forfeited, for abandoned wells for which no funds are available to 8959
plug the wells in accordance with this chapter, or to use 8960
abandoned wells for the injection of oil or gas production wastes; 8961

(2) In accordance with division (E) of this section, to 8962
correct conditions that the chief reasonably has determined are 8963
causing imminent health or safety risks. 8964

Expenditures from the fund shall be made only for lawful 8965
purposes. 8966

(C)(1) Upon determining that the owner of a well has failed 8967
to properly plug and abandon it or to properly restore the land 8968
surface at the well site in compliance with the applicable 8969
requirements of this chapter and applicable rules adopted and 8970
orders issued under it or that a well is an abandoned well for 8971
which no funds are available to plug the well in accordance with 8972
this chapter, the chief shall do all of the following: 8973

(a) Determine from the records in the office of the county 8974
recorder of the county in which the well is located the identity 8975
of the owner of the land on which the well is located, the 8976
identity of the owner of the oil or gas lease under which the well 8977
was drilled or the identity of each person owning an interest in 8978
the lease, and the identities of the persons having legal title 8979
to, or a lien upon, any of the equipment appurtenant to the well; 8980

(b) Mail notice to the owner of the land on which the well is 8981
located informing the landowner that the well is to be plugged. If 8982
the owner of the oil or gas lease under which the well was drilled 8983
is different from the owner of the well or if any persons other 8984
than the owner of the well own interests in the lease, the chief 8985
also shall mail notice that the well is to be plugged to the owner 8986
of the lease or to each person owning an interest in the lease, as 8987

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appropriate.

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(c) Mail notice to each person having legal title to, or a
lien upon, any equipment appurtenant to the well, informing the
person that the well is to be plugged and offering the person the
opportunity to plug the well and restore the land surface at the
well site at the person's own expense in order to avoid forfeiture
of the equipment to this state.

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(2) If none of the persons described in division (C)(1)(c) of
this section plugs the well within sixty days after the mailing of
the notice required by that division, all equipment appurtenant to
the well is hereby declared to be forfeited to this state without
compensation and without the necessity for any action by the state
for use to defray the cost of plugging and abandoning the well and
restoring the land surface at the well site.

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(D) Expenditures from the fund for the purpose of division
(B)(1) of this section shall be made in accordance with either of
the following:

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(1) The expenditures may be made pursuant to contracts
entered into by the chief with persons who agree to furnish all of
the materials, equipment, work, and labor as specified and
provided in such a contract. Agents or employees of persons
contracting with the chief for the restoration, plugging, and
injection projects may enter upon any land, public or private, ~~for~~
~~which a project has been approved by the controlling board and on~~
which the well is located, for the purpose of performing the work.
Prior to such entry, the chief shall give to the following persons
written notice of the existence of a contract for a project to
restore, plug, or inject oil or gas production wastes into a well,
the names of the persons with whom the contract is made, and the
date that the project will commence: the owner of the well, the
owner of the land upon which the well is located, the owner or
agents of adjoining land, and, if the well is located in the same

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township as or in a township adjacent to the excavations and 9020
workings of a mine and the owner or lessee of that mine has 9021
provided written notice identifying those townships to the chief 9022
at any time during the immediately preceding three years, the 9023
owner or lessee of the mine. 9024

~~The chief periodically shall submit project proposals under 9025
division (D)(1) of this section to the controlling board, together 9026
with benefit and cost data and other pertinent information. 9027
Expenditures from the fund for the purpose of division (D)(1) of 9028
this section may be made only for restoration, plugging, or 9029
injection projects that are approved by the controlling board, and 9030
expenditures for a particular project may not exceed any limits 9031
set by the board. 9032~~

(2)(a) The owner of the land on which a well is located who 9033
has received notice under division (C)(1)(b) of this section may 9034
plug the well and be reimbursed by the division for the reasonable 9035
cost of plugging the well. In order to plug the well, the 9036
landowner shall submit an application to the chief on a form 9037
prescribed by the chief and approved by the technical advisory 9038
council on oil and gas created in section 1509.38 of the Revised 9039
Code. The application, at a minimum, shall require the landowner 9040
to provide the same information as is required to be included in 9041
the application for a permit to plug and abandon under section 9042
1509.13 of the Revised Code. The application shall be accompanied 9043
by a copy of a proposed contract to plug the well prepared by a 9044
contractor regularly engaged in the business of plugging oil and 9045
gas wells. The proposed contract shall require the contractor to 9046
furnish all of the materials, equipment, work, and labor necessary 9047
to plug the well properly and shall specify the price for doing 9048
the work, including a credit for the equipment appurtenant to the 9049
well that was forfeited to the state through the operation of 9050
division (C)(2) of this section. The application also shall be 9051

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accompanied by the permit fee required by section 1509.13 of the
Revised Code unless the chief, in the chief's discretion, waives
payment of the permit fee. The application constitutes an
application for a permit to plug and abandon the well for the
purposes of section 1509.13 of the Revised Code.

(b) Within thirty days after receiving an application and
accompanying proposed contract under division (D)(2)(a) of this
section, the chief shall determine whether the plugging would
comply with the applicable requirements of this chapter and
applicable rules adopted and orders issued under it and whether
the cost of the plugging under the proposed contract is
reasonable. If the chief determines that the proposed plugging
would comply with those requirements and that the proposed cost of
the plugging is reasonable, the chief shall notify the landowner
of that determination and issue to the landowner a permit to plug
and abandon the well under section 1509.13 of the Revised Code.
Upon approval of the application and proposed contract, the chief
shall transfer ownership of the equipment appurtenant to the well
to the landowner. The chief may disapprove an application
submitted under division (D)(2)(a) of this section if the chief
determines that the proposed plugging would not comply with the
applicable requirements of this chapter and applicable rules
adopted and orders issued under it, that the cost of the plugging
under the proposed contract is unreasonable, or that the proposed
contract is not a bona fide, arms length contract.

(c) After receiving the chief's notice of the approval of the
application and permit to plug and abandon a well under division
(D)(2)(b) of this section, the landowner shall enter into the
proposed contract to plug the well. The plugging shall be
completed within one hundred eight days after the landowner
receives the notice of approval and permit.

(d) Upon determining that the plugging has been completed

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within the time required by division (D)(2)(c) of this section and
has been completed in compliance with the applicable requirements
of this chapter and applicable rules adopted and orders issued
under it, the chief shall reimburse the landowner for the cost of
the plugging as set forth in the proposed contract approved by the
chief. The reimbursement shall be paid from the oil and gas well
fund. If the chief determines that the plugging was not completed
within the required time or was not completed in accordance with
the applicable requirements, the chief shall not reimburse the
landowner for the cost of the plugging, and the landowner or the
contractor, as applicable, promptly shall transfer back to this
state title to and possession of the equipment appurtenant to the
well that previously was transferred to the landowner under
division (D)(2)(b) of this section. If any such equipment was
removed from the well during the plugging and sold, the landowner
shall pay to the chief the proceeds from the sale of the
equipment, and the chief promptly shall pay the moneys so received
to the treasurer of state for deposit into the oil and gas well
fund.

The chief may establish an annual limit on the number of
wells that may be plugged under division (D)(2) of this section or
an annual limit on the expenditures to be made under that
division.

As used in division (D)(2) of this section, "plug" and
"plugging" include the plugging of the well and the restoration of
the land surface disturbed by the plugging.

(E) Expenditures from the oil and gas well fund for the
purpose of division (B)(2) of this section may be made pursuant to
contracts entered into by the chief with persons who agree to
furnish all of the materials, equipment, work, and labor as
specified and provided in such a contract. The competitive bidding
requirements of Chapter 153. of the Revised Code do not apply if

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the chief reasonably determines that correction of the applicable
health or safety risk requires immediate action. The chief,
designated representatives of the chief, and agents or employees
of persons contracting with the chief under this division may
enter upon any land, public or private, for the purpose of
performing the work.

(F) Contracts entered into by the chief under this section
are not subject to either of the following:

(1) Chapter 4115. of the Revised Code;

(2) Section 153.54 of the Revised Code, except that the
contractor shall obtain and provide to the chief as a bid guaranty
a surety bond or letter of credit in an amount equal to ten per
cent of the amount of the contract.

(G) The owner of land on which a well is located who has
received notice under division (C)(1)(b) of this section, in lieu
of plugging the well in accordance with division (D)(2) of this
section, may cause ownership of the well to be transferred to an
owner who is lawfully doing business in this state and who has met
the financial responsibility requirements established under
section 1509.07 of the Revised Code, subject to the approval of
the chief. The transfer of ownership also shall be subject to the
landowner's filing the appropriate forms required under this
chapter and providing to the chief sufficient information to
demonstrate the landowner's or owner's right to produce a
formation or formations. That information may include a deed, a
lease, or other documentation of ownership or property rights.

The chief shall approve or disapprove the transfer of
ownership of the well. If the chief approves the transfer, the
owner is responsible for operating the well in accordance with
this chapter and rules adopted under it, including, without
limitation, all of the following:

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(1) Filing an application with the chief under section 9147
1509.06 of the Revised Code if the owner intends to drill deeper 9148
or produce a formation that is not listed in the records of the 9149
division for that well; 9150

(2) Taking title to and possession of the equipment 9151
appurtenant to the well that has been identified by the chief as 9152
having been abandoned by the former owner; 9153

(3) Complying with all applicable requirements that are 9154
necessary to drill deeper, plug the well, or plug back the well. 9155

Sec. 1509.08. Upon receipt of an application for a permit 9156
required by section 1509.05 of the Revised Code, or upon receipt 9157
of an application for a permit to plug and abandon under section 9158
1509.13 of the Revised Code, the chief of the division of mineral 9159
resources management shall determine whether the well is or is to 9160
be located in a coal bearing township. 9161

Whether or not the well is or is to be located in a coal 9162
bearing township, the chief, by order, may refuse to issue a 9163
permit required by section 1509.05 of the Revised Code to any 9164
applicant who at the time of applying for the permit is in 9165
material or substantial violation of this chapter or rules adopted 9166
or orders issued under it. The chief shall refuse to issue a 9167
permit to any applicant who at the time of applying for the permit 9168
has been found liable by a final nonappealable order of a court of 9169
competent jurisdiction for damage to streets, roads, highways, 9170
bridges, culverts, or drainways pursuant to section 4513.34 or 9171
5577.12 of the Revised Code until the applicant provides the chief 9172
with evidence of compliance with the order. No applicant shall 9173
attempt to circumvent this provision by applying for a permit 9174
under a different name or business organization name, by 9175
transferring responsibility to another person or entity, by 9176
abandoning the well or lease, or by any other similar act. 9177

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If the well is not or is not to be located in a coal bearing township, or if it is to be located in a coal bearing township, but the landowner submits an affidavit attesting to ownership of the property in fee simple, including the coal, and has no objection to the well, the chief shall issue the permit.

If the application to drill, reopen, or convert concerns a well that is or is to be located in a coal bearing township, the chief immediately shall notify the owner or lessee of any affected mine that the application has been filed and send to the owner or lessee two copies of the map accompanying the application setting forth the location of the well.

If the owner or lessee objects to the location of the well or objects to any location within fifty feet of the original location as a possible site for relocation of the well, the owner or lessee shall notify the chief of the objection, giving the reasons for the objection and, if applicable, indicating on a copy of the map the particular location or locations within fifty feet of the original location to which the owner or lessee objects as a site for possible relocation of the well, within six days after the receipt of the notice. If the chief receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief the objections offered by the owner or lessee are not sufficiently well founded, the chief immediately shall notify the owner or lessee of those findings. The owner or lessee may appeal the decision of the chief to the ~~mine examining board created~~ reclamation commission under section ~~1561.10~~ 1513.13 of the Revised Code. The appeal shall be filed within fifteen days, notwithstanding provisions in divisions (A)(1) of section 1513.13 of the Revised Code, to the contrary, from the date on which the owner or lessee receives the notice. If the appeal is not filed within that time, the chief immediately shall approve the

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application and issue the permit if the provisions of this chapter 9210
pertaining to the issuance of such a permit have been complied 9211
with. 9212

If the chief receives an objection from the owner or lessee 9213
of the mine as to the location of the well within ten days after 9214
receipt of the notice by the owner or lessee, and if in the 9215
opinion of the chief the objection is well founded, the chief 9216
shall disapprove the application and suggest a new location for 9217
the well, provided that the suggested new location shall not be a 9218
location within fifty feet of the original location to which the 9219
owner or lessee has objected as a site for possible relocation of 9220
the well if the chief has determined that the objection is well 9221
founded. The chief immediately shall notify the applicant for the 9222
permit of the disapproval and any suggestion as to a new location 9223
for the well. The applicant may withdraw the application or amend 9224
the application to drill the well at the location suggested by the 9225
chief, or the applicant may appeal the disapproval of the 9226
application by the chief to the ~~mine-examining-board~~ reclamation 9227
commission. 9228

If the chief receives no objection from the owner or lessee 9229
of a mine as to the location of the well, but does receive an 9230
objection from the owner or lessee as to one or more locations 9231
within fifty feet of the original location as possible sites for 9232
relocation of the well within ten days after receipt of the notice 9233
by the owner or lessee, and if in the opinion of the chief the 9234
objection is well founded, the chief nevertheless shall approve 9235
the application and issue a permit if the provisions of this 9236
chapter pertaining to the issuance of such a permit have been 9237
complied with, incorporating as a term or condition of the permit 9238
that the applicant is prohibited from commencing drilling at any 9239
location within fifty feet of the original location that has been 9240
disapproved by the chief. The applicant may appeal to the ~~mine~~ 9241

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~~examining board~~ reclamation commission the terms and conditions of 9242
the permit prohibiting the commencement of drilling at any such 9243
location disapproved by the chief. 9244

Any such appeal shall be filed within fifteen days, 9245
notwithstanding provisions in division (A)(1) of section 1513.13 9246
of the Revised Code to the contrary, from the date the applicant 9247
receives notice of the disapproval of the application, any other 9248
location within fifty feet of the original location, or terms or 9249
conditions of the permit, or the owner or lessee receives notice 9250
of the chief's decision. No approval or disapproval of an 9251
application shall be delayed by the chief for more than fifteen 9252
days from the date of sending the notice of the application to the 9253
mine owner or lessee as required by this section. 9254

All appeals provided for in this section shall be treated as 9255
expedited appeals. The ~~mine examining board~~ reclamation commission 9256
shall hear any such appeal in accordance with section ~~1561.53~~ 9257
1513.13 of the Revised Code and ~~render~~ issue a decision within 9258
thirty days of the filing of the notice of appeal. 9259

The chief shall not issue a permit to drill a new well or 9260
reopen a well that is or is to be located within three hundred 9261
feet of any opening of any mine used as a means of ingress, 9262
egress, or ventilation for persons employed in the mine, nor 9263
within one hundred feet of any building or inflammable structure 9264
connected with the mine and actually used as a part of the 9265
operating equipment of the mine, unless the chief determines that 9266
life or property will not be endangered by drilling and operating 9267
the well in that location. 9268

Sec. 1509.11. The owner of any well producing or capable of 9269
producing oil or gas shall file with the chief of the division of 9270
mineral resources management, on or before the ~~fifteenth~~ first day 9271
of ~~April~~ March, a statement of production of oil, gas, and brine 9272

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for the last preceding calendar year in such form as the chief may 9273
prescribe. The chief shall include on the form, at the minimum, a 9274
request for the submittal of the information that a person who is 9275
regulated under this chapter is required to submit under the 9276
"Emergency Planning and Community Right-To-Know Act of 1986," 100 9277
Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it, 9278
and that the division does not obtain through other reporting 9279
mechanisms. 9280

Sec. 1509.23. (A) Rules of the chief of the division of 9281
mineral resources management may specify practices to be followed 9282
in the drilling of wells and production of oil and gas for 9283
protection of public health or safety or to prevent damage to 9284
natural resources, including specification of devices, minimum 9285
distances that wells and other excavations, structures, and 9286
equipment shall be located from water wells, streets, roads, 9287
highways, railroad tracks, and buildings, other methods of 9288
operation, and procedures, methods, and equipment and other 9289
requirements for equipment to prevent and contain discharges of 9290
oil from oil production facilities and oil drilling and workover 9291
facilities consistent with and equivalent in scope, content, and 9292
coverage to section 311(j)(1)(c) of the "Federal Water Pollution 9293
Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, 9294
as amended, and regulations adopted under it. 9295

(B) The chief, in consultation with the emergency response 9296
commission created in section 3750.02 of the Revised Code, shall 9297
adopt rules in accordance with Chapter 119. of the Revised Code 9298
that specify the information that shall be included in an 9299
electronic database that the chief shall create and maintain. The 9300
information shall be that which the chief considers to be 9301
appropriate for the purpose of responding to emergency situations 9302
that pose a threat to public health or safety or the environment. 9303
At the minimum, the information shall include that which a person 9304

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who is regulated under this chapter is required to submit under
the "Emergency Planning and Community Right-To-Know Act of 1986,"
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under
it.

In addition, the rules shall specify whether and to what
extent the database and the information that it contains will be
made accessible to the public. The rules shall ensure that the
database will be made available via the internet or a system of
computer disks to the emergency response commission and to every
local emergency planning committee and fire department in this
state.

Sec. 1513.05. There is hereby created a reclamation
commission consisting of seven members appointed by the governor
with the advice and consent of the senate. For the purposes of
hearing appeals under section 1513.13 of the Revised Code that
involve mine safety issues, the reclamation commission shall
consist of two additional members appointed specifically for that
function by the governor with the advice and consent of the
senate. All terms of office shall be for five years, commencing on
the twenty-ninth day of June and ending on the twenty-eighth day
of June. Each member shall hold office from the date of
appointment until the end of the term for which the appointment
was made. Each vacancy occurring on the commission shall be filled
by appointment within sixty days after the vacancy occurs. 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.

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Two of the appointees to the commission shall be persons who, 9336
at the time of their appointment, own and operate a farm or are 9337
retired farmers. Notwithstanding section 1513.04 of the Revised 9338
Code, one of the appointees to the commission shall be a person 9339
who, at the time of appointment, is the representative of an 9340
operator of a coal mine. One of the appointees to the commission 9341
shall be a person who, by reason of the person's previous 9342
vocation, employment, or affiliations, can be classed as a 9343
representative of the public. One of the appointees to the 9344
commission shall be a person who, by reason of previous training 9345
and experience, can be classed as one learned and experienced in 9346
modern forestry practices. One of the appointees to the commission 9347
shall be a person who, by reason of previous training and 9348
experience, can be classed as one learned and experienced in 9349
agronomy. One of the appointees to the commission shall be either 9350
a person who, by reason of previous training and experience, can 9351
be classed as one capable and experienced in earth-grading 9352
problems, or a civil engineer. Not more than four members shall be 9353
members of the same political party. 9354

The two additional members of the commission who are 9355
appointed specifically to hear appeals that involve mine safety 9356
issues shall be individuals who, because of previous vocation, 9357
employment, or affiliation, can be classified as representatives 9358
of employees currently engaged in mining operations. One shall be 9359
a representative of coal miners, and one shall be a representative 9360
of aggregates miners. Prior to making the appointment, the 9361
governor shall request the highest ranking officer in the major 9362
employee organization representing coal miners in this state to 9363
submit to the governor the names and qualifications of three 9364
nominees and shall request the highest ranking officer in the 9365
major employee organization representing aggregates miners in this 9366
state to do the same. The governor shall appoint one person 9367

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9368 nominated by each organization to the commission. The nominees
9369 shall have not less than five years of practical experience in
9370 dealing with mine health and safety issues and at the time of the
9371 nomination shall be employed in positions that involve the
9372 protection of the health and safety of miners. The major employee
9373 organization representing coal miners and the major employee
9374 organization representing aggregates miners shall represent a
9375 membership consisting of the largest number of coal miners and
9376 aggregates miners, respectively, in this state compared to other
9377 employee organizations in the year prior to the year in which the
9378 appointments are made.

9379 When the commission hears an appeal that involves a coal
9380 mining safety issue, one of the commission members who owns and
9381 operates a farm or is a retired farmer shall be replaced by the
9382 additional member who is a representative of coal miners. When the
9383 commission hears an appeal that involves an aggregates mining
9384 safety issue, one of the commission members who owns and operates
9385 a farm or is a retired farmer shall be replaced by the additional
9386 member who is a representative of aggregates miners. Neither of
9387 the additional members who are appointed specifically to hear
9388 appeals that involve mine safety issues shall be considered to be
9389 members of the commission for any other purpose, and they shall
9390 not participate in any other matters that come before the
9391 commission.

9392 The commission may appoint a secretary to hold office at its
9393 pleasure. A commission member may serve as secretary. The
9394 secretary shall perform such duties as the commission prescribes,
9395 and shall receive such compensation as the commission fixes in
9396 accordance with such schedules as are provided by law for the
9397 compensation of state employees.

9398 The commission shall appoint one or more hearing officers who
9399 shall be attorneys at law admitted to practice in this state to

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conduct hearings under this chapter. 9400

Four members constitute a quorum, and no action of the 9401
commission shall be valid unless it has the concurrence of at 9402
least four members. The commission shall keep a record of its 9403
proceedings. 9404

Each member shall be paid as compensation for work as a 9405
member one hundred fifty dollars per day when actually engaged in 9406
the performance of work as a member and when engaged in travel 9407
necessary in connection with such work. In addition to such 9408
compensation each member shall be reimbursed for all traveling, 9409
hotel, and other expenses, in accordance with the current travel 9410
rules of the office of budget and management, necessarily incurred 9411
in the performance of the member's work as a member. 9412

Annually one member shall be elected as chairperson and 9413
another member shall be elected as vice-chairperson for terms of 9414
one year. 9415

The governor may remove any member of the commission from 9416
office for inefficiency, neglect of duty, malfeasance, 9417
misfeasance, or nonfeasance, after delivering to the member the 9418
charges against the member in writing with at least ten days' 9419
written notice of the time and place at which the governor will 9420
publicly hear the member, either in person or by counsel, in 9421
defense of the charges against the member. If the member is 9422
removed from office, the governor shall file in the office of the 9423
secretary of state a complete statement of the charges made 9424
against the member and a complete report of the proceedings. The 9425
action of the governor removing a member from office is final. 9426

The commission shall adopt rules governing procedure of 9427
appeals under section 1513.13 of the Revised Code and may, for its 9428
own internal management, adopt rules ~~which~~ that do not affect 9429
private rights. 9430

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Sec. 1513.10. If, at the end of a coal mining operation's permit or renewal period, the number of acres of land affected by the operation proves to be smaller than the number of acres of land for which the operator paid a permit fee for the operation under section 1513.07 of the Revised Code, the operator is entitled to a refund of the excess permit fee. The refund shall be in an amount equal to the amount paid per acre as a permit fee multiplied by the difference between the number of acres in the area of land affected as verified by the division of mineral resources management and the number of acres of land for which the operator paid a permit fee.

Refunds shall be paid out of the reclamation fee fund, which is hereby created in the state treasury. The treasurer of state shall place forty thousand dollars from the fees collected under section 1513.07 of the Revised Code in the fund. As moneys are spent from the fund, the treasurer of state shall credit to the fund the amount that is needed to keep the balance of the fund at forty thousand dollars. The remainder of the fees collected under section 1513.07 of the Revised Code shall be deposited with the treasurer of state to the credit of the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.

Sec. 1513.13. (A)(1) A person having an interest that is or may be adversely affected by a finding or determination of the chief of the division of mineral resources management made under section 1509.08, 1561.35, 1561.351, 1563.13, or 6111.044 of the Revised Code or an investigation made by the chief under section 1561.51 of the Revised Code may appeal to the mine examining board in accordance with those sections. Any other person having an interest that is or may be adversely affected by a notice of violation, order, or decision of the chief of the division of

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mineral resources management, other than a show cause order or an 9462
order that adopts a rule, or by any modification, vacation, or 9463
termination of such a notice, order, or decision, may appeal by 9464
filing a notice of appeal with the reclamation commission for 9465
review of the notice, order, or decision within thirty days after 9466
the notice, order, or decision is served upon the person or within 9467
thirty days after its modification, vacation, or termination and 9468
by filing a copy of the notice of appeal with the chief within 9469
three days after filing the notice of appeal with the commission. 9470
The notice of appeal shall contain a copy of the notice of 9471
violation, order, or decision complained of and the grounds upon 9472
which the appeal is based. The commission has exclusive original 9473
jurisdiction to hear and decide such appeals. The filing of a 9474
notice of appeal under division (A)(1) of this section does not 9475
operate as a stay of any order, notice of violation, or decision 9476
of the chief. 9477

(2) The permittee, the chief, and other interested persons 9478
shall be given written notice of the time and place of the hearing 9479
at least five days prior thereto. The hearing shall be of record. 9480

(3) Any person authorized under this section to appeal to the 9481
commission may request an informal review by the chief or the 9482
chief's designee by filing a written request with the chief within 9483
thirty days after a notice, order, decision, modification, 9484
vacation, or termination is served upon the person. Filing of the 9485
written request shall toll the time for appeal before the 9486
commission, but shall not operate as a stay of any order, notice 9487
of violation, or decision of the chief. The chief's determination 9488
of an informal review is appealable to the commission under this 9489
section. 9490

(B) The commission shall affirm the notice of violation, 9491
order, or decision of the chief unless the commission determines 9492
that it is arbitrary, capricious, or otherwise inconsistent with 9493

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law; in that case the commission may modify the notice of 9494
violation, order, or decision or vacate it and remand it to the 9495
chief for further proceedings that the commission may direct. 9496

The commission shall conduct hearings and render decisions in 9497
a timely fashion, except that all of the following apply: 9498

(1) When the appeal concerns an order for the cessation of 9499
coal mining and reclamation operations issued pursuant to division 9500
(D)(1) or (2) of section 1513.02 of the Revised Code, the 9501
commission shall issue its written decision within thirty days 9502
after the receipt of the appeal unless temporary relief has been 9503
granted by the chairperson pursuant to division (C) of this 9504
section. 9505

(2) When the appeal concerns an application for a permit 9506
under division (I) of section 1513.07 of the Revised Code, the 9507
commission shall hold a hearing within thirty days after receipt 9508
of the notice of appeal and issue its decision within thirty days 9509
after the hearing. 9510

(3) When the appeal concerns a decision of the chief 9511
regarding release of bond under division (F) of section 1513.16 of 9512
the Revised Code, the commission shall hold a hearing within 9513
thirty days after receipt of the notice of appeal and issue its 9514
decision within sixty days after the hearing. 9515

(4) When the appeal concerns a decision of the chief 9516
regarding the location of a well in a coal bearing township under 9517
section 1509.08 of the Revised Code, the commission shall hold a 9518
hearing and issue its decision within thirty days after receipt of 9519
the notice of appeal. 9520

(C) The chairperson of the commission, under conditions the 9521
chairperson prescribes, may grant temporary relief the chairperson 9522
considers appropriate pending final determination of an appeal if 9523
all of the following conditions are met: 9524

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(1) All parties to the appeal have been notified and given an opportunity for a hearing to be held in the locality of the subject site on the request for temporary relief and the opportunity to be heard on the request.

(2) The person requesting relief shows that there is a substantial likelihood that the person will prevail on the merits.

(3) The relief will not adversely affect public health or safety or cause significant imminent environmental harm to land, air, or water resources.

The chairperson shall issue a decision expeditiously, except that when the applicant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision shall be issued within five days after its receipt.

Any party to an appeal filed with the commission who is aggrieved or adversely affected by a decision of the chairperson to grant or deny temporary relief under this section may appeal that decision to the commission. The commission may confine its review to the record developed at the hearing before the chairperson.

The appeal shall be filed with the commission within thirty days after the chairperson issues the decision on the request for temporary relief. The commission shall issue a decision as expeditiously as possible, except that when the appellant requests relief from an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the decision of the commission shall be issued within five days after receipt of the notice of appeal.

The commission shall affirm the decision of the chairperson

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granting or denying temporary relief unless it determines that the
decision is arbitrary, capricious, or otherwise inconsistent with
law.

(D) Following the issuance of an order to show cause as to
why a permit should not be suspended or revoked pursuant to
division (D)(3) of section 1513.02 of the Revised Code, the chief
or a representative of the chief shall hold a public adjudicatory
hearing after giving written notice of the time, place, and date
thereof. The hearing shall be of record.

Within sixty days following the public hearing, the chief
shall issue and furnish to the permittee and all other parties to
the hearing a written decision, and the reasons therefor,
concerning suspension or revocation of the permit. If the chief
revokes the permit, the permittee immediately shall cease coal
mining operations on the permit area and shall complete
reclamation within a period specified by the chief, or the chief
shall declare as forfeited the performance bonds for the
operation.

(E)(1) Whenever an enforcement order or permit decision is
appealed under this section or any action is filed under division
(B) of section 1513.15 or 1513.39 of the Revised Code, at the
request of a prevailing party, a sum equal to the aggregate amount
of all costs and expenses, including attorney's fees, as
determined to have been necessary and reasonably incurred by the
prevailing party for or in connection with participation in the
enforcement proceedings before the commission, the court under
section 1513.15 of the Revised Code, or the chief under section
1513.39 of the Revised Code, may be awarded, as considered proper,
in accordance with divisions (E)(1)(a) to (c) of this section. In
no event shall attorney's fees awarded under this section exceed,
for the kind and quality of services, the prevailing market rates
at the time the services were furnished under division (A) of this

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section. A party may be entitled to costs and expenses related 9588
solely to the preparation, defense, and appeal of a petition for 9589
costs and expenses, provided that the costs and expenses are 9590
limited and proportionate to costs and expenses otherwise allowed 9591
under division (E) of this section. 9592

(a) A party, other than the permittee or the division of 9593
mineral resources management, shall file a petition, if any, for 9594
an award of costs and expenses, including attorney's fees, with 9595
the chief, who shall review the petition. If the chief finds that 9596
the party, other than the permittee or the division, prevailed in 9597
whole or in part, made a substantial contribution to a full and 9598
fair determination of the issues, and made a contribution separate 9599
and distinct from the contribution made by any other party, the 9600
chief may award to that party the party's costs and expenses, 9601
including attorney's fees that were necessary and reasonably 9602
incurred by the party for, or in connection with, participation in 9603
the proceeding before the commission. 9604

(b) If a permittee who made a request under division (E)(1) 9605
of this section demonstrates that a party other than a permittee 9606
who initiated an appeal under this section or participated in such 9607
an appeal initiated or participated in the appeal in bad faith and 9608
for the purpose of harassing or embarrassing the permittee, the 9609
permittee may file a petition with the chief. The chief may award 9610
to the permittee the costs and expenses reasonably incurred by the 9611
permittee in connection with participation in the appeal and 9612
assess those costs and expenses against the party who initiated 9613
the appeal. 9614

(c) The division may file, with the commission, a request for 9615
an award to the division of the costs and expenses reasonably 9616
incurred by the division in connection with an appeal initiated 9617
under this section. The commission may assess those costs and 9618
expenses against the party who initiated the appeal if the 9619

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division demonstrates that the party initiated or participated in 9620
the appeal in bad faith and for the purpose of harassing or 9621
embarrassing the division. 9622

(2) Whenever an order issued under this section or as a 9623
result of any administrative proceeding under this chapter is the 9624
subject of judicial review, at the request of any party, a sum 9625
equal to the aggregate amount of all costs and expenses, including 9626
attorney's fees, as determined by the court to have been necessary 9627
and reasonably incurred by the party for or in connection with 9628
participation in the proceedings, may be awarded to either party, 9629
in accordance with division (E)(1) of this section, as the court, 9630
on the basis of judicial review, considers proper. 9631

Sec. 1513.14. (A) Any party aggrieved or adversely affected 9632
by a decision of the reclamation commission may appeal to the 9633
court of appeals for the county in which the activity addressed by 9634
the decision of the commission occurred, is occurring, or will 9635
occur, which court has exclusive jurisdiction over the appeal. The 9636
appeal shall be filed within thirty days of issuance of the 9637
decision of the commission. The court shall confine its review to 9638
the record certified by the commission. The court may, upon 9639
motion, grant such temporary relief as it ~~deems~~ considers 9640
appropriate pending final disposition of the appeal if all of the 9641
following apply: 9642

(1) All parties to the appeal have been notified and given an 9643
opportunity to be heard on a request for temporary relief~~+~~. 9644

(2) The person requesting the relief shows that there is a 9645
substantial likelihood that the person will prevail on the merits~~+~~ 9646
~~and.~~ 9647

(3) The relief will not adversely affect public health or 9648
safety or the health or safety of miners or cause significant 9649
imminent environmental harm to land, air, or water resources. 9650

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The court shall affirm the decision of the commission unless
the court determines that it is arbitrary, capricious, or
otherwise inconsistent with law, in which case the court shall
vacate the decision and remand to the commission for such further
proceedings as it may direct.

(B) Any order of the chief of the division of mineral
resources management adopting a rule shall be subject to judicial
review in the Franklin county court of appeals, which court has
exclusive original jurisdiction to review the order. A petition
for review of the order shall be filed within thirty days from the
date of such order. The petition may be made by any person who
participated in the rule-making proceedings and who is aggrieved
by the order. The court shall confine its review to the record of
the rule-making proceedings. The order shall be affirmed unless
the court concludes that the order is arbitrary, capricious, or
otherwise inconsistent with law, in which case the court shall
vacate the order or portion thereof and remand to the chief for
such further proceedings as it may direct.

Sec. 1514.11. In addition to the purposes authorized in
section 1514.06 of the Revised Code, the chief of the division of
mineral resources management may use moneys in the surface mining
fund created under that section for the administration and
enforcement of this chapter, for the reclamation of land affected
by surface mining under a permit issued under this chapter that
the operator failed to reclaim and for which the performance bond
filed by the operator is insufficient to complete the reclamation,
~~and~~ for the reclamation of land affected by surface mining that
was abandoned and left unreclaimed and for which no permit was
issued or bond filed under this chapter, and for the mine safety
and first aid classes provided under division (C) of section
1561.26 of the Revised Code. The chief, with the approval of the
director of natural resources, annually shall determine the

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amounts to be expended for the mine safety and first aid classes. 9683
For purposes of this section, the chief shall expend moneys in the 9684
fund in accordance with the procedures and requirements 9685
established in section 1514.06 of the Revised Code and may enter 9686
into contracts and perform work in accordance with that section. 9687

Fees collected under sections 1514.02 and 1514.03 of the 9688
Revised Code, one-half of the moneys collected from the severance 9689
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 9690
the Revised Code, and all of the moneys collected from the 9691
severance tax levied under division (A)(7) of section 5749.02 of 9692
the Revised Code shall be credited to the fund in accordance with 9693
those sections. Notwithstanding any section of the Revised Code 9694
relating to the distribution or crediting of fines for violations 9695
of the Revised Code, all fines imposed under section 1514.99 of 9696
the Revised Code shall be credited to the fund. 9697

Sec. 1521.04. The chief of the division of water, with the 9698
approval of the director of natural resources, may make loans and 9699
grants from the water management fund created in section 1501.32 9700
of the Revised Code to governmental agencies for water management, 9701
water supply improvements, and planning and may administer grants 9702
from the federal government and from other public or private 9703
sources for carrying out those functions and for the performance 9704
of any acts that may be required by the United States or by any 9705
agency or department thereof as a condition for the participation 9706
by any governmental agency in any federal financial or technical 9707
assistance program. Direct and indirect costs of administration 9708
may be paid from the water management fund. 9709

The chief may use the water management fund to acquire, 9710
construct, reconstruct, improve, equip, maintain, operate, and 9711
dispose of water management improvements. The chief may fix, 9712
alter, charge, and collect rates, fees, rentals, and other charges 9713
to be paid into the water management fund by governmental agencies 9714

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and persons who are supplied with water by facilities constructed
or operated by the department of natural resources in order to
amortize and defray the cost of the construction, maintenance, and
operation of those facilities. ~~This section does not apply to the
Burr Oak water system administered by the chief engineer of the
department of natural resources under sections 1507.01 and 1507.12
of the Revised Code.~~

Sec. 1521.19. (A) There is hereby created the Ohio water
resources council consisting of the directors of agriculture,
development, environmental protection, health, natural resources,
transportation, and the Ohio public works commission, the
chairperson of the public utilities commission of Ohio, the
executive directors of the state and local government commission
of Ohio and the Ohio water development authority, and an executive
assistant in the office of the governor appointed by the governor.
The governor shall appoint one of the members of the council to
serve as its chairperson. The council may adopt bylaws that are
necessary for the implementation of this section. The council
shall provide a forum for policy development, collaboration and
coordination among state agencies, and strategic direction with
respect to state water resource programs. The council shall be
assisted in its functions by a state agency coordinating group and
an advisory group as provided in this section.

(B) The state agency coordinating group shall consist of the
executive director of the Ohio Lake Erie commission and a member
or members from each state agency, commission, and authority
represented on the council, to be appointed by the applicable
director, chairperson, or executive director. However, the
environmental protection agency shall be represented on the group
by the chiefs of the divisions within that agency having
responsibility for surface water programs and drinking and ground
water programs, and the department of natural resources shall be

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represented on the group by the chief of the division of water and
the chief of the division of soil and water conservation. The
chairperson of the council shall appoint a leader of the state
agency coordinating group. The group shall provide assistance to
and perform duties on behalf of the council as directed by the
council.

(C) The advisory group shall consist of not more than twenty
members, each representing an organization or entity with an
interest in water resource issues. The council shall appoint the
members of the advisory group. Of the initial appointments, not
more than ten members shall be appointed for one-year terms, and
not more than ten members shall be appointed for two-year terms.
Thereafter, all advisory group members shall serve two-year terms.
Members may be reappointed. Each member shall hold office from the
date of the member's appointment until the end of the member's
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 council may remove a member for
misfeasance, nonfeasance, or malfeasance in office. The council
shall appoint members to fill any vacancies on the group. A member
appointed to fill a vacancy shall hold office for the remainder of
the term for which that member was appointed.

The chairperson of the council shall appoint a chairperson of
the advisory group. The advisory group shall advise the council on
water resources issues addressed by the council.

(D) There is hereby created in the state treasury the Ohio
water resources council fund. The department of natural resources
shall serve as the fiscal agent for the fund. The departments of
agriculture, development, environmental protection, health,
natural resources, and transportation shall transfer moneys to the
fund in equal amounts via intrastate transfer voucher. The public

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9779 utilities commission of Ohio, Ohio public works commission, state
9780 and local government commission of Ohio, and Ohio water
9781 development authority may transfer moneys to the fund. If a
9782 voluntary transfer of moneys is made to the fund, the portion that
9783 is required to be transferred by the departments of agriculture,
9784 development, environmental protection, health, natural resources,
9785 and transportation may be equally reduced. Moneys in the fund
9786 shall be used to pay the operating expenses of the Ohio water
9787 resources council, including those specified in division (E) of
9788 this section.

9789 (E) The Ohio water resources council may hire staff to
9790 support its activities. The council may enter into contracts and
9791 agreements with state agencies, political subdivisions, and
9792 private entities to assist in accomplishing its objectives.
9793 Advisory group members shall be reimbursed for expenses
9794 necessarily incurred in the performance of their duties pursuant
9795 to section 126.31 of the Revised Code and any applicable rules
9796 pertaining to travel reimbursement adopted by the office of budget
9797 and management.

9798 **Sec. 1531.35.** The wildlife boater angler fund is hereby
9799 created in the state treasury. The fund shall consist of money
9800 credited to the fund pursuant to section 5735.051 of the Revised
9801 Code and other money contributed to the division of wildlife for
9802 the purposes of the fund. The fund ~~may~~ shall be used for boating
9803 ~~access construction, capital improvements, grant programs for~~
9804 ~~boating and fishing access, maintenance, and development on lakes~~
9805 ~~on which the operation of gasoline-powered watercraft is~~
9806 ~~permissible.~~

9807 **Sec. 1533.13.** Hunting and fishing licenses, wetlands habitat
9808 stamps, deer and wild turkey permits, and fur taker permits shall
9809 be issued by the clerk of the court of common pleas, village and

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township clerks, and other authorized agents designated by the 9810
chief of the division of wildlife. When required by the chief, a 9811
clerk or agent shall give bond in the manner provided by the 9812
chief. All bonds, reports, except records prescribed by the 9813
auditor of state, and moneys received by those persons shall be 9814
handled under rules adopted by the director of natural resources. 9815

The premium of ~~any fidelity bond prescribed under section~~ 9816
~~9.832 of the Revised Code~~ or of any bond prescribed by the chief 9817
under this section may be paid by the chief. Any person who is 9818
designated and authorized by the chief to issue licenses, stamps, 9819
and permits as provided in this section, except the clerk of the 9820
court of common pleas and the village and township clerks, shall 9821
pay to the chief a premium in an amount that represents the 9822
person's portion of the premium paid by the chief under this 9823
section, which amount shall be established by the chief and 9824
approved by the wildlife council created under section 1531.03 of 9825
the Revised Code. The chief shall pay all moneys that the chief 9826
receives as premiums under this section into the state treasury to 9827
the credit of the wildlife fund created under section 1531.17 of 9828
the Revised Code. 9829

Every authorized agent, for the purpose of issuing hunting 9830
and fishing licenses, deer and wild turkey permits, and fur taker 9831
permits, may administer oaths to and take affidavits from 9832
applicants for the licenses or permits when required. An 9833
authorized agent may appoint deputies to perform any acts that the 9834
agent is authorized to perform, consistent with division rules. 9835

Every applicant for a hunting or fishing license, deer or 9836
wild turkey permit, or fur taker permit, unless otherwise provided 9837
by division rule, shall make and subscribe an affidavit setting 9838
forth the applicant's name, age, weight, height, occupation, place 9839
of residence, personal description, and citizenship. The clerk or 9840
other agent authorized to issue licenses and permits shall charge 9841

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each applicant a fee of one dollar for taking the affidavit and
issuing the license or permit. The application, license, permit,
and other blanks required by this section shall be prepared and
furnished by the chief, in such form as the chief provides, to the
clerk or other agent authorized to issue them. The licenses and
permits shall be issued to applicants by the clerk or other agent.
The record of licenses and permits kept by the clerk and other
authorized agents shall be uniform throughout the state and in
such form or manner as the auditor of state prescribes and shall
be open at all reasonable hours to the inspection of any person.
Unless otherwise provided by division rule, each hunting license,
deer or wild turkey permit, and fur taker permit issued shall
remain in force until midnight of the thirty-first day of August
next ensuing. Application for any such license or permit may be
made and a license or permit issued prior to the date upon which
it becomes effective.

The chief may require an applicant who wishes to purchase a
license, stamp, or permit by mail or telephone to pay a nominal
fee for postage and handling.

The court before whom a violator of any laws or division
rules for the protection of wild animals is tried, as a part of
the punishment, shall revoke the license, stamp, or permit of any
person convicted. The license, stamp, or permit fee paid by that
person shall not be returned to the person. The person shall not
procure or use any other license, stamp, or permit or engage in
hunting wild animals or trapping fur-bearing animals during the
period of revocation as ordered by the court.

No person under sixteen years of age shall engage in hunting
unless accompanied by the person's parent or another adult person.

Sec. 1547.67. The division of watercraft, with the approval
of the director of natural resources, may expend, for the purpose

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of assisting political subdivisions, conservancy districts, and 9873
state departments to establish or maintain and operate a marine 9874
patrol for the purpose of enforcing this chapter and Chapter 1548. 9875
of the Revised Code and rules adopted under them and to provide 9876
emergency response to boating accidents on the water, such funds 9877
as are appropriated by the general assembly for that purpose and, 9878
in addition, such moneys from the waterways safety fund 9879
established in section 1547.75 of the Revised Code as determined 9880
to be necessary by the division not to exceed ten per cent of all 9881
moneys accruing to the fund. In no case shall the grant to a 9882
political subdivision, conservancy district, or state department, 9883
not including the department of natural resources, total more than 9884
~~thirty~~ thirty-five thousand dollars in a calendar year. Moneys so 9885
allocated may be used for the purchase, maintenance, and operation 9886
of vessels and marine equipment, educational materials, and 9887
personnel salaries that are necessary for enforcement of this 9888
chapter and Chapter 1548. of the Revised Code and rules adopted 9889
under them and to provide emergency response to boating accidents 9890
on the water. 9891

The division shall disburse the moneys as provided in this 9892
section in accordance with its determination of need in the 9893
enforcement of this chapter and Chapter 1548. of the Revised Code 9894
and rules adopted under them and shall disburse those moneys only 9895
on a cost share basis to supplement funds allocated by a political 9896
subdivision, conservancy district, or state department for that 9897
purpose. A grantee shall provide at least twenty-five per cent of 9898
the total program cost. 9899

Sec. 1561.05. The laws relating to mines and mining and 9900
duties and functions of the division of mineral resources 9901
management shall be administered by the chief of the division of 9902
mineral resources management, and through and by deputy mine 9903
inspectors. If a vacancy occurs in the office of a deputy mine 9904

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inspector, it may be filled by the chief, who shall select a 9905
~~qualified person from the eligible list certified to the chief by~~ 9906
~~the mine examining board~~ for deputy mine inspectors that is 9907
prepared under section 124.24 of the Revised Code. 9908

The chief shall adopt, in accordance with Chapter 119. of the 9909
Revised Code, all necessary rules for conducting examinations and 9910
for governing all other matters requisite to the exercise of the 9911
chief's powers and the performance of the chief's duties under 9912
this chapter and Chapters 1509., 1563., 1565., and 1567. of the 9913
Revised Code relating to mines and mining. 9914

Sec. 1561.07. The mining laws of this state shall extend to 9915
and govern the operation of clay mines and clay stripping pits in 9916
so far as such laws are applicable thereto. The chief of the 9917
division of mineral resources management shall adopt, publish, and 9918
enforce specific rules particularly applicable to clay mining 9919
operations to safeguard life and property in the clay mining 9920
industry and to secure safe and sanitary working conditions in 9921
such clay mines and clay stripping pits. 9922

Such rules adopted by the chief shall provide that: 9923

(A) Distances between break-throughs in clay mines shall not 9924
exceed one hundred feet, unless permission in special cases is 9925
granted by the chief, after maps have been filed with the chief 9926
showing the method of working and ventilating the same, if such 9927
distances would add to increased safety. 9928

(B) When, in the opinion of the mine foreperson or deputy 9929
mine inspector, line brattices or other approved methods of 9930
circulation are necessary to deliver sufficient air to the working 9931
face, they shall be provided by the owner, operator, or lessee. 9932

(C) Not more than a two days' supply of explosives shall be 9933
stored in a clay mine at any one time, and not more than one 9934
hundred pounds of explosives shall be stored in any one place at 9935

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any one time. 9936

(D) Charges of explosives shall be made up at least one 9937
hundred feet away from any storage place for explosives. 9938

(E) There shall be no less than two persons in each working 9939
place when shots are being lighted. 9940

(F) Misfired shots in clay mines shall be posted on the 9941
bulletin board or other conspicuous place available for 9942
examination by the workers when shots are fired by other than the 9943
loaders. 9944

(G) The use of electric blasting caps shall be encouraged as 9945
a safety measure. 9946

The chief, in assigning deputy mine inspectors, shall 9947
designate inspectors who have had experience and are especially 9948
qualified in clay mining operations, to examine and inspect clay 9949
mining operations and enforce the law relating to such operations. 9950

The ~~mine-examining board~~ chief, in conducting examinations 9951
and issuing certificates for mine forepersons, shall ~~in its rules~~ 9952
provide by rules adopted under section 1561.05 of the Revised Code 9953
for the examination of applicants for certificates as mine 9954
forepersons in a clay mine or clay stripping pits to test the 9955
applicant on experience and fitness on the problems and duties 9956
peculiar to the clay mining industry. An applicant for a 9957
certificate as a clay mine foreperson shall have at least three 9958
years' experience in mining operations. 9959

Sec. 1561.11. The ~~mine-examining board~~ chief of the division 9960
of mineral resources management, for the purpose of conducting the 9961
examinations for mine ~~foremen~~ forepersons and fire bosses, may 9962
designate one or more examining boards of three members, selected 9963
from among the deputy mine inspectors, superintendent and 9964
assistant superintendents of rescue stations, and electrical 9965

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inspectors. The examinations shall be conducted in the district of 9966
the applicant's residence or as near thereto as practicable. 9967
Grading and issuance of certificates shall be done by the ~~board~~ 9968
chief. 9969

Sec. 1561.12. An applicant for any examination or certificate 9970
under this section shall, before being examined, register ~~his~~ the 9971
applicant's name with the ~~mine-examining board~~ chief of the 9972
division of mineral resources management and file with the ~~board~~ 9973
chief an affidavit as to all matters of fact establishing ~~his~~ the 9974
applicant's right to receive the examination, a certificate of 9975
good character and temperate habits signed by at least three 9976
reputable citizens of the community in which ~~he~~ the applicant 9977
resides, and a certificate from a reputable and disinterested 9978
physician as to the physical condition of such applicant showing 9979
that ~~he~~ the applicant is physically capable of performing the 9980
duties of the office or position. 9981

Each applicant for examination for any of the following 9982
positions shall present evidence satisfactory to the ~~board~~ chief 9983
that ~~he~~ the applicant has been a resident and citizen of this 9984
state for two years next preceding the date of application: 9985

(A) An applicant for the position of deputy mine inspector of 9986
underground mines shall have had actual practical experience of 9987
not less than six years, at least two of which shall have been in 9988
the underground workings of ~~coal~~ mines in this state. In the case 9989
of an applicant who would inspect underground coal mines, the two 9990
years shall consist of actual practical experience in underground 9991
coal mines. In the case of an applicant who would inspect noncoal 9992
mines, the two years shall consist of actual practical experience 9993
in noncoal mines. In lieu of two years of the actual practical 9994
experience required, the ~~board~~ chief may accept as the equivalent 9995
thereof a certificate evidencing graduation from an accredited 9996
school of mines or mining, after a four-year course of study, but 9997

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such credit shall not apply as to the two years' actual practical 9998
experience required in the ~~coal~~ mines in this state. 9999

He ~~The applicant~~ shall pass an examination as to ~~his~~ the 10000
applicant's practical and technological knowledge of mine 10001
surveying, mining machinery, and appliances; the proper 10002
development and operation of mines; the best methods of working 10003
and ventilating mines; the nature, properties, and powers of 10004
noxious, poisonous, and explosive gases, particularly methane; the 10005
best means and methods of detecting, preventing, and removing the 10006
accumulation of such gases; the use and operation of gas detecting 10007
devices and appliances; first aid to the injured; and the uses and 10008
dangers of electricity as applied and used in, at, and around 10009
mines. Such applicant shall also hold a certificate for ~~foreman~~ 10010
foreperson of gaseous mines issued by the ~~mine-examining board~~ 10011
chief. 10012

(B) An applicant for the position of deputy mine inspector of 10013
surface mines shall have had actual practical mining experience of 10014
not less than six years, at least two of which shall have been in 10015
surface coal mines in this state. In lieu of two years of the 10016
actual practical experience required, the ~~board~~ chief may accept 10017
as the equivalent thereof a certificate evidencing graduation from 10018
an accredited school of mines or mining, after a four-year course 10019
of study, but that credit shall not apply as to the two years' 10020
actual practical experience required in the coal mines in this 10021
state. The applicant shall pass an examination as to ~~his~~ the 10022
applicant's practical and technological knowledge of surface mine 10023
surveying, machinery, and appliances; the proper development and 10024
operations of surface mines; first aid to the injured; and the use 10025
and dangers of explosives and electricity as applied and used in, 10026
at, and around surface mines. The applicant shall also hold a 10027
surface mine ~~foreman~~ foreperson certificate issued by the ~~mine~~ 10028
~~examining board~~ chief. 10029

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(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and ~~he~~ the applicant shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines.

~~He~~ The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining ~~his~~ the applicant's qualification and ability to competently inspect and administer the mining law ~~which~~ that relates to electricity used in and around mines and mining in this state.

(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, ~~he~~ the applicant shall present evidence satisfactory to the ~~board~~ chief that ~~he~~ the applicant is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work.

~~He~~ The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to ~~his~~ the applicant's practical and technological experience and training in first aid, safety, and mine rescue work.

(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The ~~board~~ chief may provide that an equivalent combination of education and experience together with a wide knowledge of the methods of and skill in chemical analysis and research may be accepted in lieu of the above qualifications. It is preferred that such chemist shall have

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had actual experience in mineralogy and metallurgy. 10062

(F) An applicant for the position of gas storage well 10063
inspector shall possess the same qualifications as an applicant 10064
for the position of deputy mine inspector and shall have a 10065
practical knowledge and experience of and in the operation, 10066
location, drilling, maintenance, and abandonment of oil and gas 10067
wells, especially in coal or mineral bearing townships, and shall 10068
have a thorough knowledge of the latest and best method of 10069
plugging and sealing abandoned oil and gas wells. 10070

Such applicant for gas storage well inspector shall pass an 10071
examination conducted by the ~~board~~ chief to determine ~~his~~ the 10072
applicant's fitness to act as a gas storage well inspector before 10073
being eligible for appointment. 10074

Sec. 1561.13. The ~~mine examining board~~ chief of the division 10075
of mineral resources management shall conduct examinations for 10076
offices and positions in the division of mineral resources 10077
management, and for mine forepersons, mine electricians, shot 10078
firers, surface mine blasters, and fire bosses, as follows: 10079

(A) Division of mineral resources management: 10080

(1) Deputy mine inspectors of underground mines; 10081

(2) Deputy mine inspectors of surface mines; 10082

(3) Electrical inspectors; 10083

(4) Superintendent of rescue stations; 10084

(5) Assistant superintendents of rescue stations; 10085

(6) Mine chemists at a division laboratory if the chief ~~of~~ 10086
~~the division of mineral resources management~~ chooses to operate a 10087
laboratory; 10088

(7) Gas storage well inspector. 10089

(B) Mine forepersons: 10090

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(1) Mine foreperson of gaseous mines;	10091
(2) Mine foreperson of nongaseous mines;	10092
(3) Mine foreperson of surface mines.	10093
(C) Forepersons:	10094
(1) Foreperson of gaseous mines;	10095
(2) Foreperson of nongaseous mines;	10096
(3) Foreperson of surface maintenance facilities at	10097
underground or surface mines;	10098
(4) Foreperson of surface mines.	10099
(D) Fire bosses.	10100
(E) Mine electricians.	10101
(F) Surface mine blasters.	10102
(G) Shot firers.	10103
The board shall hold such meetings as are necessary for the	10104
proper discharge of its duties.	10105
The board chief annually shall meet annually at the capitol,	10106
as prescribed by its rules, provide for the examination of	10107
candidates for appointment or promotion as deputy mine inspectors	10108
and such other positions and offices set forth in division (A) of	10109
this section as are necessary. Special examinations may be held	10110
whenever it becomes necessary to make appointments to any of those	10111
positions.	10112
For <u>The chief shall provide for</u> the examination of persons	10113
seeking certificates of competency as mine forepersons,	10114
forepersons, mine electricians, shot firers, surface mine	10115
blasters, and fire bosses, the board shall hold meetings,	10116
quarterly or more often as required, at such times and places	10117
within the state as shall, in the judgment of the members <u>chief</u> ,	10118

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afford the best facilities to the greatest number of applicants. 10119
Public notice shall be given through the press or otherwise, not 10120
less than ten days in advance, announcing the time and place at 10121
which examinations under this section are to be held. 10122

The examinations provided for in this section shall be 10123
conducted under rules adopted under section 1561.05 of the Revised 10124
Code and conditions prescribed by the ~~board~~ chief. ~~Such rules~~ 10125
~~shall be made a part of the permanent record of the board, and~~ 10126
~~such of them as~~ Any rules that relate to particular candidates 10127
shall, upon application of any candidate, be furnished to the 10128
candidate by the ~~board~~ chief; they shall also be of uniform 10129
application to all candidates in the several groups. 10130

Sec. 1561.14. A person who applies for a certificate as a 10131
mine electrician shall be able to read and write the English 10132
language, and prior to the date of the application for examination 10133
either shall have had at least one year's experience in performing 10134
electrical work underground in a coal mine, in the surface work 10135
area of an underground coal mine, in a surface coal mine, or in a 10136
noncoal mine, or shall have had such experience as the ~~mine~~ 10137
~~examining board~~ chief of the division of mineral resources 10138
management determines to be equivalent. Each applicant for 10139
examination shall pay a fee of ten dollars to the ~~board~~ chief on 10140
the first day of the examination. Any moneys collected under this 10141
section shall be paid into the state treasury to the credit of the 10142
mining regulation fund created in section 1561.48 of the Revised 10143
Code. 10144

Sec. 1561.15. An applicant for a certificate as mine ~~foreman~~ 10145
foreperson, ~~foreman~~ foreperson, mine electrician, shot firer, 10146
surface mine blaster, or fire boss shall apply to the ~~mine~~ 10147
~~examining board~~ chief of the division of mineral resources 10148
management for examination and shall be examined by the ~~board~~ 10149

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chief. This shall be a practical examination, a substantial part 10150
of which shall be oral, to determine the competency of the 10151
applicant, based on experience and practical knowledge of the 10152
dangers incident to coal mining, and not upon technical education, 10153
but consideration shall be given such technical education as the 10154
applicant possesses. This examination shall be held as soon after 10155
application is made as practicable in the district from which the 10156
applicant makes application. 10157

Sec. 1561.16. (A) As used in this section and sections 10158
1561.17 to 1561.21 of the Revised Code, "actual practical 10159
experience" means previous employment that involved a person's 10160
regular presence in the type of mining operation in which the 10161
experience is required to exist; participation in functions 10162
relating to the hazards involved in and the utilization of 10163
equipment, tools, and work crews and individuals for that type of 10164
mining; and regular exposure to the methods, procedures, and 10165
safety laws applicable to that type of mining. Credit of up to one 10166
year for a portion of the required experience time may be given 10167
upon documentation to the ~~mine-examining board~~ chief of the 10168
division of mineral resources management of an educational degree 10169
in a field related to mining. Credit of up to two years of the 10170
required experience time may be given upon presentation to the 10171
~~mine-examining board~~ chief of proof of graduation from an 10172
accredited school of mines or mining after a four-year course of 10173
study with employment in the mining industry during interim breaks 10174
during the school years. 10175

(B) A person who applies for a certificate as a mine ~~foreman~~ 10176
foreperson of gaseous mines shall be able to read and write the 10177
English language; shall have had at least five years' actual 10178
practical experience in the underground workings of a gaseous mine 10179
or the equivalent thereof in the judgment of the ~~mine-examining~~ 10180
~~board~~ chief; and shall have had practical experience obtained by 10181

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actual contact with gas in mines and have knowledge of the dangers 10182
and nature of noxious and explosive gases and ventilation of 10183
gaseous mines. An applicant for a certificate as a ~~foreman~~ 10184
foreperson of gaseous mines shall meet the same requirements, 10185
except that the applicant shall have had at least three years' 10186
actual practical experience in the underground workings of a 10187
gaseous mine or the equivalent thereof in the judgment of the ~~mine~~ 10188
~~examining board~~ chief. Each applicant for examination shall pay a 10189
fee of ten dollars to the ~~board~~ chief on the first day of such 10190
examination. Any moneys collected under this section shall be paid 10191
into the state treasury to the credit of the mining regulation 10192
fund created in section 1561.48 of the Revised Code. 10193

Sec. 1561.17. A person who applies for a certificate as mine 10194
~~foreman~~ foreperson or ~~foreman~~ foreperson of nongaseous mines shall 10195
be able to read and write the English language; shall have had at 10196
least three years' actual practical experience in mines, or the 10197
equivalent thereof in the judgment of the ~~mine-examining board~~ 10198
chief of the division of mineral resources management; and shall 10199
have knowledge of the dangers and nature of noxious gases. Each 10200
applicant for examination shall pay a fee of ten dollars to the 10201
~~board~~ chief on the first day of the examination. Any moneys 10202
collected under this section shall be paid into the state treasury 10203
to the credit of the mining regulation fund created in section 10204
1561.48 of the Revised Code. 10205

Sec. 1561.18. A person who applies for a certificate as a 10206
~~foreman~~ foreperson of surface maintenance facilities at 10207
underground or surface mines shall be able to read and write the 10208
English language and shall have had at least three years' actual 10209
practical experience in or around the surface maintenance 10210
facilities of underground or surface mines or the equivalent 10211
thereof in the judgment of the ~~mine-examining board~~ chief of the 10212

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division of mineral resources management. Each applicant for 10213
examination shall pay a fee of ten dollars to the ~~board~~ chief on 10214
the first day of the examination. Any moneys collected under this 10215
section shall be paid into the state treasury to the credit of the 10216
mining regulation fund created in section 1561.48 of the Revised 10217
Code. 10218

Sec. 1561.19. A person who applies for a certificate as a 10219
mine ~~foreman~~ foreperson of surface mines shall be able to read and 10220
write the English language and shall have had at least five years' 10221
actual practical experience in surface mines. An applicant for a 10222
certificate as a ~~foreman~~ foreperson of surface mines shall meet 10223
the same requirements, except that the applicant shall have had at 10224
least three years' actual practical experience in surface mines or 10225
the equivalent thereof in the judgment of the ~~mine-examining board~~ 10226
chief of the division of mineral resources management. Each 10227
applicant for examination shall pay a fee of ten dollars to the 10228
~~board~~ chief on the first day of the examination. Any moneys 10229
collected under this section shall be paid into the state treasury 10230
to the credit of the mining regulation fund created in section 10231
1561.48 of the Revised Code. 10232

Sec. 1561.20. A person who applies for a certificate as a 10233
surface mine blaster shall be able to read and write the English 10234
language; shall have had at least one year's actual practical 10235
experience in surface mines or the equivalent thereof in the 10236
judgment of the ~~mine-examining board~~ chief of the division of 10237
mineral resources management; shall have knowledge of the dangers 10238
and nature of the use of explosives, related equipment, and 10239
blasting techniques; and shall have knowledge of safety laws and 10240
rules, including those related to the storage, use, and 10241
transportation of explosives. Each applicant for examination shall 10242
pay a fee of ten dollars to the ~~board~~ chief on the first day of 10243

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the examination. Any moneys collected under this section shall be 10244
paid into the state treasury to the credit of the mining 10245
regulation fund created in section 1561.48 of the Revised Code. 10246

Sec. 1561.21. A person who applies for a certificate as a 10247
shot firer shall be able to read and write the English language; 10248
shall have had at least one year's actual practical experience in 10249
the underground workings of mines or the equivalent thereof in the 10250
judgment of the ~~mine-examining board~~ chief of the division of 10251
mineral resources management; shall have knowledge of the dangers 10252
and nature of noxious and explosive gases; shall have knowledge of 10253
the dangers and nature of the use of explosives, related 10254
equipment, and blasting techniques; and shall have knowledge of 10255
safety laws and rules, including those related to the underground 10256
storage, use, and transportation of explosives. Each applicant for 10257
examination shall pay a fee of ten dollars to the ~~board~~ chief on 10258
the first day of the examination. Any moneys collected under this 10259
section shall be paid into the state treasury to the credit of the 10260
mining regulation fund created in section 1561.48 of the Revised 10261
Code. 10262

Any person who possesses a mine ~~foreman~~ foreperson or ~~foreman~~ 10263
foreperson certificate issued by the ~~mine-examining board~~ chief 10264
shall be considered certified as a shot firer. 10265

Sec. 1561.22. A person who applies for a certificate as fire 10266
boss shall be able to read and write the English language; shall 10267
have had at least three years' actual practical experience in the 10268
underground workings of a gaseous mine or the equivalent thereof 10269
in the judgment of the ~~mine-examining board~~ chief of the division 10270
of mineral resources management; and shall have knowledge of the 10271
dangers and nature of noxious and explosive gases gained by actual 10272
contact with gas in mines and ventilation of gaseous mines. Each 10273
applicant for examination shall pay a fee of ten dollars to the 10274

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~~board chief~~ on the first day of the examination. Any moneys 10275
collected under this section shall be paid into the state treasury 10276
to the credit of the mining regulation fund created in section 10277
1561.48 of the Revised Code. 10278

Sec. 1561.23. The ~~mine examining board chief~~ chief of the division 10279
of mineral resources management shall issue the following 10280
certificates to those applicants who pass their examination: 10281

(A) Certificates for mine ~~foremen~~ forepersons of gaseous 10282
mines; 10283

(B) Certificates for mine ~~foremen~~ forepersons of nongaseous 10284
mines; 10285

(C) Certificates for ~~foremen~~ forepersons of gaseous mines; 10286

(D) Certificates for ~~foremen~~ forepersons of nongaseous mines; 10287
10288

(E) Certificates for ~~foremen~~ forepersons of surface 10289
maintenance facilities of underground or surface mines; 10290

(F) Certificates for mine ~~foremen~~ forepersons of surface 10291
mines; 10292

(G) Certificates for ~~foremen~~ forepersons of surface mines; 10293

(H) Certificates for fire bosses; 10294

(I) Certificates for mine electricians; 10295

(J) Certificates for surface mine blasters; 10296

(K) Certificates for shot firers. 10297

Applicants for certificates shall make application to the 10298
~~board chief~~, on a form provided by ~~it~~ the chief, for examination. 10299
All applicants shall be able to read and write the English 10300
language intelligently, and shall furnish the ~~board chief~~ with a 10301
certificate as to their character, length and description of their 10302

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practical experience, and satisfactory evidence of their ability 10303
to perform the duties of the position for which they make 10304
application for examination. 10305

Any certificate issued by the former mine examining board 10306
prior to ~~the effective date of this amendment~~ October 29, 1995, 10307
shall remain in effect notwithstanding the new classifications of 10308
certificates established by this ~~amendment~~ section. 10309

Sec. 1561.26. (A) As used in this section, "EMT-basic," 10310
"EMT-I," and "paramedic" have the same meanings as in section 10311
4765.01 of the Revised Code. 10312

(B) The superintendent of rescue stations, with the approval 10313
of the chief of the division of mineral resources management, 10314
shall, at each rescue station provided for in section 1561.25 of 10315
the Revised Code, train and employ rescue crews of six members 10316
each, one of whom shall hold a mine foreperson or fire boss 10317
certificate and be designated captain, and train and employ any 10318
number of such rescue crews as the superintendent believes 10319
necessary. One member of a rescue crew shall be certified as an 10320
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall 10321
devote the time specified by the chief each month for training 10322
purposes and shall be available at all times to assist in rescue 10323
work at explosions, mine fires, and other emergencies. 10324

A captain of mine rescue crews shall receive for service as 10325
captain the sum of twenty-four dollars per month, and each member 10326
shall receive the sum of twenty dollars per month, all payable on 10327
requisition approved by the chief. When engaged in rescue work at 10328
explosions, mine fires, or other emergencies away from their 10329
station, the members of the rescue crews and captains of the same 10330
shall be paid the sum of six dollars per hour for work on the 10331
surface, which includes the time consumed by ~~such~~ those members in 10332
traveling to and from the scene of ~~such~~ the emergency when ~~such~~ 10333

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the scene is away from the station of ~~such~~ the members, and the 10334
sum of seven dollars per hour for all work underground at ~~such~~ the 10335
emergency, and in addition thereto, the necessary living expenses 10336
of ~~such~~ the members when ~~such~~ the emergency is away from their 10337
home station, all payable on requisition approved by the chief. 10338

Each member of a mine rescue crew shall undergo an annual 10339
medical examination by a doctor designated by the chief. In 10340
designating ~~such~~ the doctor, the chief shall choose one near the 10341
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor 10342
shall report the doctor's findings to the chief and if, in the 10343
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the 10344
member is physically unfit for further services, the chief shall 10345
relieve the member from further duty. The fee charged by ~~such~~ the 10346
doctor for ~~such~~ the examination shall be paid in the same manner 10347
as fees are paid to doctors employed by the industrial commission 10348
for special medical examinations. 10349

The chief may remove any member of a rescue crew for any 10350
reason. Such crews shall be subject to the orders of the chief, 10351
the superintendent, and the deputy mine inspectors when engaged in 10352
actual mine rescue work. Mine rescue crews shall, in case of death 10353
or injury when engaged in rescue work, wherever the same may 10354
occur, be paid compensation, or their dependents shall be paid 10355
death benefits, from the workers' compensation fund, in the same 10356
manner as other employees of the state. 10357

(C) In addition to the training of rescue crews, each 10358
assistant superintendent of rescue stations, with the approval of 10359
the superintendent, shall provide for and conduct safety, first 10360
aid, and rescue classes at any mine or for any group of miners who 10361
make application for the conducting of such classes. The chief may 10362
assess a fee for safety and first aid classes for the purpose of 10363
covering the costs associated with providing those classes. The 10364
chief shall establish a fee schedule for safety and first aid 10365

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classes by rule adopted in accordance with Chapter 119. of the 10366
Revised Code. Fees collected under this section shall be deposited 10367
in the surface mining fund created in section 1514.06 of the 10368
Revised Code. 10369

The superintendent shall prescribe and provide for a uniform 10370
schedule of conducting such safety and rescue classes as will 10371
provide a competent knowledge of modern safety and rescue methods 10372
in, at, and about mines. 10373

Sec. 1561.35. If the deputy mine inspector finds that any 10374
matter, thing, or practice connected with any mine and not 10375
prohibited specifically by law is dangerous or hazardous, or that 10376
from a rigid enforcement of this chapter and Chapters 1509., 10377
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 10378
practice would become dangerous and hazardous so as to tend to the 10379
bodily injury of any person, the deputy mine inspector forthwith 10380
shall give notice in writing to the owner, lessee, or agent of the 10381
mine of the particulars in which the deputy mine inspector 10382
considers the mine or any matter, thing, or practice connected 10383
therewith is dangerous or hazardous and recommend changes that the 10384
conditions require, and forthwith shall mail a copy of the report 10385
and the deputy mine inspector's recommendations to the chief of 10386
the division of mineral resources management. Upon receipt of the 10387
report and recommendations, the chief forthwith shall make a 10388
finding thereon and mail a copy to the owner, operator, lessee, or 10389
agent of the mine, and to the deputy mine inspector; a copy of the 10390
finding of the chief shall be posted upon the bulletin board of 10391
the mine. Where the miners have a mine safety committee, one 10392
additional copy shall be posted on the bulletin board for the use 10393
and possession of the committee. 10394

The owner, operator, lessee, or agent of the mine, or the 10395
authorized representative of the workers of the mine, within ten 10396
days may appeal to the ~~mine-examining board~~ reclamation commission 10397

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for a review and redetermination of the finding of the chief in 10398
the matter in accordance with section ~~1561.53~~ 1513.13 of the 10399
Revised Code, notwithstanding division (A)(1) of that section, 10400
which provides for appeals within thirty days. A copy of the 10401
decision of the ~~board~~ commission shall be mailed as required by 10402
this section for the mailing of the finding by the chief on the 10403
deputy mine inspector's report. 10404

Sec. 1561.351. A deputy mine inspector who makes a finding 10405
concerning a violation of this chapter or Chapter 1563., 1565., or 10406
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 10407
1509.17, or 1509.18 of the Revised Code that involves mining 10408
safety shall notify the chief of the division of mineral resources 10409
management of the finding. The chief shall review the inspector's 10410
finding, make a written determination regarding it, and provide a 10411
copy of the written determination to the owner, operator, lessee, 10412
or agent of the mine involved. The chief shall provide a copy of 10413
the written determination to any other interested party upon 10414
request. 10415

A person, such as an owner, operator, lessee, or agent of the 10416
mine or the authorized representative of the workers of the mine, 10417
who has an interest that is or may be adversely affected by the 10418
chief's determination may appeal the determination, not later than 10419
ten days after receiving notice of the determination, to the ~~mine~~ 10420
~~examining board~~ reclamation commission by filing a copy of the 10421
chief's written determination with the ~~board~~ commission, 10422
notwithstanding division (A)(1) of section 1513.13 of the Revised 10423
Code, which provides for appeals within thirty days. The ~~board~~ 10424
commission shall hear the appeal in accordance with section 10425
~~1561.53~~ 1513.13 of the Revised Code. 10426

Sec. 1561.46. Fees received by the ~~mine-examining board~~ chief 10427
of the division of mineral resources management under sections 10428

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1561.16 to 1561.22 of the Revised Code shall be paid by the 10429
~~secretary of the board~~ chief into the state treasury to the credit 10430
of the mining regulation fund created in section 1561.48 of the 10431
Revised Code. 10432

Sec. 1561.51. When written charges of neglect of duty, 10433
incompetency, or malfeasance in office against the deputy mine 10434
inspector are filed with the chief of the division of mineral 10435
resources management, signed by not less than fifteen employees, 10436
or otherwise as provided in section 1561.50 of the Revised Code, 10437
or the owner, lessee, or agent of a mine, and the signers of the 10438
charges are dissatisfied with the result of the investigation made 10439
by the chief, they may appeal to the ~~mine-examining board~~ 10440
reclamation commission by filing the same charges against the 10441
deputy mine inspector and a copy of the report of the 10442
investigation made by the chief in the matter with the ~~board~~ 10443
commission, and the ~~board~~ commission shall hear the appeal in 10444
accordance with section ~~1561.53~~ 1513.13 of the Revised Code. The 10445
~~board~~ commission shall mail a copy of its decision to the 10446
complainant whose name appears first in the charges. 10447

Sec. 1561.52. On receipt of a notice pursuant to section 10448
3123.43 of the Revised Code, the ~~mine-examining board~~ chief of the 10449
division of mineral resources management shall comply with 10450
sections 3123.41 to 3123.50 of the Revised Code and any applicable 10451
rules adopted under section 3123.63 of the Revised Code with 10452
respect to a certificate issued pursuant to this chapter. 10453

Sec. 1563.13. When a deputy mine inspector considers that the 10454
ways and means of egress in any underground mine from the interior 10455
working places to the surface are inadequate as a safe and ready 10456
means of escape in case of emergency, from danger of fire at any 10457
point, or any other cause that may result in the entombment of 10458

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persons working in the mine, the deputy mine inspector shall give 10459
notice in writing to the owner, lessee, or agent of the mine of 10460
the particular in which the deputy mine inspector considers the 10461
conditions dangerous, recommending any changes that the conditions 10462
require, and forthwith shall mail a copy of the deputy mine 10463
inspector's recommendations to the chief of the division of 10464
mineral resources management. Upon receipt of the recommendations, 10465
the chief forthwith shall make a finding concerning them and mail 10466
a copy to the operator of the mine and to the deputy mine 10467
inspector. A copy of the finding of the chief shall be posted upon 10468
the bulletin board at the time. 10469

The operator of the mine, or the authorized representative of 10470
the workers of the mine, within ten days may appeal to the ~~mine~~ 10471
~~examining board~~ reclamation commission for a review and 10472
redetermination of the finding of the chief in the matter in 10473
accordance with section ~~1561.53~~ 1513.13 of the Revised Code, 10474
notwithstanding division (A)(1) of that section, which provides 10475
for appeals within thirty days. A copy of the decision of the 10476
~~board~~ commission shall be mailed as required by this section for 10477
the mailing of the finding by the chief on the deputy mine 10478
inspector's report. 10479

No operator of a mine shall refuse or neglect to comply with 10480
this section. 10481

Sec. 1565.04. The operator of each mine who is an employer as 10482
defined in section 4123.01 of the Revised Code, or any mine 10483
~~working with~~ three or more men workers, shall employ a certified 10484
~~mine foreman~~ foreperson. In gaseous mines, only a holder of a mine 10485
~~foreman~~ foreperson of gaseous mines certificate ~~which that~~ 10486
contains a notation by the ~~mine-examining board~~ chief of the 10487
division of mineral resources management showing the holder to be 10488
at least twenty-three years of age and have at least five years' 10489
actual practical experience in gaseous mines shall be employed as 10490

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the mine ~~foreman~~ foreperson. In other mines, the mine ~~foreman~~ foreperson shall be a holder of a mine ~~foreman~~ foreperson of nongaseous mines certificate ~~which~~ that contains a notation by the ~~mine-examining-board~~ chief showing the holder to be at least twenty-one years of age and have at least three years' actual practical experience in mines. All such mines shall have at least one certified ~~foreman~~ foreperson on duty at all times when ~~men~~ workers are employed in the loading or mining of coal.

No operator of a mine shall refuse or neglect to comply with this section.

Sec. 1565.06. (A) In emergencies arising at a mine because of accident, death, illness, or any other cause, an operator may appoint noncertificate persons as forepersons and fire bosses to act until certified forepersons and fire bosses satisfactory to the operator can be secured. Such appointee may not serve in such capacity for a period longer than six months or until such time thereafter as an examination is held for such certified persons under section 1561.13 of the Revised Code. The employer of such noncertificate person shall, upon appointment of such noncertificate person in this capacity, forward the name of such noncertificate person to the chief of the division of mineral resources management.

(B) An operator may appoint as a temporary foreperson or fire boss a noncertificate person who is within six months of possessing the necessary actual practical experience to qualify to take the examination for certification for the position to which the person is temporarily appointed. Upon appointment of a noncertificate person, the operator shall forward the name, social security number, and brief summary of the person's actual practical experience to the ~~mine-examining-board~~ chief, and the ~~board~~ chief shall issue the person a temporary certificate for the position to which the person has been temporarily appointed. A

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temporary certificate issued under this division is valid for six 10523
months or until such time thereafter as an examination is held 10524
under section 1561.13 of the Revised Code for the position to 10525
which the person has been temporarily appointed. 10526

(C) A person who possesses a valid certificate issued by 10527
another state for a position for which the ~~mine-examining board~~ 10528
chief issues a certificate shall be eligible for a temporary 10529
certificate from the ~~board~~ chief upon presentation to the ~~board~~ 10530
chief of a copy of the certificate from that other state. A 10531
temporary certificate issued under this division shall be valid 10532
for six months. 10533

No operator of a mine shall violate or fail to comply with 10534
this section. 10535

Sec. 1565.07. The superintendent in charge of a mine shall 10536
direct the mine foreperson in such manner as is necessary to 10537
secure compliance with this chapter and Chapters 1561., 1563., and 10538
1567. and sections 1509.18 and 1509.19 of the Revised Code. The 10539
superintendent may act as mine foreperson, but if the 10540
superintendent does so act regularly, the superintendent shall 10541
obtain a certificate from the ~~mine-examining board~~ chief of the 10542
division of mineral resources management in the same manner as the 10543
certification of mine foreperson is obtained. 10544

A person designated as a superintendent of an underground 10545
coal mine after January 1, 1977, shall, within six months after 10546
being so designated, demonstrate to the chief ~~of the division of~~ 10547
~~mineral resources management~~ that the person has knowledge of the 10548
mining laws of this state governing the operation of underground 10549
coal mines either by presenting evidence that the person has 10550
passed a mine foreperson examination given by the ~~mine-examining~~ 10551
~~board~~ chief or an examination given by the chief concerning the 10552
laws of this state governing the operation of underground coal 10553

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mines. 10554

No person shall refuse or neglect to comply with this 10555

section. 10556

Sec. 1565.08. If a person certified by the ~~mine-examining~~ 10557

~~board~~ chief of the division of mineral resources management 10558

purposely violates the mining laws, the person's certificate may 10559

be revoked by the chief after investigation and a hearing in 10560

accordance with Chapter 119. of the Revised Code, ~~by the chief of~~ 10561

~~the division of mineral resources management, with the approval of~~ 10562

~~the mine-examining board.~~ 10563

No person whose license, certificate, or similar authority to 10564

perform any certifiable mining duties in another state is 10565

suspended or revoked by that state shall be certified for an 10566

equivalent mining certificate in this state during the period of 10567

the suspension or revocation in the other state. 10568

Sec. 1565.25. On receipt of a notice pursuant to section 10569

3123.43 of the Revised Code, the ~~mine-examining board~~ chief of the 10570

division of mineral resources management shall comply with 10571

sections 3123.41 to 3123.50 of the Revised Code and any applicable 10572

rules adopted under section 3123.63 of the Revised Code with 10573

respect to a certificate issued pursuant to this chapter. 10574

Sec. 1701.05. (A) Except as provided in this section, and in 10575

sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 10576

sections relate to the reorganization, merger, and consolidation 10577

of corporations, the corporate name of a domestic corporation 10578

shall comply with all of the following: 10579

(1) It shall end with or include the word or abbreviation 10580

"company," "co.," "corporation," "corp.," "incorporated," or 10581

"inc." 10582

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(2) It shall be distinguishable upon the records in the office of the secretary of state from all of the following:

(a) The name of any other corporation, whether nonprofit or for profit and whether that of a domestic or of a foreign corporation authorized to do business in this state;

(b) The name of any limited liability company registered in the office of the secretary of state pursuant to Chapter 1705. of the Revised Code, whether domestic or foreign;

(c) The name of any limited liability partnership registered in the office of the secretary of state pursuant to Chapter 1775. of the Revised Code, whether domestic or foreign;

(d) The name of any limited partnership registered in the office of the secretary of state pursuant to Chapter 1782. of the Revised Code, whether domestic or foreign;

(e) Any trade name the exclusive right to which is at the time in question registered in the office of the secretary of state pursuant to Chapter 1329. of the Revised Code.

(3) It shall not contain any language that indicates or implies that the corporation is connected with a government agency of this state, another state, or the United States.

(B) The secretary of state shall determine for purposes of this section whether a name is "distinguishable" from another name upon the secretary of state's records. Without excluding other names that may not constitute distinguishable names in this state, a name is not considered distinguishable from another name for purposes of this section solely because it differs from the other name in only one or more of the following manners:

(1) The use of the word "corporation," "company," "incorporated," "limited," or any abbreviation of any of those words;

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(2) The use of any article, conjunction, contraction, 10613
abbreviation, or punctuation; 10614

(3) The use of a different tense or number of the same word. 10615

(C) A corporation may apply to the secretary of state for 10616
authorization to use a name that is not distinguishable upon the 10617
secretary of state's records from the name of any other 10618
corporation, limited liability company, limited liability 10619
partnership, or limited partnership, or from a registered trade 10620
name, if there also is filed in the office of the secretary of 10621
state, on a form prescribed by the secretary of state, the consent 10622
of the other entity or, in the case of a registered trade name, 10623
the person in whose name is registered the exclusive right to use 10624
the name, which consent is evidenced in a writing signed by any 10625
authorized officer or any authorized representative of the other 10626
entity or person. 10627

(D) In case of judicial sale or judicial transfer, by sale or 10628
transfer of good will or otherwise, of the right to use the name 10629
of a corporation, whether nonprofit or for profit, and whether 10630
that of a domestic corporation or of a foreign corporation 10631
authorized to exercise its corporate privileges in this state or 10632
to do business in this state, the secretary of state, at the 10633
instance of the purchaser or transferee of such right, shall 10634
accept for filing articles of a corporation with a name the same 10635
as or similar to the name of such other corporation, if there also 10636
is filed in the office of the secretary of state a certified copy 10637
of the decree or order of court confirming or otherwise evidencing 10638
the purchase or transfer. 10639

(E) Any person who wishes to reserve a name for a proposed 10640
new corporation, or any corporation intending to change its name, 10641
may submit to the secretary of state a written application, on a 10642
form prescribed by the secretary of state, for the exclusive right 10643
to use a specified name as the name of a corporation. If the 10644

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secretary of state finds that, under this section, the specified
name is available for such use, the secretary of state shall file
the application and, from the date of the filing, the applicant
shall have the exclusive right for ~~sixty~~ one hundred eighty days
to use the specified name as the name of a corporation, counting
the date of such filing as the first of ~~sixty~~ one hundred eighty
days. The right so obtained may be transferred by the applicant or
other holder thereof by the filing in the office of the secretary
of state of a written transfer, on a form prescribed by the
secretary of state, stating the name and address of the
transferee.

~~(F) For filing under this section any application or other
document, other than articles or a consent to the use of a name,
the secretary of state shall charge and collect a fee of five
dollars.~~

Sec. 1701.07. (A) Every corporation shall have and maintain
an agent, sometimes referred to as the "statutory agent," upon
whom any process, notice, or demand required or permitted by
statute to be served upon a corporation may be served. The agent
may be a natural person who is a resident of this state or may be
a domestic corporation or a foreign corporation holding a license
as such under the laws of this state, that is authorized by its
articles of incorporation to act as such agent and that has a
business address in this state.

(B) The secretary of state shall not accept original articles
for filing unless there is filed with the articles a written
appointment of an agent that is signed by the incorporators of the
corporation or a majority of them and a written acceptance of the
appointment that is signed by the agent. In all other cases, the
corporation shall appoint the agent and shall file in the office
of the secretary of state a written appointment of the agent that

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is signed by any authorized officer of the corporation and a
written acceptance of the appointment that is either the original
acceptance signed by the agent or a photocopy, facsimile, or
similar reproduction of the original acceptance signed by the
agent.

(C) The written appointment of an agent shall set forth the
name and address in this state of the agent, including the street
and number or other particular description, and shall otherwise be
in such form as the secretary of state prescribes. The secretary
of state shall keep a record of the names of corporations, and the
names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns,
the corporation shall forthwith appoint another agent and file
with the secretary of state, on a form prescribed by the secretary
of state, a written appointment of the agent.

(E) Unless the change is reported on the annual report filed
with the department of taxation, if the agent changes the agent's
address from that appearing upon the record in the office of the
secretary of state, the corporation or the agent shall forthwith
file with the secretary of state, on a form prescribed by the
secretary of state, a written statement setting forth the new
address.

(F) An agent may resign by filing with the secretary of
state, on a form prescribed by the secretary of state, a written
notice to that effect that is signed by the agent and by sending a
copy of the notice to the corporation at the current or last known
address of its principal office on or prior to the date the notice
is filed with the secretary of state. The notice shall set forth
the name of the corporation, the name and current address of the
agent, the current or last known address, including the street and
number or other particular description, of the corporation's
principal office, the resignation of the agent, and a statement

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that a copy of the notice has been sent to the corporation within
the time and in the manner prescribed by this division. Upon the
expiration of thirty days after the filing, the authority of the
agent shall terminate.

(G) A corporation may revoke the appointment of an agent by
filing with the secretary of state, on a form prescribed by the
secretary of state, a written appointment of another agent and a
statement that the appointment of the former agent is revoked.

(H) Any process, notice, or demand required or permitted by
statute to be served upon a corporation may be served upon the
corporation by delivering a copy of it to its agent, if a natural
person, or by delivering a copy of it at the address of its agent
in this state, as the address appears upon the record in the
office of the secretary of state. If (1) the agent cannot be
found, or (2) the agent no longer has that address, or (3) the
corporation has failed to maintain an agent as required by this
section, and if in any such case the party desiring that the
process, notice, or demand be served, or the agent or
representative of the party, shall have filed with the secretary
of state an affidavit stating that one of the foregoing conditions
exists and stating the most recent address of the corporation that
the party after diligent search has been able to ascertain, then
service of process, notice, or demand upon the secretary of state,
as the agent of the corporation, may be initiated by delivering to
the secretary of state or at the secretary of state's office
quadruplicate copies of such process, notice, or demand and by
paying to the secretary of state a fee of five dollars. The
secretary of state shall forthwith give notice of the delivery to
the corporation at its principal office as shown upon the record
in the secretary of state's office and at any different address
shown on its last franchise tax report filed in this state, or to
the corporation at any different address set forth in the above

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mentioned affidavit, and shall forward to the corporation at said
addresses, by certified mail, with request for return receipt, a
copy of the process, notice, or demand; and thereupon service upon
the corporation shall be deemed to have been made.

(I) The secretary of state shall keep a record of each
process, notice, and demand delivered to the secretary of state or
at the secretary of state's office under this section or any other
law of this state that authorizes service upon the secretary of
state, and shall record the time of the delivery and the action
thereafter with respect thereto.

(J) This section does not limit or affect the right to serve
any process, notice, or demand upon a corporation in any other
manner permitted by law.

(K) Every corporation shall state in each annual report filed
by it with the department of taxation the name and address of its
statutory agent.

(L) Except when an original appointment of an agent is filed
with the original articles, a written appointment of an agent or a
written statement filed by a corporation with the secretary of
state shall be signed by any authorized officer of the corporation
or by the incorporators of the corporation or a majority of them
if no directors have been elected.

(M) For filing a written appointment of an agent other than
one filed with original articles, and for filing a statement of
change of address of an agent, the secretary of state shall charge
and collect ~~a~~ the fee specified in division (R) of three dollars
section 111.16 of the Revised Code.

(N) Upon the failure of a corporation to appoint another
agent or to file a statement of change of address of an agent, the
secretary of state shall give notice thereof by certified mail to
the corporation at the address set forth in the notice of

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resignation or on the last franchise tax return filed in this
state by the corporation. Unless the default is cured within
thirty days after the mailing by the secretary of state of the
notice or within any further period of time that the secretary of
state grants, upon the expiration of that period of time from the
date of the mailing, the articles of the corporation shall be
canceled without further notice or action by the secretary of
state. The secretary of state shall make a notation of the
cancellation on the secretary of state's records.

A corporation whose articles have been canceled may be
reinstated by filing, on a form prescribed by the secretary of
state, an application for reinstatement and the required
appointment of agent or required statement, and by paying ~~a~~ the
filing fee specified in division (O) of ~~ten dollars~~ section 111.16
of the Revised Code. The rights, privileges, and franchises of a
corporation whose articles have been reinstated are subject to
section 1701.922 of the Revised Code. The secretary of state shall
furnish the tax commissioner a monthly list of all corporations
canceled and reinstated under this division.

(O) This section does not apply to banks, trust companies,
insurance companies, or any corporation defined under the laws of
this state as a public utility for taxation purposes.

Sec. 1701.81. (A) Upon adoption by each constituent entity of
an agreement of merger or consolidation pursuant to section
1701.78, 1701.781, 1701.79, 1701.791, 1701.80, or 1701.801 of the
Revised Code, a certificate of merger or consolidation shall be
filed with the secretary of state that is signed by any authorized
representative of each constituent corporation, partnership, or
other entity. The certificate shall be on a form prescribed by the
secretary of state and shall set forth only the information
required by this section.

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(B)(1) The certificate of merger or consolidation shall set forth all of the following:

(a) The name and the form of entity of each constituent entity and the state under the laws of which each constituent entity exists;

(b) A statement that each constituent entity has complied with all of the laws under which it exists and that the laws permit the merger or consolidation;

(c) The name and mailing address of the person or entity that is to provide, in response to any written request made by a shareholder, partner, or other equity holder of a constituent entity, a copy of the agreement of merger or consolidation;

(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;

(e) The signature of each representative authorized to sign the certificate on behalf of each constituent entity and the office held or the capacity in which the representative is acting;

(f) A statement that the agreement of merger or consolidation is authorized on behalf of each constituent entity and that each person who signed the certificate on behalf of each entity is authorized to do so;

(g) In the case of a merger, a statement that one or more specified constituent entities will be merged into a specified surviving entity or, in the case of a consolidation, a statement that the constituent entities will be consolidated into a new entity;

(h) In the case of a merger, if the surviving entity is a foreign entity not licensed to transact business in this state, the name and address of the statutory agent upon whom any process, notice, or demand against any constituent entity may be served;

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(i) In the case of a consolidation, the name and address of 10832
the statutory agent upon whom any process, notice, or demand 10833
against any constituent entity or the new entity may be served. 10834

(2) In the case of a consolidation into a new domestic 10835
corporation, limited liability company, or limited partnership, 10836
the articles of incorporation, the articles of organization, or 10837
the certificate of limited partnership of the new domestic entity 10838
shall be filed with the certificate of merger or consolidation. 10839

(3) In the case of a merger into a domestic corporation, 10840
limited liability company, or limited partnership, any amendments 10841
to the articles of incorporation, articles of organization, or 10842
certificate of limited partnership of the surviving domestic 10843
entity shall be filed with the certificate of merger or 10844
consolidation. 10845

(4) If the surviving or new entity is a foreign entity that 10846
desires to transact business in this state as a foreign 10847
corporation, limited liability company, or limited partnership, 10848
the certificate of merger or consolidation shall be accompanied by 10849
the information required by division (B)(8), (9), or (10) of 10850
section 1701.791 of the Revised Code. 10851

(5) If a foreign or domestic corporation licensed to transact 10852
business in this state is a constituent entity and the surviving 10853
or new entity resulting from the merger or consolidation is not a 10854
foreign or domestic corporation that is to be licensed to transact 10855
business in this state, the certificate of merger or consolidation 10856
shall be accompanied by the affidavits, receipts, certificates, or 10857
other evidence required by division (H) of section 1701.86 of the 10858
Revised Code, with respect to each domestic constituent 10859
corporation, and by the affidavits, receipts, certificates, or 10860
other evidence required by division (C) or (D) of section 1703.17 10861
of the Revised Code, with respect to each foreign constituent 10862
corporation licensed to transact business in this state. 10863

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(C) If any constituent entity in a merger or consolidation is organized or formed under the laws of a state other than this state or under any chapter of the Revised Code other than this chapter, there also shall be filed in the proper office all documents that are required to be filed in connection with the merger or consolidation by the laws of that state or by that chapter.

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(D) Upon the filing of a certificate of merger or consolidation and other filings as described in division (C) of this section or at such later date as the certificate of merger or consolidation specifies, the merger or consolidation is effective.

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(E) The secretary of state shall furnish, upon request and payment of ~~a~~ the fee specified in division (D) of ten dollars section 111.16 of the Revised Code, the secretary of state's certificate setting forth the name and the form of entity of each constituent entity and the states under the laws of which each constituent entity existed prior to the merger or consolidation, the name and the form of entity of the surviving or new entity and the state under the laws of which the surviving entity exists or the new entity is to exist, the date of filing of the certificate of merger or consolidation with the secretary of state, and the effective date of the merger or consolidation. The certificate of the secretary of state, or a copy of the certificate of merger or consolidation certified by the secretary of state, may be filed for record in the office of the recorder of any county in this state and, if filed, shall be recorded in the records of deeds for that county. For that recording, the county recorder shall charge and collect the same fee as in the case of deeds.

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Sec. 1702.05. (A) Except as provided in this section and in sections 1702.41 and 1702.45 of the Revised Code, the secretary of

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state shall not accept for filing in the secretary of state's 10895
office any articles if the corporate name set forth in the 10896
articles is not distinguishable upon the secretary of state's 10897
records from any of the following: 10898

(1) The name of any other corporation, whether a nonprofit 10899
corporation or a business corporation and whether that of a 10900
domestic or of a foreign corporation authorized to do business in 10901
this state; 10902

(2) The name of any limited liability company registered in 10903
the office of the secretary of state pursuant to Chapter 1705. of 10904
the Revised Code, whether domestic or foreign; 10905

(3) The name of any limited liability partnership registered 10906
in the office of the secretary of state pursuant to Chapter 1775. 10907
of the Revised Code, whether domestic or foreign; 10908

(4) The name of any limited partnership registered in the 10909
office of the secretary of state pursuant to Chapter 1782. of the 10910
Revised Code, whether domestic or foreign; 10911

(5) Any trade name, the exclusive right to which is at the 10912
time in question registered in the office of the secretary of 10913
state pursuant to Chapter 1329. of the Revised Code. 10914

(B) The secretary of state shall determine for purposes of 10915
this section whether a name is "distinguishable" from another name 10916
upon the secretary of state's records. Without excluding other 10917
names that may not constitute distinguishable names in this state, 10918
a name is not considered distinguishable from another name for 10919
purposes of this section solely because it differs from the other 10920
name in only one or more of the following manners: 10921

(1) The use of the word "corporation," "company," 10922
"incorporated," "limited," or any abbreviation of any of those 10923
words; 10924

(2) The use of any article, conjunction, contraction, 10925

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abbreviation, or punctuation; 10926

(3) The use of a different tense or number of the same word. 10927

(C) A corporation may apply to the secretary of state for 10928
authorization to use a name that is not distinguishable upon the 10929
secretary of state's records from the name of any other 10930
corporation, any limited liability company, limited liability 10931
partnership, or limited partnership, or from a registered trade 10932
name, if there also is filed in the office of the secretary of 10933
state, on a form prescribed by the secretary of state, the consent 10934
of the other entity, or, in the case of a registered trade name, 10935
the person in whose name is registered the exclusive right to use 10936
the name, which consent is evidenced in a writing signed by any 10937
authorized officer or authorized representative of the other 10938
entity or person. 10939

(D) In case of judicial sale or judicial transfer, by sale or 10940
transfer of good will or otherwise, of the right to use the name 10941
of a nonprofit corporation or business corporation, whether that 10942
of a domestic corporation or of a foreign corporation authorized 10943
to exercise its corporate privileges in this state or to do 10944
business in this state, the secretary of state, at the instance of 10945
the purchaser or transferee of such right, shall accept for filing 10946
articles of a corporation with a name the same as or similar to 10947
the name of such other corporation, if there also is filed in the 10948
office of the secretary of state a certified copy of the decree or 10949
order of court confirming or otherwise evidencing the purchase or 10950
transfer. 10951

(E) Any person who wishes to reserve a name for a proposed 10952
new corporation, or any corporation intending to change its name, 10953
may submit to the secretary of state a written application, on a 10954
form prescribed by the secretary of state, for the exclusive right 10955
to use a specified name as the name of a corporation. If the 10956
secretary of state finds that, under this section, the specified 10957

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name is available for such use, the secretary of state shall file 10958
such application, and, from the date of such filing, such 10959
applicant shall have the exclusive right for ~~sixty~~ one hundred 10960
eighty days to use the specified name as the name of a 10961
corporation, counting the date of such filing as the first of the 10962
~~sixty~~ one hundred eighty days. The right so obtained may be 10963
transferred by the applicant or other holder of the right by the 10964
filing in the office of the secretary of state of a written 10965
transfer, on a form prescribed by the secretary of state, stating 10966
the name and address of the transferee. 10967

~~(F) For filing under this section any application or other 10968
document, other than articles or a consent to the use of a name, 10969
the secretary of state shall charge and collect a fee of five 10970
dollars. 10971~~

Sec. 1702.06. (A) Every corporation shall have and maintain 10972
an agent, sometimes referred to as the "statutory agent," upon 10973
whom any process, notice, or demand required or permitted by 10974
statute to be served upon a corporation may be served. The agent 10975
may be a natural person who is a resident of this state, or may be 10976
a domestic or foreign business corporation holding a license as 10977
such under the laws of this state that is authorized by its 10978
articles of incorporation to act as such agent, and that has a 10979
business address in this state. 10980

(B) The secretary of state shall not accept original articles 10981
for filing unless there is filed with the articles a written 10982
appointment of an agent signed by the incorporators of the 10983
corporation or a majority of them and a written acceptance of the 10984
appointment signed by the agent. In all other cases, the 10985
corporation shall appoint the agent and shall file in the office 10986
of the secretary of state a written appointment of the agent that 10987
is signed by any authorized officer of the corporation and a 10988

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written acceptance of the appointment that is either the original
acceptance signed by the agent or a photocopy, facsimile, or
similar reproduction of the original acceptance signed by the
agent.

(C) The written appointment of an agent shall set forth the
name and address in this state of the agent, including the street
and number or other particular description, and shall otherwise be
in such form as the secretary of state prescribes. The secretary
of state shall keep a record of the names of corporations and the
names and addresses of their respective agents.

(D) If any agent dies, removes from the state, or resigns,
the corporation shall forthwith appoint another agent and file
with the secretary of state, on a form prescribed by the secretary
of state, a written appointment of that agent.

(E) If the agent changes the agent's address from that
appearing upon the record in the office of the secretary of state,
the corporation or the agent shall forthwith file with the
secretary of state, on a form prescribed by the secretary of
state, a written statement setting forth the new address.

(F) An agent may resign by filing with the secretary of
state, on a form prescribed by the secretary of state, a written
notice to that effect that is signed by the agent and by sending a
copy of the notice to the corporation at the current or last known
address of its principal office on or prior to the date that
notice is filed with the secretary of state. The notice shall set
forth the name of the corporation, the name and current address of
the agent, the current or last known address, including the street
and number or other particular description, of the corporation's
principal office, the resignation of the agent, and a statement
that a copy of the notice has been sent to the corporation within
the time and in the manner prescribed by this division. Upon the
expiration of sixty days after such filing, the authority of the

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agent shall terminate.

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(G) A corporation may revoke the appointment of an agent by filing with the secretary of state, on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

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(H) Any process, notice, or demand required or permitted by statute to be served upon a corporation may be served upon the corporation by delivering a copy of it to its agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as such address appears upon the record in the office of the secretary of state. If (1) the agent cannot be found, or (2) the agent no longer has that address, or (3) the corporation has failed to maintain an agent as required by this section, and if in any such case the party desiring that such process, notice, or demand be served, or the agent or representative of the party, shall have filed with the secretary of state an affidavit stating that one of the foregoing conditions exists and stating the most recent address of the corporation that the party after diligent search has been able to ascertain, then service of process, notice, or demand upon the secretary of state, as the agent of the corporation, may be initiated by delivering to the secretary of state or at the secretary of state's office triplicate copies of such process, notice, or demand and by paying to the secretary of state a fee of five dollars. The secretary of state shall forthwith give notice of such delivery to the corporation at its principal office as shown upon the record in the secretary of state's office and also to the corporation at any different address set forth in the above mentioned affidavit, and shall forward to the corporation at each of those addresses, by certified mail, with request for return receipt, a copy of such process, notice, or demand; and thereupon service upon the corporation shall be deemed to have been made.

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(I) The secretary of state shall keep a record of each 11053
process, notice, and demand delivered to the secretary of state or 11054
at the secretary of state's office under this section or any other 11055
law of this state that authorizes service upon the secretary of 11056
state, and shall record the time of such delivery and the 11057
secretary of state's action thereafter with respect thereto. 11058

(J) This section does not limit or affect the right to serve 11059
any process, notice, or demand upon a corporation in any other 11060
manner permitted by law. 11061

(K) Except when an original appointment of an agent is filed 11062
with the original articles, a written appointment of an agent or a 11063
written statement filed by a corporation with the secretary of 11064
state shall be signed by any authorized officer of the corporation 11065
or by the incorporators of the corporation or a majority of them 11066
if no directors have been elected. 11067

(L) For filing a written appointment of an agent other than 11068
one filed with original articles, and for filing a statement of 11069
change of address of an agent, the secretary of state shall charge 11070
and collect ~~a~~ the fee specified in division (R) of three dollars 11071
section 111.16 of the Revised Code. 11072

(M) Upon the failure of any corporation to appoint another 11073
agent or to file a statement of change of address of an agent, the 11074
secretary of state shall give notice thereof by certified mail to 11075
the corporation at the address set forth in the notice of 11076
resignation or on the most recent statement of continued existence 11077
filed in this state by the corporation. Unless the failure is 11078
cured within thirty days after the mailing by the secretary of 11079
state of the notice or within any further period the secretary of 11080
state grants, upon the expiration of that period, the articles of 11081
the corporation shall be canceled without further notice or action 11082
by the secretary of state. The secretary of state shall make a 11083
notation of the cancellation on the secretary of state's records. 11084

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A corporation whose articles have been canceled may be reinstated
by filing, on a form prescribed by the secretary of state, an
application for reinstatement and the required appointment of
agent or required statement, and by paying ~~a~~ the filing fee
specified in division (Q) of ~~ten dollars~~ section 111.16 of the
Revised Code. The rights, privileges, and franchises of a
corporation whose articles have been reinstated are subject to
section 1702.60 of the Revised Code. The secretary of state shall
furnish the tax commissioner a monthly list of all corporations
canceled and reinstated under this division.

(N) This section does not apply to banks, trust companies,
insurance companies, or any corporation defined under the laws of
this state as a public utility for taxation purposes.

Sec. 1702.43. (A) Upon adoption by each constituent
corporation of an agreement of merger or consolidation pursuant to
section 1702.42 or 1702.45 of the Revised Code, a certificate of
merger or consolidation, signed by any authorized representative
of each constituent corporation, shall be filed with the secretary
of state. The certificate shall be on a form prescribed by the
secretary of state and shall set forth only the information
required by this section.

(1) The certificate of merger or consolidation shall set
forth all of the following:

(a) The name of each constituent entity and the state under
whose laws each constituent entity exists;

(b) A statement that each constituent entity has complied
with all of the laws under which it exists and that the laws
permit the merger or consolidation;

(c) The name and mailing address of the person or entity that
is to provide, in response to any written request made by a member

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or other person, a copy of the agreement of merger or
consolidation; 11115
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(d) The effective date of the merger or consolidation, which
date may be on or after the date of the filing of the certificate; 11117
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(e) The signature of each representative authorized to sign
the certificate on behalf of each constituent entity and the
office each representative authorized to sign holds or the
capacity in which the representative is acting; 11119
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(f) A statement that the agreement of merger or consolidation
is authorized on behalf of each constituent entity and that each
person who signed the certificate on behalf of each entity is
authorized to do so; 11123
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(g) In the case of a merger, a statement that one or more
specified constituent entities will be merged into a specified
surviving entity or, in the case of a consolidation, a statement
that the constituent entities will be consolidated into a new
entity; 11127
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(h) In the case of a merger, if the surviving entity is a
foreign entity not licensed to transact business in this state,
the name and address of the statutory agent upon whom any process,
notice, or demand may be served; 11132
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(i) In the case of a consolidation, the name and address of
the statutory agent upon whom any process, notice, or demand
against any constituent entity or the new entity may be served. 11136
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(2) In the case of a consolidation into a new domestic
corporation, the certificate of consolidation shall be accompanied
by a copy of the articles of incorporation of the new domestic
corporation. 11139
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(3) In the case of a merger into a domestic corporation, the
certificate of merger shall be accompanied by a copy of any 11143
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amendments to the articles of incorporation of the surviving 11145
domestic corporation. 11146

(4) If the surviving or new entity is a foreign entity that 11147
desires to transact business in this state as a foreign 11148
corporation, the certificate of merger or consolidation shall 11149
contain a statement to that effect and a statement with respect to 11150
the appointment of the statutory agent and with respect to the 11151
consent to service of any process, notice, or demand upon that 11152
statutory agent or the secretary of state, as required when a 11153
foreign corporation applies for a certificate authorizing it to 11154
transact business in this state. 11155

(5) If a domestic or foreign corporation licensed to transact 11156
business in this state is a constituent entity and the surviving 11157
or new entity resulting from the merger or consolidation is not a 11158
domestic or foreign corporation that is to be licensed to transact 11159
business in this state, the certificate of merger or consolidation 11160
shall be accompanied by the affidavits, receipts, certificates, or 11161
other evidence required by division (G) of section 1702.47 of the 11162
Revised Code, with respect to each domestic corporation, and by 11163
the affidavits, receipts, certificates, or other evidence required 11164
by division (C) or (D) of section 1703.17 of the Revised Code, 11165
with respect to each foreign constituent corporation licensed to 11166
transact business in this state. 11167

(B) If any constituent entity in a merger or consolidation is 11168
organized or formed under the laws of a state other than this 11169
state or under any chapter of the Revised Code other than this 11170
chapter, there also shall be filed in the proper office all 11171
documents that are required to be filed in connection with the 11172
merger or consolidation by the laws of that state or by that 11173
chapter. 11174

(C) Upon the filing of a certificate of merger or 11175
consolidation and other filings as described in division (B) of 11176

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this section, or at such later date as the certificate of merger
or consolidation specifies, the merger or consolidation shall
become effective.

(D) The secretary of state shall furnish, upon request and
payment of ~~a the fee specified in division (D) of ten dollars~~
section 111.16 of the Revised Code, a certificate setting forth
the name of each constituent entity and the state under whose laws
each constituent entity existed prior to the merger or
consolidation, the name of the surviving or new entity and the
state under whose laws the surviving entity exists or the new
entity is to exist, the date of filing of the certificate of
merger or consolidation with the secretary of state, and the
effective date of the merger or consolidation. The certificate of
the secretary of state or a copy of the merger or consolidation
certified by the secretary of state may be filed for record in the
office of the recorder of any county in this state and, if filed,
shall be recorded in the records of deeds for that county. For
that recording, the county recorder shall charge and collect the
same fee as in the case of deeds.

Sec. 1702.59. (A) Every nonprofit corporation, incorporated
under the general corporation laws of this state, or previous
laws, or under special provisions of the Revised Code, or created
before September 1, 1851, which corporation has expressly or
impliedly elected to be governed by the laws passed since that
date, and whose articles or other documents are filed with the
secretary of state, shall file with the secretary of state a
verified statement of continued existence, signed by a director,
officer, or three members in good standing, setting forth the
corporate name, the place where the principal office of the
corporation is located, the date of incorporation, the fact that
the corporation is still actively engaged in exercising its
corporate privileges, and the name and address of its agent

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appointed pursuant to section 1702.06 of the Revised Code. 11209

(B) Each corporation required to file a statement of 11210
continued existence shall file it with the secretary of state 11211
within each five years after the date of incorporation or of the 11212
last corporate filing. ~~For filing such statements of continued~~ 11213
~~existence, the secretary of state shall charge and collect a fee~~ 11214
~~of five dollars.~~ 11215

(C) Corporations specifically exempted by division (N) of 11216
section 1702.06 of the Revised Code, or whose activities are 11217
regulated or supervised by another state official, agency, bureau, 11218
department, or commission are exempted from this section. 11219

(D) The secretary of state shall give notice in writing and 11220
provide a form for compliance with this section to each 11221
corporation required by this section to file the statement of 11222
continued existence, such notice and form to be mailed to the last 11223
known address of the corporation as it appears on the records of 11224
the secretary of state or which the secretary of state may 11225
ascertain upon a reasonable search. 11226

(E) ~~In the event~~ If any nonprofit corporation required by 11227
this section to file a statement of continued existence fails to 11228
file the statement required every fifth year, then the secretary 11229
of state shall cancel the articles of such corporation, make a 11230
notation of the cancellation on the records, and mail to the 11231
corporation a certificate of the action so taken. 11232

(F) A corporation whose articles have been canceled may be 11233
reinstated by filing an application for reinstatement and paying 11234
to the secretary of state ~~a~~ the fee specified in division (Q) of 11235
~~ten dollars~~ section 111.16 of the Revised Code. The name of a 11236
corporation whose articles have been canceled shall be reserved 11237
for a period of one year after the date of cancellation. If the 11238
reinstatement is not made within one year from the date of the 11239
cancellation of its articles of incorporation and it appears that 11240

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a corporate name, limited liability company name, limited
liability partnership name, limited partnership name, or trade
name has been filed, the name of which is not distinguishable upon
the record as provided in section 1702.06 of the Revised Code, the
applicant for reinstatement shall be required by the secretary of
state, as a condition prerequisite to such reinstatement, to amend
its articles by changing its name. A certificate of reinstatement
may be filed in the recorder's office of any county in the state,
for which the recorder shall charge and collect a fee of one
dollar. The rights, privileges, and franchises of a corporation
whose articles have been reinstated are subject to section 1702.60
of the Revised Code.

(G) The secretary of state shall furnish the tax commissioner
a list of all corporations failing to file the required statement
of continued existence.

Sec. 1703.04. (A) To procure a license to transact business
in this state, a foreign corporation for profit shall file with
the secretary of state a certificate of good standing or
subsistence, dated not earlier than ninety days prior to the
filing of the application, under the seal of the secretary of
state, or other proper official, of the state under the laws of
which said corporation was incorporated, setting forth:

(1) The exact corporate title;

(2) The date of incorporation;

(3) The fact that the corporation is in good standing or is a
subsisting corporation.

(B) To procure such a license, such corporation also shall
file with the secretary of state an application in such form as
the secretary of state prescribes, verified by the oath of any
authorized officer of such corporation, setting forth, but not
limited to:

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- (1) The name of the corporation and, if its corporate name is not available, the trade name under which it will do business in this state; 11272 11273 11274
- (2) The name of the state under the laws of which it was incorporated; 11275 11276
- (3) The location and complete address of its principal office; 11277 11278
- (4) The name of the county and the municipal corporation or township in which its principal office within this state, if any, is to be located; 11279 11280 11281
- (5) The appointment of a designated agent and the complete address of such agent; 11282 11283
- (6) The irrevocable consent of such corporation to service of process on such agent so long as the authority of such agent continues and to service of process upon the secretary of state in the events provided for in section 1703.19 of the Revised Code; 11284 11285 11286 11287
- (7) A brief summary of the corporate purposes to be exercised within this state. 11288 11289
- ~~(C) Upon the filing by a foreign corporation for profit of an application for a license to transact business in this state, the corporation shall pay a filing fee of one hundred dollars to the secretary of state.~~ 11290 11291 11292 11293
- ~~(D)~~(1) No such application for a license shall be accepted for filing if it appears that the name of the foreign corporation is prohibited by law or is not distinguishable upon the records in the office of the secretary of state from the name of any other corporation, whether nonprofit or for profit and whether that of a domestic corporation or of a foreign corporation authorized to transact business in this state, the name of a limited liability company registered in the office of the secretary of state 11294 11295 11296 11297 11298 11299 11300 11301

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pursuant to Chapter 1705. of the Revised Code, whether domestic or 11302
foreign, the name of any limited liability partnership registered 11303
in the office of the secretary of state pursuant to Chapter 1775. 11304
of the Revised Code, whether domestic or foreign, the name of any 11305
limited partnership registered in the office of the secretary of 11306
state pursuant to Chapter 1782. of the Revised Code, whether 11307
domestic or foreign, or a trade name to which the exclusive right 11308
at the time in question is registered in the manner provided in 11309
Chapter 1329. of the Revised Code, unless there also is filed with 11310
the secretary of state, on a form prescribed by the secretary of 11311
state, the consent of the other entity or person to the use of the 11312
name, evidenced in a writing signed by any authorized officer of 11313
the other entity or authorized representative of the other person 11314
owning the exclusive right to the registered trade name. 11315

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 11316
application for a license is not acceptable for filing solely 11317
because the name of the foreign corporation is not distinguishable 11318
from the name of another entity or registered trade name, the 11319
foreign corporation may be authorized to transact business in this 11320
state by filing with the secretary of state, in addition to those 11321
items otherwise prescribed by this section, a statement signed by 11322
an authorized officer directing the foreign corporation to make 11323
application for a license to transact business in this state under 11324
an assumed business name or names that comply with the 11325
requirements of this division and stating that the foreign 11326
corporation will transact business in this state only under the 11327
assumed name or names. The application for a license shall be on a 11328
form prescribed by the secretary of state. 11329

Sec. 1703.041. (A) Every foreign corporation for profit that 11330
is licensed to transact business in this state, and every foreign 11331
nonprofit corporation that is licensed to exercise its corporate 11332
privileges in this state, shall have and maintain an agent, 11333

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sometimes referred to as the "designated agent," upon whom process 11334
against the corporation may be served within this state. The agent 11335
may be a natural person who is a resident of this state, or may be 11336
a domestic corporation for profit or a foreign corporation for 11337
profit holding a license under the laws of this state that is 11338
authorized by its articles of incorporation to act as an agent and 11339
that has a business address in this state. 11340

(B) The written appointment of a designated agent shall set 11341
forth the name and address of the agent, including the street and 11342
number or other particular description, and shall otherwise be in 11343
such form as the secretary of state prescribes. The secretary of 11344
state shall keep a record of the names of such foreign 11345
corporations and the names and addresses of their respective 11346
agents. 11347

(C) If the designated agent dies, removes from the state, or 11348
resigns, the foreign corporation shall forthwith appoint another 11349
agent and file in the office of the secretary of state ~~an~~ 11350
~~amendment to the corporation's application for a foreign license~~ 11351
~~indicating the name and address, on a form prescribed by the~~ 11352
~~secretary of state, a written appointment~~ of the new agent. 11353

(D) If the designated agent changes the agent's address from 11354
that appearing upon the record in the office of the secretary of 11355
state, the foreign corporation or the designated agent in its 11356
behalf shall forthwith file with the secretary of state ~~an~~ 11357
~~amendment to the corporation's application for a foreign license~~ 11358
~~setting forth the new address unless the change is reported on the~~ 11359
~~annual report filed with the department of taxation, on a form~~ 11360
~~prescribed by the secretary of state, a written statement setting~~ 11361
~~forth the agent's new address.~~ 11362

(E) A designated agent may resign by filing with the 11363
secretary of state, on a form prescribed by the secretary of 11364
state, a signed statement to that effect. The secretary of state 11365

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shall forthwith mail a copy of ~~such~~ the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state ~~an amendment to its application for a foreign license appointing another agent that includes,~~ on a form prescribed by the secretary of state, a written appointment of another agent and a statement that the appointment of the former agent is revoked.

(G) Process may be served upon a foreign corporation by delivering a copy of it to its designated agent, if a natural person, or by delivering a copy of it at the address of its agent in this state, as the address appears upon the record in the office of the secretary of state.

(H) This section does not limit or affect the right to serve process upon a foreign corporation in any other manner permitted by law.

(I) Every foreign corporation for profit shall state in each annual report filed by it with the department of taxation the name and address of its designated agent in this state.

Sec. 1703.15. No foreign corporation shall transact in this state any business that could not be lawfully transacted by a domestic corporation. Whenever the secretary of state finds that a foreign corporation licensed to transact business in this state is transacting in this state a business that a domestic corporation could not lawfully transact, is transacting business in this state in a corporate name that is not readily distinguishable from the name of every other corporation, limited liability company, limited liability partnership, or limited partnership, domestic or foreign, or every trade name, registered in the office of the

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secretary of state, theretofore authorized to transact business in
this state, without the consent of the other corporation, limited
liability company, limited liability partnership, limited
partnership, or trade name registrant, evidenced in writing filed
with the secretary of state pursuant to section 1703.04 of the
Revised Code, or has failed, after the death or resignation of its
designated agent or the designated agent's removal from this
state, to designate another agent as required by section 1703.041
of the Revised Code, the secretary of state shall give notice
thereof by certified mail to the corporation. Unless that failure
is cured within thirty days after the mailing by the secretary of
state of the notice or within such further period as the secretary
of state grants, the secretary of state, upon the expiration of
such period, shall cancel the license of the foreign corporation
to transact business in this state, give notice of the
cancellation to the corporation by mail, and make a notation of
the cancellation on the secretary of state's records.

A foreign corporation whose license has been canceled may be
reinstated upon its filing with the secretary of state, on a form
prescribed by the secretary of state, an application for
reinstatement accompanied by ~~a~~ the fee specified in division (Q)
~~of ten dollars~~ section 111.16 of the Revised Code. If the
application for reinstatement is submitted in a tax year or
calendar year other than that in which the cancellation occurred,
the application also shall be accompanied by a certificate of
reinstatement issued by the department of taxation. The name of a
corporation whose license has been canceled pursuant to this
section shall be reserved for a period of one year after the date
of cancellation. If the reinstatement is not made within one year
after the date of cancellation of the foreign license and it
appears that a corporate name, limited liability company name,
limited liability partnership name, limited partnership name, or

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trade name has been filed, the name of which is not 11430
distinguishable upon the record as provided in division (D) of 11431
section 1703.04 of the Revised Code, the secretary of state shall 11432
require the applicant for the reinstatement, as a condition 11433
prerequisite to such reinstatement, to apply for authorization to 11434
transact business in this state under an assumed name. 11435

Sec. 1703.17. (A) A foreign corporation may surrender its 11436
license to transact business in this state in the manner provided 11437
in this section. 11438

(B) A certificate of surrender signed by any authorized 11439
officer, or by the receiver, trustee in bankruptcy, or other 11440
liquidator of such corporation, shall be filed with the secretary 11441
of state, on a form prescribed by the secretary of state, setting 11442
forth: 11443

(1) The name of the corporation and of the state under the 11444
laws of which it is incorporated; 11445

(2) That it surrenders its license; 11446

(3) The address to which the secretary of state may mail any 11447
process against such corporation that may be served upon the 11448
secretary of state, and may mail any other notices, certificates, 11449
or statements. 11450

(C) A certificate of surrender, filed with the secretary of 11451
state, on a form prescribed by the secretary of state, shall be 11452
accompanied by: 11453

(1) A receipt, certificate, or other evidence showing the 11454
payment of all franchise, sales, use, and highway use taxes 11455
accruing up to the date of such filing, or that such payment has 11456
been adequately guaranteed; 11457

(2) A receipt, certificate, or other evidence showing the 11458
payment of all personal property taxes accruing up to the date of 11459

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such filing; 11460

(3) A receipt, certificate, or other evidence from the 11461
director of job and family services showing that all contributions 11462
due from the corporation as an employer have been paid, or that 11463
such payment has been adequately guaranteed, or that the 11464
corporation is not subject to such contributions; 11465

(4) An affidavit of the officer, or other person permitted by 11466
law, executing the certificate of surrender, containing a 11467
statement of the counties, if any, in this state in which the 11468
corporation has personal property or a statement that the 11469
corporation is of a type required to pay personal property taxes 11470
to state authorities only. 11471

(D) In lieu of the receipt, certificate, or other evidence 11472
described in divisions (C)(1), (2), and (3) of this section, a 11473
certificate of surrender may be accompanied by an affidavit of the 11474
person executing the certificate of surrender, or of an officer of 11475
the corporation, that contains a statement of the date upon which 11476
the particular department, agency, or authority was advised in 11477
writing of the scheduled date of filing the certificate of 11478
surrender and was advised in writing of the acknowledgement by the 11479
corporation that the surrender of its license does not relieve it 11480
of liability, if any, for payment of the taxes and contributions 11481
described in divisions (C)(1), (2), and (3) of this section. 11482

(E) In lieu of filing such certificate of surrender there may 11483
be filed a certificate of the secretary of state, or other proper 11484
official, of the state under the laws of which the corporation is 11485
incorporated, certifying that said corporation has been dissolved 11486
or its corporate existence otherwise terminated, or a certified 11487
copy of an order of court terminating the existence of such 11488
corporation; but such certificate or certified copy shall be 11489
accompanied by the information required by division (B)(3) of this 11490
section. 11491

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(F) ~~For~~ After the payment of the fee specified in division 11492
(N)(2) of section 111.16 of the Revised Code and the filing of any 11493
such certificate or certified copy under this section, ~~there shall~~ 11494
~~be paid to the secretary of state a filing fee of twenty-five~~ 11495
~~dollars. The~~ the secretary of state shall ~~thereupon~~ cancel the 11496
license of such corporation, make a notation of such cancellation 11497
upon the secretary of state's records, and mail to the corporation 11498
a certificate of the action so taken. 11499

(G) The mere retirement from business of a foreign 11500
corporation without filing a certificate of surrender shall not 11501
exempt such corporation from the requirements of filing the 11502
reports and paying the fees required by sections 1703.01 to 11503
1703.31 of the Revised Code, or from making reports and paying 11504
excise or franchise fees or taxes. 11505

Sec. 1703.27. No foreign nonprofit corporation shall exercise 11506
its corporate privileges in this state in a continual course of 11507
transactions until it has first procured from the secretary of 11508
state a certificate authorizing it to do so. 11509

Before issuing such certificate, the secretary of state shall 11510
require such foreign corporation to file in the secretary of 11511
state's office a certificate of good standing or subsistence, 11512
setting forth the exact corporate title, the date of 11513
incorporation, and the fact that the corporation is in good 11514
standing or is a subsisting corporation, certified by the 11515
secretary of state, or other proper official, of the state under 11516
the laws of which the corporation was incorporated, and a 11517
statement, on a form prescribed by the secretary of state, 11518
verified by the oath of one of its officers, setting forth, but 11519
not limited to, the following: 11520

(A) The name of the corporation; 11521

(B) The state under the laws of which it is incorporated; 11522

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(C) The location of its principal office; 11523

(D) The corporate privileges it proposes to exercise in this 11524
state; 11525

(E) The location of its principal office in this state; 11526

(F) The appointment of a designated agent and the complete 11527
address of such agent; 11528

(G) Its irrevocable consent to service of process on such 11529
agent so long as the authority of the agent continues and to 11530
service of process upon the secretary of state in the events 11531
provided for in section 1703.19 of the Revised Code. 11532

For the filing of ~~such that~~ statement, the secretary of state 11533
shall charge and collect ~~a the fee specified in division (I)(1) of~~ 11534
~~thirty-five dollars~~ section 111.16 of the Revised Code. 11535

A foreign nonprofit corporation shall file an amendment with 11536
the secretary of state if there is a modification of any of the 11537
information required to be included in its statement, except for 11538
changes in information required by division (F) of this section, 11539
which shall be corrected in the same manner as described in 11540
section 1702.06 of the Revised Code. For the filing of ~~such~~ 11541
~~amendment~~ those amendments and corrections, the secretary of state 11542
shall charge and collect ~~a the fee specified in division (B) or~~ 11543
~~(R) of fifty dollars~~ section 111.16 of the Revised Code. 11544

Sections 1703.01 to 1703.31 of the Revised Code, governing 11545
foreign corporations for profit in respect to exemption from 11546
attachment, change of location of principal office, change of its 11547
designated agent or of the designated agent's address, service on 11548
the secretary of state, license certificate as prima-facie 11549
evidence, proof of due incorporation, filing of amendments 11550
evidencing changes of corporate name, merger, or consolidation, 11551
filing of certificate of surrender, service on retired 11552
corporation, and penalties or forfeitures for transacting business 11553

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without license, for false reports, and for failure to comply with 11554
other applicable provisions of such sections, shall also apply to 11555
foreign nonprofit corporations. 11556

The secretary of state may require further reports, 11557
certificates, or information from a foreign nonprofit corporation, 11558
including verification of the continued existence of the 11559
corporation. Upon the failure of any corporation to provide the 11560
information, the secretary of state shall give notice of the 11561
failure by certified mail and, if the report is not filed within 11562
thirty days after the mailing of the notice, the license of the 11563
corporation to exercise its corporate privileges in this state 11564
shall expire and the secretary of state shall make a notation to 11565
that effect on the secretary of state's records. 11566

Sec. 1703.31. (A) Any foreign corporation may register its 11567
corporate name, if its corporate name is available for use under 11568
division (D) of section 1703.04 of the Revised Code, by filing in 11569
the office of the secretary of state an application, on a form 11570
prescribed by the secretary of state, that contains the following 11571
information: 11572

- (1) The exact corporate name to be registered; 11573
- (2) The complete address of the principal office of the 11574
corporation; 11575
- (3) The jurisdiction of its incorporation; 11576
- (4) The date of its incorporation; 11577
- (5) A statement that it is carrying on or doing business; 11578
- (6) The general nature of the business in which it is 11579
engaged; 11580
- (7) Any other information required by the secretary of state. 11581

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The application shall be signed and verified by an officer of the applicant.

The application shall be accompanied by a certificate stating that the corporation is in good standing under the laws of the jurisdiction of its incorporation, which certificate shall be executed by the official of the jurisdiction having custody of the records pertaining to corporations and dated not earlier than sixty days prior to the filing of the application.

~~A The filing fee specified in division (S)(1) of twenty-five dollars, payable to the secretary of state, section 111.16 of the Revised Code~~ shall accompany the application.

(B) Registration of a corporate name under this section is effective for a term of one year from the date of registration. Upon application, on a form prescribed by the secretary of state, filed with the secretary of state prior to the expiration of each one-year term, the registration may be renewed for an additional term. The renewal application shall set forth the facts required to be set forth in the original application for registration, together with a certificate of good standing as required for the initial registration.

The secretary of state shall notify registrants within the three months before the expiration of one year from the date of registration of the necessity of renewal by writing to the principal office address of the registrants as shown upon the current registration in effect.

~~A The renewal fee specified in division (S)(3) of twenty-five dollars~~ section 111.16 of the Revised Code, payable to the secretary of state, shall accompany the application for renewal of the registration.

Sec. 1705.05. (A) The name of a limited liability company

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shall include the words, "limited liability company," without 11613
abbreviation or shall include one of the following abbreviations: 11614
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 11615

(B)(1) Except as provided in this section and in sections 11616
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 11617
Code, the secretary of state shall not accept for filing in the 11618
secretary of state's office the articles of organization of a 11619
limited liability company if the company name set forth in the 11620
articles is not distinguishable on the records of the secretary of 11621
state from the name of any of the following: 11622

(a) Any other limited liability company, whether the name is 11623
of a domestic limited liability company or of a foreign limited 11624
liability company registered as a foreign limited liability 11625
company under this chapter; 11626

(b) Any corporation, whether the name is of a domestic 11627
corporation or of a foreign corporation holding a license as a 11628
foreign corporation under the laws of this state pursuant to 11629
Chapter 1701., 1702., or 1703. of the Revised Code; 11630

(c) Any limited liability partnership, whether the name is of 11631
a domestic limited liability partnership or a foreign limited 11632
liability partnership registered pursuant to Chapter 1775. of the 11633
Revised Code; 11634

(d) Any limited partnership, whether the name is of a 11635
domestic limited partnership or a foreign limited partnership 11636
registered pursuant to Chapter 1782. of the Revised Code; 11637

(e) Any trade name to which the exclusive right, at the time 11638
in question, is registered in the office of the secretary of state 11639
pursuant to Chapter 1329. of the Revised Code. 11640

(2) The secretary of state may accept for filing in the 11641
secretary of state's office the articles of organization of a 11642
limited liability company whose name set forth in the articles is 11643

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not distinguishable on the records of the secretary of state from 11644
any trade name or the name of another limited liability company, 11645
corporation, limited liability partnership, or limited partnership 11646
if there also is filed in the secretary of state's office the 11647
consent of the other entity or, in the case of a registered trade 11648
name, the person in whose name is registered the exclusive right 11649
to the use of the particular name. 11650

(C) A consent given by an entity or person in whose name is 11651
registered the exclusive right to use a trade name, to the use of 11652
a name by a limited liability company, shall be in the form of an 11653
instrument, prescribed by the secretary of state, that is signed 11654
by an authorized officer or other authorized representative of the 11655
consenting entity or person in whose name the trade name is 11656
registered. 11657

(D) If a judicial sale or a judicial transfer by sale, 11658
transfer of good will, or otherwise involves the right to use the 11659
name of a domestic limited liability company or of a foreign 11660
limited liability company registered as a foreign limited 11661
liability company under this chapter, then, at the request of the 11662
purchaser or transferee of that right, the secretary of state 11663
shall accept for filing articles of organization of a limited 11664
liability company with a name that is the same as or similar to 11665
the name of the other limited liability company if there also is 11666
filed in the secretary of state's office a certified copy of the 11667
court order or decree that confirms or otherwise evidences the 11668
purchase or transfer. 11669

(E) Any person that wishes to reserve a name for a proposed 11670
new limited liability company or any limited liability company 11671
that intends to change its name may submit to the secretary of 11672
state, on a form prescribed by the secretary of state, a written 11673
application for the exclusive right to use a specified name as the 11674
name of the company. If the secretary of state finds, consistent 11675

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with this section, that the specified name is available for use, 11676
the secretary of state shall file the application. From the date 11677
of the filing, the applicant has the exclusive right for ~~sixty one~~ 11678
hundred eighty days to use the specified name as the name of the 11679
limited liability company, counting the date of the filing as the 11680
first of the ~~sixty one hundred eighty~~ days. The right so obtained 11681
may be transferred by the applicant or other holder of the right 11682
by filing in the office of the secretary of state a written 11683
transfer, on a form prescribed by the secretary of state, that 11684
states the name and address of the transferee. 11685

~~(F) The secretary of state shall charge and collect a fee of 11686
five dollars for filing under this section any application or 11687
document other than articles of organization or a consent to the 11688
use of a name. 11689~~

Sec. 1705.06. (A) Each limited liability company shall 11690
maintain continuously in this state an agent for service of 11691
process on the company. The agent shall be an individual who is a 11692
resident of this state, a domestic corporation, or a foreign 11693
corporation holding a license as a foreign corporation under the 11694
laws of this state. 11695

(B)(1) The secretary of state shall not accept original 11696
articles of organization of a limited liability company for filing 11697
unless the articles are accompanied by both of the following: 11698

(a) A written appointment of an agent as described in 11699
division (A) of this section that is signed by an authorized 11700
member, manager, or other representative of the limited liability 11701
company; 11702

(b) A written acceptance of the appointment that is signed by 11703
the designated agent on a form prescribed by the secretary of 11704
state. 11705

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(2) In cases not covered by division (B)(1) of this section, 11706
the limited liability company shall appoint the agent described in 11707
division (A) of this section and shall file with the secretary of 11708
state, on a form prescribed by the secretary of state, a written 11709
appointment of that agent that is signed as described in division 11710
(K) of this section and a written acceptance of the appointment 11711
that is signed by the designated agent. 11712

(3) For purposes of divisions (B)(1) and (2) of this section, 11713
the filed written acceptance of an agent's appointment shall be a 11714
signed original document or a photocopy, facsimile, or similar 11715
reproduction of a signed original document. 11716

(C) The written appointment of an agent described in division 11717
(A) of this section shall set forth the name of the agent and the 11718
agent's address in this state, including the street and number or 11719
other particular description of that address. It otherwise shall 11720
be in the form that the secretary of state prescribes. The 11721
secretary of state shall keep a record of the names of limited 11722
liability companies and the names and addresses of their agents. 11723

(D) If any agent described in division (A) of this section 11724
dies, resigns, or moves outside of this state, the limited 11725
liability company shall appoint forthwith another agent and file 11726
with the secretary of state, on a form prescribed by the secretary 11727
of state, a written appointment of the agent and acceptance of 11728
appointment as described in division (B)(2) of this section. 11729
11730

(E) If the agent described in division (A) of this section 11731
changes the agent's address from the address stated in the records 11732
of the secretary of state, the agent or the limited liability 11733
company shall file forthwith with the secretary of state, on a 11734
form prescribed by the secretary of state, a written statement 11735
setting forth the new address. 11736

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(F) An agent described in division (A) of this section may
resign by filing with the secretary of state, on a form prescribed
by the secretary of state, a written notice of resignation that is
signed by the agent and by mailing a copy of that notice to the
limited liability company at the current or last known address of
its principal office. The notice shall be mailed to the company on
or prior to the date that the notice is filed with the secretary
of state and shall set forth the name of the company, the name and
current address of the agent, the current or last known address,
including the street and number or other particular description,
of the company's principal office, a statement of the resignation
of the agent, and a statement that a copy of the notice has been
sent to the company within the time and in the manner specified in
this division. The authority of the resigning agent terminates
thirty days after the filing of the notice with the secretary of
state.

(G) A limited liability company may revoke the appointment of
its agent described in division (A) of this section by filing with
the secretary of state, on a form prescribed by the secretary of
state, a written appointment of another agent and an acceptance of
appointment in the manner described in division (B)(2) of this
section and a statement indicating that the appointment of the
former agent is revoked.

(H)(1) Any legal process, notice, or demand required or
permitted by law to be served upon a limited liability company may
be served upon the company as follows:

(a) If the agent described in division (A) of this section is
an individual, by delivering a copy of the process, notice, or
demand to the agent;

(b) If the agent is a corporation, by delivering a copy of
the process, notice, or demand to the address of the agent in this
state as contained in the records of the secretary of state.

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(2) If the agent described in division (A) of this section cannot be found or no longer has the address that is stated in the records of the secretary of state or the limited liability company has failed to maintain an agent as required by this section and if the party or the agent or representative of the party that desires service of the process, notice, or demand files with the secretary of state an affidavit that states that one of those circumstances exists and states the most recent address of the company that the party who desires service has been able to ascertain after a diligent search, then the service of the process, notice, or demand upon the secretary of state as the agent of the company may be initiated by delivering to the secretary of state four copies of the process, notice, or demand accompanied by a fee of five dollars. The secretary of state shall give forthwith notice of that delivery to the company at either its principal office as shown upon the secretary of state's records or at any different address specified in the affidavit of the party desiring service and shall forward to the company at either address by certified mail, return receipt requested, a copy of the process, notice, or demand. Service upon the company is made when the secretary of state gives the notice and forwards the process, notice, or demand as set forth in division (H)(2) of this section.

(I) The secretary of state shall keep a record of each process, notice, and demand that pertains to a limited liability company and that is delivered to the secretary of state's office under this section or another law of this state that authorizes service upon the secretary of state in connection with a limited liability company. In that record, the secretary of state shall record the time of each delivery of that type and the secretary of state's subsequent action with respect to the process, notice, or demand.

(J) This section does not limit or affect the right to serve

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any process, notice, or demand upon a limited liability company in 11801
any other manner permitted by law. 11802

(K) The written appointment of an agent or a written 11803
statement filed by the company with the secretary of state shall 11804
be signed by an authorized member, manager, or other 11805
representative of the company. 11806

~~(L) For filing a written appointment of an agent described in 11807
division (A) of this section that is not filed with the original 11808
articles of organization of a limited liability company and for 11809
filing a statement of change of address of an agent, the secretary 11810
of state shall charge and collect a fee of three dollars. 11811
11812~~

Sec. 1705.38. (A) Upon the adoption by each constituent 11813
entity of an agreement of merger or consolidation pursuant to 11814
section 1705.36 or 1705.37 of the Revised Code, a certificate of 11815
merger or consolidation shall be filed with the secretary of state 11816
that is signed by a manager of each constituent limited liability 11817
company in which the management is not reserved to its members, by 11818
at least one member of each other constituent limited liability 11819
company, by at least one general partner of each constituent 11820
partnership, and by an authorized representative of each other 11821
constituent entity. The certificate shall be on a form prescribed 11822
by the secretary of state and shall set forth only the information 11823
required by this section. 11824

(B)(1) The certificate of merger or consolidation shall set 11825
forth all of the following: 11826

(a) The name and the form of entity of each constituent 11827
entity and the state under the laws of which each constituent 11828
entity exists; 11829

(b) A statement that each constituent entity has complied 11830