

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

**124th General Assembly
Regular Session
2001-2002**

Sub. H. B. No. 94

REPRESENTATIVE Carey

A B I L L

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for the purpose of adopting new section numbers as 67
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of the Revised Code; to amend the versions of	102
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that are scheduled to take effect January 1, 2002;	104
and to amend the versions of sections 5139.01 and	105
5139.11 of the Revised Code that are scheduled to	106
take effect January 1, 2002, and to amend Section	107
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Assembly, as subsequently amended; to amend Section	109
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Assembly; to amend Section 4 of Am. S.B. 210 of the	119
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Assembly; to amend Sections 10 and 13 of Am. Sub.	122
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Section 18 of Am. Sub. H.B. 650 of the 122nd 124
General Assembly, as subsequently amended; to 125
repeal Section 17 of Am. Sub. H.B. 282 of the 123rd 126
General Assembly, as subsequently amended; to 127
repeal Section 15 of Am. Sub. S.B. 287 of the 123rd 128
General Assembly and to repeal Section 173 of this 129
act on January 16, 2002 to make operating 130
appropriations for the biennium beginning July 1, 131
2001, and ending June 30, 2003, and to provide 132
authorization and conditions for the operation of 133
state programs. 134
135

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

Section 1. That sections 9.06, 9.821, 9.822, 103.143, 102.02, 136
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6109.21, and 6111.035 be amended; sections 3317.161 (3317.052),	184
3317.162 (3317.053), 5101.19 (329.19), 5101.071 (5101.251),	185

5101.853 (5101.851), 5101.854 (5101.853), 5108.06 (5108.03), 186
5108.07 (5108.05), 5108.08 (5108.06), 5111.34 (5111.206), and 187
5111.87 (5111.871) be amended for the purpose of adopting new 188
section numbers as indicated in parentheses; and new sections 189
5101.852, 5108.07, 5108.08, 5111.34, 5111.341, 5111.87, and 190
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5123.0412, 5123.0413, 5123.195, 5126.046, 5126.047, 5126.055, and 201
5126.056 of the Revised Code be enacted to read as follows: 202

203

Sec. 9.06. (A)(1) The department of rehabilitation and 204
correction shall contract for the private operation and management 205
pursuant to this section of the initial intensive program prison 206
established pursuant to section 5120.033 of the Revised Code and 207
may contract for the private operation and management of any other 208
facility under this section. Counties and municipal corporations 209
to the extent authorized in sections 307.93, 341.35, 753.03, and 210
753.15 of the Revised Code, may contract for the private operation 211
and management of a facility under this section. A contract 212
entered into under this section shall be for an initial term of 213
not more than two years, with an option to renew for additional 214
periods of two years. 215

(2) ~~Not later than December 31, 1998, the~~ The department of 216

rehabilitation and correction, by rule, shall adopt minimum 217
criteria and specifications that a person or entity, other than a 218
person or entity that satisfies the criteria set forth in division 219
(A)(3)(a) of this section and subject to division (I) of this 220
section, must satisfy in order to apply to operate and manage as a 221
contractor pursuant to this section the initial intensive program 222
prison established pursuant to section 5120.033 of the Revised 223
Code. 224

(3) Subject to division (I) of this section, any person or 225
entity that applies to operate and manage a facility as a 226
contractor pursuant to this section shall satisfy one or more of 227
the following criteria: 228

(a) The person or entity is accredited by the American 229
correctional association and, at the time of the application, 230
operates and manages one or more facilities accredited by the 231
American correctional association. 232

(b) The person or entity satisfies all of the minimum 233
criteria and specifications adopted by the department of 234
rehabilitation and correction pursuant to division (A)(2) of this 235
section, provided that this alternative shall be available only in 236
relation to the initial intensive program prison established 237
pursuant to section 5120.033 of the Revised Code. 238

(4) Subject to division (I) of this section, before a public 239
entity may enter into a contract under this section, the 240
contractor shall convincingly demonstrate to the public entity 241
that it can operate the facility with the inmate capacity required 242
by the public entity and provide the services required in this 243
section and realize at least a five per cent savings over the 244
projected cost to the public entity of providing these same 245
services to operate the facility that is the subject of the 246
contract. No out-of-state prisoners may be housed in any facility 247
that is the subject of a contract entered into under this section. 248

(B) Subject to division (I) of this section, any contract 249
entered into under this section shall include all of the 250
following: 251

(1) A requirement that the contractor retain the contractor's 252
accreditation from the American correctional association 253
throughout the contract term or, if the contractor applied 254
pursuant to division (A)(3)(b) of this section, continue complying 255
with the applicable criteria and specifications adopted by the 256
department of rehabilitation and correction pursuant to division 257
(A)(2) of this section; 258

(2) A requirement that all of the following conditions be 259
met: 260

(a) The contractor begins the process of accrediting the 261
facility with the American correctional association no later than 262
sixty days after the facility receives its first inmate. 263

(b) The contractor receives accreditation of the facility 264
within twelve months after the date the contractor applies to the 265
American correctional association for accreditation. 266

(c) Once the accreditation is received, the contractor 267
maintains it for the duration of the contract term. 268

(d) If the contractor does not comply with divisions 269
(B)(2)(a) to (c) of this section, the contractor is in violation 270
of the contract, and the public entity may revoke the contract at 271
its discretion. 272

(3) A requirement that the contractor comply with all rules 273
promulgated by the department of rehabilitation and correction 274
that apply to the operation and management of correctional 275
facilities, including the minimum standards for jails in Ohio and 276
policies regarding the use of force and the use of deadly force, 277
although the public entity may require more stringent standards, 278
and comply with any applicable laws, rules, or regulations of the 279

federal, state, and local governments, including, but not limited to, sanitation, food service, safety, and health regulations. The contractor shall be required to send copies of reports of inspections completed by the appropriate authorities regarding compliance with rules and regulations to the director of rehabilitation and correction or the director's designee and, if contracting with a local public entity, to the governing authority of that entity.

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

(5) A requirement that the contractor immediately report all escapes from the facility, and the apprehension of all escapees, by telephone and in writing to all local law enforcement agencies with jurisdiction over the place at which the facility is located, to the prosecuting attorney of the county in which the facility is located, to the state highway patrol, to a daily newspaper having general circulation in the county in which the facility is located, and, if the ~~institution~~ facility is a state correctional institution, to the department of rehabilitation and correction. The written notice may be by either facsimile transmission or mail. A failure to comply with this requirement regarding an escape is a violation of section 2921.22 of the Revised Code.

(6) A requirement that, if the facility is a state correctional institution, the contractor provide a written report within specified time limits to the director of rehabilitation and correction or the director's designee of all unusual incidents at the facility as defined in rules promulgated by the department of rehabilitation and correction or, if the facility is a local

correctional institution, that the contractor provide a written
report of all unusual incidents at the facility to the governing
authority of the local public entity;

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

(8) A requirement that the contractor prepare and distribute
to the director of rehabilitation and correction or, if
contracting with a local public entity, to the governing authority
of the local entity, annual budget income and expenditure
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 343
correction; 344

(13) A requirement that the facility be staffed at all times 345
with a staffing pattern approved by the public entity and adequate 346
both to ensure supervision of inmates and maintenance of security 347
within the facility, and to provide for programs, transportation, 348
security, and other operational needs. In determining security 349
needs, the contractor shall be required to consider, among other 350
things, the proximity of the facility to neighborhoods and 351
schools. 352

(14) If the contract is with a local public entity, a 353
requirement that the contractor provide services and programs, 354
consistent with the minimum standards for jails promulgated by the 355
department of rehabilitation and correction under section 5120.10 356
of the Revised Code; 357

(15) A clear statement that no immunity from liability 358
granted to the state, and no immunity from liability granted to 359
political subdivisions under Chapter 2744. of the Revised Code, 360
shall extend to the contractor or any of the contractor's 361
employees; 362

(16) A statement that all documents and records relevant to 363
the facility shall be maintained in the same manner required for, 364
and subject to the same laws, rules, and regulations as apply to, 365
the records of the public entity; 366

(17) Authorization for the public entity to impose a fine on 367
the contractor from a schedule of fines included in the contract 368
for the contractor's failure to perform its contractual duties, or 369
to cancel the contract, as the public entity considers 370
appropriate. If a fine is imposed, the public entity may reduce 371
the payment owed to the contractor pursuant to any invoice in the 372
amount of the imposed fine. 373

(18) A statement that all services provided or goods produced 374
at the facility shall be subject to the same regulations, and the 375
same distribution limitations, as apply to goods and services 376
produced at other correctional institutions; 377

(19) Authorization for the department to establish one or 378
more prison industries at a facility operated and managed by a 379
contractor for the department; 380

(20) A requirement that, if the facility is an intensive 381
program prison established pursuant to section 5120.033 of the 382
Revised Code, the facility shall comply with all criteria for 383
intensive program prisons of that type that are set forth in that 384
section; 385

(21) If the institution is a state correctional institution, 386
a requirement that the contractor provide clothing for all inmates 387
housed in the facility that is conspicuous in its color, style, or 388
color and style, that conspicuously identifies its wearer as an 389
inmate, and that is readily distinguishable from clothing of a 390
nature that normally is worn outside the facility by non-inmates, 391
that the contractor require all inmates housed in the facility to 392
wear the clothing so provided, and that the contractor not permit 393
any inmate, while inside or on the premises of the facility or 394
while being transported to or from the facility, to wear any 395
clothing of a nature that does not conspicuously identify its 396
wearer as an inmate and that normally is worn outside the facility 397
by non-inmates. 398

(C) No contract entered into under this section may require, 399
authorize, or imply a delegation of the authority or 400
responsibility of the public entity to a contractor for any of the 401
following: 402

(1) Developing or implementing procedures for calculating 403
inmate release and parole eligibility dates and recommending the 404

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

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

(6) Approving inmates for work release;

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

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

this section, shall provide an adequate policy of insurance
specifically including, but not limited to, insurance for civil
rights claims as determined by a risk management or actuarial firm
with demonstrated experience in public liability for state
governments. The insurance policy shall provide that the state,
including all state agencies, and all political subdivisions of
the state with jurisdiction over the facility or in which a
facility is located are named as insured, and that the state and
its political subdivisions shall be sent any notice of
cancellation. The contractor may not self-insure.

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

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(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;

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(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;

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

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managed by the contractor; 468

(4) Any claims, losses, demands, or causes of action arising 469
out of the contractor's, person's, or entity's activities in this 470
state; 471

(5) Any attorney's fees or court costs arising from any 472
habeas corpus actions or other inmate suits that may arise from 473
any event that occurred at the facility or was a result of such an 474
event, or arise over the conditions, management, or operation of 475
the facility, which fees and costs shall include, but not be 476
limited to, attorney's fees for the state's representation and for 477
any court-appointed representation of any inmate, and the costs of 478
any special judge who may be appointed to hear such those actions 479
or suits. 480

(E) Private correctional officers of a contractor operating 481
and managing a facility pursuant to a contract entered into under 482
this section may carry and use firearms in the course of their 483
employment only after being certified as satisfactorily completing 484
an approved training program as described in division (A) of 485
section 109.78 of the Revised Code. 486

(F) Upon notification by the contractor of an escape from, or 487
of a disturbance at, the facility that is the subject of a 488
contract entered into under this section, the department of 489
rehabilitation and correction and state and local law enforcement 490
agencies shall use all reasonable means to recapture escapees or 491
quell any disturbance. Any cost incurred by the state or its 492
political subdivisions relating to the apprehension of an escapee 493
or the quelling of a disturbance at the facility shall be 494
chargeable to and borne by the contractor. The contractor shall 495
also reimburse the state or its political subdivisions for all 496
reasonable costs incurred relating to the temporary detention of 497
the escapee following recapture. 498

(G) Any offense that would be a crime if committed at a state 499
correctional institution or jail, workhouse, prison, or other 500
correctional facility shall be a crime if committed by or with 501
regard to inmates at facilities operated pursuant to a contract 502
entered into under this section. 503

(H) A contractor operating and managing a facility pursuant 504
to a contract entered into under this section shall pay any inmate 505
workers at the facility at the rate approved by the public entity. 506
Inmates working at the facility shall not be considered employees 507
of the contractor. 508

(I) In contracting for the private operation and management 509
pursuant to division (A) of this section of the initial intensive 510
program prison established pursuant to section 5120.033 of the 511
Revised Code or of any other intensive program prison established 512
pursuant to that section, the department of rehabilitation and 513
correction may enter into a contract with a contractor for the 514
general operation and management of the prison and may enter into 515
one or more separate contracts with other persons or entities for 516
the provision of specialized services for persons confined in the 517
prison, including, but not limited to, security or training 518
services or medical, counseling, educational, or similar treatment 519
programs. If, pursuant to this division, the department enters 520
into a contract with a contractor for the general operation and 521
management of the prison and also enters into one or more 522
specialized service contracts with other persons or entities, all 523
of the following apply: 524

(1) The contract for the general operation and management 525
shall comply with all requirements and criteria set forth in this 526
section, and all provisions of this section apply in relation to 527
the prison operated and managed pursuant to the contract. 528

(2) Divisions (A)(2), (B), and (C) of this section do not 529
apply in relation to any specialized services contract, except to 530

the extent that the provisions of those divisions clearly are 531
relevant to the specialized services to be provided under the 532
specialized services contract. Division (D) of this section 533
applies in relation to each specialized services contract. 534

(J) As used in this section: 535

(1) "Public entity" means the department of rehabilitation 536
and correction, or a county or municipal corporation or a 537
combination of counties and municipal corporations, that has 538
jurisdiction over a facility that is the subject of a contract 539
entered into under this section. 540

(2) "Local public entity" means a county or municipal 541
corporation, or a combination of counties and municipal 542
corporations, that has jurisdiction over a jail, workhouse, or 543
other correctional facility used only for misdemeanants that is 544
the subject of a contract entered into under this section. 545

(3) "Governing authority of a local public entity" means, for 546
a county, the board of county commissioners; for a municipal 547
corporation, the legislative authority; for a combination of 548
counties and municipal corporation, all the boards of county 549
commissioners and municipal legislative authorities that joined to 550
create the facility. 551

(4) "Contractor" means a person ~~who~~ or entity that enters 552
into a contract under this section to operate and manage a jail, 553
workhouse, or other correctional facility. 554

(5) "Facility" means the specific county, multicounty, 555
municipal, municipal-county, or multicounty-municipal jail, 556
workhouse, prison, or other type of correctional institution or 557
facility used only for misdemeanants, or a state correctional 558
institution, that is the subject of a contract entered into under 559
this section. 560

(6) "Person or entity" in the case of a contract for the 561

private operation and management of a state correctional 562
institution, includes an employee organization, as defined in 563
section 4117.01 of the Revised Code, that represents employees at 564
state correctional institutions. 565

Sec. 9.821. (A) The department of administrative services 566
shall direct and manage for state agencies all risk management and 567
insurance programs authorized under section 9.822 of the Revised 568
Code. 569

(B) The office of risk management is hereby established 570
within the department of administrative services. The director of 571
administrative services, or a deputy director appointed by the 572
director, shall control and supervise the office. 573

(C) The office may take any of the following actions that it 574
determines to be in the best interests of the state: 575

(1) Provide all insurance coverages for the state, including, 576
but not limited to, automobile liability, casualty, property, 577
public liability, and, except as provided in division (C)(6) of 578
this section, fidelity bond insurance~~r~~. The cost of insurance 579
coverage shall be paid from appropriations made to the state 580
agencies that the office has designated to receive the coverage. 581
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(2) Provide coverage of legal expenses that are necessary and 583
related to the legal defense of claims against the state; 584

(3) Purchase insurance policies consistent with sections 585
125.01 to 125.111 of the Revised Code, develop and administer 586
self-insurance programs, or do both; 587

(4) Consolidate and combine state insurance coverages; 588

(5) Provide technical services in risk management and 589
insurance to state agencies; 590

(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 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 622
this section except as authorized by the department and in 623
accordance with terms, conditions, and procurement methods 624
established by the department. 625

(E) With respect to any civil action, demand, or claim 626
against the state that could be filed in the court of claims, 627
nothing in sections 9.82 to 9.823 of the Revised Code shall be 628
interpreted to permit the settlement or compromise of those civil 629
actions, demands, or claims, except in the manner provided in 630
Chapter 2743. of the Revised Code. 631

Sec. 9.822. (A) The department of administrative services 632
through the office of risk management shall establish an insurance 633
plan or plans, ~~which~~ that may provide for self-insurance or the 634
purchase of insurance, or both, for any of the following purposes: 635

(1) Insuring state real and personal property against losses 636
occasioned by fire, windstorm, or other accidents and perils; 637

(2) Insuring the state and its officers and employees against 638
liability resulting from any civil action, demand, or claim 639
against the state or its officers and employees arising out of any 640
act or omission of an officer or employee in the performance of 641
his official duties, except acts and omissions for which 642
indemnification is prohibited under section 9.87 of the Revised 643
Code; 644

(3) Insuring the state through the fidelity bonding of state 645
officers, employees, and agents who are required by law to provide 646
a fidelity bond. 647

(B)(1) Prior to the establishment of any self-insured 648
fidelity bond program for a particular class or subclass of state 649
officer, employee, or agent authorized pursuant to division (A)(3) 650
of this section, the director of administrative services shall 651

follow the procedures for holding a hearing and adopting rules set
forth in division (C)(6)(a) of section 9.821 of the Revised Code.

(2) Division (B)(1) 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.

(3) The director shall prepare annually a written report
detailing any self-insured fidelity bond program established
pursuant to division (A)(3) of this section. The report shall
include, but is not limited to, information relating to premiums
collected, income from recovery, loss experience, and
administrative costs of the program. A copy of the report,
together with a copy of those portions of the most recent reports
submitted under division (D) of section 9.823 of the Revised Code
~~and pertaining that pertain~~ to any such self-insured fidelity bond
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. 102.02. (A) Except as otherwise provided in division (H)
of this section, every person who is elected to or is a candidate
for a state, county, or city office, or the office of member of
the United States congress, and every person who is appointed to
fill a vacancy for an unexpired term in such an elective office;
all members of the state board of education; the director,
assistant directors, deputy directors, division chiefs, or persons
of equivalent rank of any administrative department of the state;
the president or other chief administrative officer of every state
institution of higher education as defined in section 3345.011 of
the Revised Code; the chief executive officer of each state
retirement system; all members of the board of commissioners on
grievances and discipline of the supreme court and the ethics

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commission created under section 102.05 of the Revised Code; every 683
business manager, treasurer, or superintendent of a city, local, 684
exempted village, joint vocational, or cooperative education 685
school district or an educational service center; every person who 686
is elected to or is a candidate for the office of member of a 687
board of education of a city, local, exempted village, joint 688
vocational, or cooperative education school district or of a 689
governing board of an educational service center that has a total 690
student count of twelve thousand or more as most recently 691
determined by the department of education pursuant to section 692
3317.03 of the Revised Code; every person who is appointed to the 693
board of education of a municipal school district pursuant to 694
division (B) or (F) of section 3311.71 of the Revised Code; all 695
members of the board of directors of a sanitary district 696
established under Chapter 6115. of the Revised Code and organized 697
wholly for the purpose of providing a water supply for domestic, 698
municipal, and public use that includes two municipal corporations 699
in two counties; every public official or employee who is paid a 700
salary or wage in accordance with schedule C of section 124.15 or 701
schedule E-2 of section 124.152 of the Revised Code; members of 702
the board of trustees and the executive director of the tobacco 703
use prevention and control foundation; members of the board of 704
trustees and the executive director of the southern Ohio 705
agricultural and community development foundation; members and the 706
executive director of the biomedical research and technology 707
transfer commission; and every other public official or employee 708
who is designated by the appropriate ethics commission pursuant to 709
division (B) of this section shall file with the appropriate 710
ethics commission on a form prescribed by the commission, a 711
statement disclosing all of the following: 712

(1) The name of the person filing the statement and each 713
member of the person's immediate family and all names under which 714
the person or members of the person's immediate family do 715

business;

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(2)(a) Subject to divisions (A)(2)(b) and (c) of this section
and except as otherwise provided in section 102.022 of the Revised
Code, identification of every source of income, other than income
from a legislative agent identified in division (A)(2)(b) of this
section, received during the preceding calendar year, in the
person's own name or by any other person for the person's use or
benefit, by the person filing the statement, and a brief
description of the nature of the services for which the income was
received. If the person filing the statement is a member of the
general assembly, the statement shall identify the amount of every
source of income received in accordance with the following ranges
of amounts: zero or more, but less than one thousand dollars; one
thousand dollars or more, but less than ten thousand dollars; ten
thousand dollars or more, but less than twenty-five thousand
dollars; twenty-five thousand dollars or more, but less than fifty
thousand dollars; fifty thousand dollars or more, but less than
one hundred thousand dollars; and one hundred thousand dollars or
more. Division (A)(2)(a) of this section shall not be construed to
require a person filing the statement who derives income from a
business or profession to disclose the individual items of income
that constitute the gross income of that business or profession,
except for those individual items of income that are attributable
to the person's or, if the income is shared with the person, the
partner's, solicitation of services or goods or performance,
arrangement, or facilitation of services or provision of goods on
behalf of the business or profession of clients, including
corporate clients, who are legislative agents as defined in
section 101.70 of the Revised Code. A person who files the
statement under this section shall disclose the identity of and
the amount of income received from a person who the public
official or employee knows or has reason to know is doing or

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seeking to do business of any kind with the public official's or 748
employee's agency. 749

(b) If the person filing the statement is a member of the 750
general assembly, the statement shall identify every source of 751
income and the amount of that income that was received from a 752
legislative agent, as defined in section 101.70 of the Revised 753
Code, during the preceding calendar year, in the person's own name 754
or by any other person for the person's use or benefit, by the 755
person filing the statement, and a brief description of the nature 756
of the services for which the income was received. Division 757
(A)(2)(b) of this section requires the disclosure of clients of 758
attorneys or persons licensed under section 4732.12 of the Revised 759
Code, or patients of persons certified under section 4731.14 of 760
the Revised Code, if those clients or patients are legislative 761
agents. Division (A)(2)(b) of this section requires a person 762
filing the statement who derives income from a business or 763
profession to disclose those individual items of income that 764
constitute the gross income of that business or profession that 765
are received from legislative agents. 766

(c) Except as otherwise provided in division (A)(2)(c) of 767
this section, division (A)(2)(a) of this section applies to 768
attorneys, physicians, and other persons who engage in the 769
practice of a profession and who, pursuant to a section of the 770
Revised Code, the common law of this state, a code of ethics 771
applicable to the profession, or otherwise, generally are required 772
not to reveal, disclose, or use confidences of clients, patients, 773
or other recipients of professional services except under 774
specified circumstances or generally are required to maintain 775
those types of confidences as privileged communications except 776
under specified circumstances. Division (A)(2)(a) of this section 777
does not require an attorney, physician, or other professional 778
subject to a confidentiality requirement as described in division 779

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(A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank,

savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account. 812
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(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation; 815
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(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money. 820
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(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 838
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of clients of attorneys or persons licensed under section 4732.12 844
or 4732.15 of the Revised Code, or patients of persons certified 845
under section 4731.14 of the Revised Code, nor the disclosure of 846
debts owed to the person resulting from the ordinary conduct of a 847
business or profession. 848

(7) Except as otherwise provided in section 102.022 of the 849
Revised Code, the source of each gift of over seventy-five 850
dollars, or of each gift of over twenty-five dollars received by a 851
member of the general assembly from a legislative agent, received 852
by the person in the person's own name or by any other person for 853
the person's use or benefit during the preceding calendar year, 854
except gifts received by will or by virtue of section 2105.06 of 855
the Revised Code, or received from spouses, parents, grandparents, 856
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 857
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 858
fathers-in-law, mothers-in-law, or any person to whom the person 859
filing the statement stands in loco parentis, or received by way 860
of distribution from any inter vivos or testamentary trust 861
established by a spouse or by an ancestor; 862

(8) Except as otherwise provided in section 102.022 of the 863
Revised Code, identification of the source and amount of every 864
payment of expenses incurred for travel to destinations inside or 865
outside this state that is received by the person in the person's 866
own name or by any other person for the person's use or benefit 867
and that is incurred in connection with the person's official 868
duties, except for expenses for travel to meetings or conventions 869
of a national or state organization to which either house of the 870
general assembly, any legislative agency, a state institution of 871
higher education as defined in section 3345.031 of the Revised 872
Code, any other state agency, or any political subdivision or any 873
office or agency of a political subdivision pays membership dues; 874

(9) Except as otherwise provided in section 102.022 of the 875

Revised Code, identification of the source of payment of expenses 876
for meals and other food and beverages, other than for meals and 877
other food and beverages provided at a meeting at which the person 878
participated in a panel, seminar, or speaking engagement or at a 879
meeting or convention of a national or state organization to which 880
either house of the general assembly, any legislative agency, a 881
state institution of higher education as defined in section 882
3345.031 of the Revised Code, any other state agency, or any 883
political subdivision or any office or agency of a political 884
subdivision pays membership dues, that are incurred in connection 885
with the person's official duties and that exceed one hundred 886
dollars aggregated per calendar year; 887

(10) If the financial disclosure statement is filed by a 888
public official or employee described in division (B)(2) of 889
section 101.73 of the Revised Code or division (B)(2) of section 890
121.63 of the Revised Code who receives a statement from a 891
legislative agent, executive agency lobbyist, or employer that 892
contains the information described in division (F)(2) of section 893
101.73 of the Revised Code or division (G)(2) of section 121.63 of 894
the Revised Code, all of the nondisputed information contained in 895
the statement delivered to that public official or employee by the 896
legislative agent, executive agency lobbyist, or employer under 897
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 898
the Revised Code. As used in division (A)(10) of this section, 899
"legislative agent," "executive agency lobbyist," and "employer" 900
have the same meanings as in sections 101.70 and 121.60 of the 901
Revised Code. 902

A person may file a statement required by this section in 903
person or by mail. A person who is a candidate for elective office 904
shall file the statement no later than the thirtieth day before 905
the primary, special, or general election at which the candidacy 906
is to be voted on, whichever election occurs soonest, except that 907

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

The appropriate ethics commission, for good cause, may extend
for a reasonable time the deadline for filing a 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

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officials or employees written notice of the requirement by the 940
fifteenth day of February of each year the filing is required 941
unless the public official or employee is appointed after that 942
date, in which case the notice shall be sent within thirty days 943
after appointment, and the filing shall be made not later than 944
ninety days after appointment. 945

Except for disclosure statements filed by members of the 946
board of trustees and the executive director of the tobacco use 947
prevention and control foundation, members of the board of 948
trustees and the executive director of the southern Ohio 949
agricultural and community development foundation, and members and 950
the executive director of the biomedical research and technology 951
transfer commission, disclosure statements filed under this 952
division with the Ohio ethics commission by members of boards, 953
commissions, or bureaus of the state for which no compensation is 954
received other than reasonable and necessary expenses shall be 955
kept confidential. Disclosure statements filed with the Ohio 956
ethics commission under division (A) of this section by business 957
managers, treasurers, and superintendents of city, local, exempted 958
village, joint vocational, or cooperative education school 959
districts or educational service centers shall be kept 960
confidential, except that any person conducting an audit of any 961
such school district or educational service center pursuant to 962
section 115.56 or Chapter 117. of the Revised Code may examine the 963
disclosure statement of any business manager, treasurer, or 964
superintendent of that school district or educational service 965
center. The Ohio ethics commission shall examine each disclosure 966
statement required to be kept confidential to determine whether a 967
potential conflict of interest exists for the person who filed the 968
disclosure statement. A potential conflict of interest exists if 969
the private interests of the person, as indicated by the person's 970
disclosure statement, might interfere with the public interests 971

the person is required to serve in the exercise of the person's 972
authority and duties in the person's office or position of 973
employment. If the commission determines that a potential conflict 974
of interest exists, it shall notify the person who filed the 975
disclosure statement and shall make the portions of the disclosure 976
statement that indicate a potential conflict of interest subject 977
to public inspection in the same manner as is provided for other 978
disclosure statements. Any portion of the disclosure statement 979
that the commission determines does not indicate a potential 980
conflict of interest shall be kept confidential by the commission 981
and shall not be made subject to public inspection, except as is 982
necessary for the enforcement of Chapters 102. and 2921. of the 983
Revised Code and except as otherwise provided in this division. 984
985

(C) No person shall knowingly fail to file, on or before the 986
applicable filing deadline established under this section, a 987
statement that is required by this section. 988

(D) No person shall knowingly file a false statement that is 989
required to be filed under this section. 990

(E)(1) Except as provided in divisions (E)(2) and (3) of this 991
section, ~~on and after March 2, 1994,~~ the statement required by 992
division (A) or (B) of this section shall be accompanied by a 993
filing fee of twenty-five dollars. 994

(2) The statement required by division (A) of this section 995
shall be accompanied by a filing fee to be paid by the person who 996
is elected or appointed to, or is a candidate for, any of the 997
following offices: 998

For state office, except member of		999
state board of education	\$50	1000
For office of member of United States		1001
congress or member of general assembly	\$25	1002
For county office	\$25	1003

	<u>45</u>	1004
For city office	\$10	1005
	<u>20</u>	1006
For office of member of state board		1007
of education	\$10	1008
	<u>20</u>	1009
For office of member of city, local,		1010
exempted village, or cooperative		1011
education board of		1012
education or educational service		1013
center governing board	\$ 5	1014
For position of business manager,		1015
treasurer, or superintendent of		1016
city, local, exempted village, joint		1017
vocational, or cooperative education		1018
school district or		1019
educational service center	\$ 5	1020
<u>For office of member of the board of</u>		1021
<u>trustees of a state college or university</u>	<u>\$50</u>	1022
(3) No judge of a court of record or candidate for judge of		1023
such a court <u>of record</u> , and no referee or magistrate serving a		1024
court of record, shall be required to pay the fee required under		1025
division (E)(1) or (2) or (F) of this section.		1026
(4) For any public official who is appointed to a nonelective		1027
office of the state and for any employee who holds a nonelective		1028
position in a public agency of the state, the state agency that is		1029
the primary employer of the state official or employee shall pay		1030
the fee required under division (E)(1) or (F) of this section.		1031
		1032
(F) If a statement required to be filed under this section is		1033
not filed by the date on which it is required to be filed, the		1034
appropriate ethics commission shall assess the person required to		1035

file the statement a late filing fee equal to one-half of the 1036
applicable filing fee for each day the statement is not filed, 1037
except that the total amount of the late filing fee shall not 1038
exceed one hundred dollars. 1039

(G)(1) The appropriate ethics commission other than the Ohio 1040
ethics commission shall deposit all fees it receives under 1041
divisions (E) and (F) of this section into the general revenue 1042
fund of the state. 1043

(2) The Ohio ethics commission shall deposit all receipts, 1044
including, but not limited to, fees it receives under divisions 1045
(E) and (F) of this section and all moneys it receives from 1046
settlements under division (G) of section 102.06 of the Revised 1047
Code, into the Ohio ethics commission fund, which is hereby 1048
created in the state treasury. All moneys credited to the fund 1049
shall be used solely for expenses related to the operation and 1050
statutory functions of the commission. 1051

(H) Division (A) of this section does not apply to a person 1052
elected or appointed to the office of precinct, ward, or district 1053
committee member under Chapter 3517. of the Revised Code; a 1054
presidential elector; a delegate to a national convention; village 1055
or township officials and employees; any physician or psychiatrist 1056
who is paid a salary or wage in accordance with schedule C of 1057
section 124.15 or schedule E-2 of section 124.152 of the Revised 1058
Code and whose primary duties do not require the exercise of 1059
administrative discretion; or any member of a board, commission, 1060
or bureau of any county or city who receives less than one 1061
thousand dollars per year for serving in that position. 1062

Sec. 103.143. In addition to its duties under section 103.14 1063
of the Revised Code, ~~the legislative budget office~~ of the 1064
legislative service commission shall, in accordance with this 1065
section, review all bills assigned to a committee of the general 1066

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assembly, complete the appropriate local impact statements 1067
required by this section, and compile and distribute these 1068
statements as required by division (D) of this section. 1069

(A) Subject to division (F) of this section, whenever any 1070
bill is introduced into either house of the general assembly and 1071
receives second consideration pursuant to the rules of that house, 1072
the bill shall be reviewed immediately by the legislative budget 1073
officer. Upon completing this review, the legislative budget 1074
officer shall determine whether the bill could result in a net 1075
additional cost to school districts, counties, townships, or 1076
municipal corporations from any new or expanded program or service 1077
that school districts, counties, townships, or municipal 1078
corporations would be required to perform or administer under the 1079
bill. If the legislative budget officer determines that it could 1080
result in such a cost, the legislative ~~budget office~~ service 1081
commission shall prepare a local impact statement in the manner 1082
specified in this section. Immediately upon determining the 1083
potential for a net additional cost, the legislative budget 1084
officer shall notify the sponsor of the bill, the chairperson of 1085
the committee to which the bill has been assigned, and the 1086
presiding officer and minority leader of the house in which the 1087
bill originates of the legislative budget officer's determination 1088
by signing and dating a statement to be delivered to them. 1089

If a local impact statement is required, the legislative 1090
~~budget office~~ service commission shall, as soon as possible but no 1091
later than thirty days after the date the bill is scheduled for a 1092
first hearing in a committee in the house in which the bill was 1093
introduced or no later than thirty days after being requested to 1094
do so by the chairperson of such a committee, prepare a statement 1095
containing the most accurate estimate possible, in dollars, of the 1096
net additional costs, if any, that will be required of school 1097
districts, counties, townships, or municipal corporations to 1098

perform or administer a new or expanded program or service 1099
required under the bill. Copies of this statement shall be sent to 1100
the governor, the speaker of the house of representatives, the 1101
president of the senate, the sponsor of the bill, the minority 1102
leader in both houses, and the chairperson of the committee to 1103
which the bill has been assigned. 1104

No bill for which a local impact statement is required by 1105
this section shall be voted out of committee until after the 1106
committee members have received and considered the statement or, 1107
if the bill was amended in committee, the revised statement, 1108
unless the bill is voted out of committee by a two-thirds vote of 1109
the membership of the committee. 1110

(B) In preparing a local impact statement, the legislative 1111
~~budget office~~ service commission may request any department, 1112
division, institution, board, commission, authority, bureau, or 1113
other instrumentality or officer of the state, a school district, 1114
a county, a municipal corporation, or a township to provide any of 1115
the following information: 1116

(1) An estimate, in dollars, of the amount by which the bill 1117
would increase or decrease the revenues received or expenditures 1118
made by the instrumentality, officer, or entity; 1119

(2) Any other information the legislative ~~budget office~~ 1120
service commission considers necessary for it to understand or 1121
explain the fiscal effect of the bill. 1122

An instrumentality, officer, or entity shall comply with a 1123
request as soon as reasonably possible, but not later than fifteen 1124
days, after receiving it. The legislative ~~budget office~~ service 1125
commission shall specify the manner of compliance in its request, 1126
and if necessary may specify a period of time longer than fifteen 1127
days for compliance. The legislative ~~budget office~~ service 1128
commission may consider any information provided under division 1129
(B)(1) or (2) of this section in preparing a local impact 1130

statement. 1131

(C) Any time a bill is amended, the legislative ~~budget office~~ service commission shall, as soon as reasonably possible, revise 1132
the local impact statement to reflect changes made by amendment. 1133
1134

(D) The legislative ~~budget office~~ service commission shall 1135
annually compile the final local impact statements completed for 1136
all laws passed by both houses of the general assembly in the 1137
preceding year. It shall send a copy of this compilation as a 1138
draft report ~~to the state and local government commission~~ and to 1139
associations or nonprofit organizations formed for the improvement 1140
of school districts or municipal, township, or county government 1141
or for their elected officials by the last day of July of each 1142
year. Upon receiving the draft report, ~~the state and local~~ 1143
~~government commission shall solicit comments from these~~ 1144
associations and organizations may comment about the actual fiscal 1145
impact of bills passed during the year covered by the report. ~~The~~ 1146
~~commission shall review and comment on the draft report before~~ 1147
~~returning it to the legislative budget office, along with the~~ and 1148
forward those comments of the associations and organizations, to 1149
the legislative service commission by the last day of August. The 1150
legislative ~~budget office~~ service commission shall then prepare a 1151
final report consisting of the compiled local impact statements 1152
and all forwarded comments ~~returned by the state and local~~ 1153
~~government commission~~. The final report shall be completed by the 1154
last day of September and copies of the report shall be sent to 1155
the governor, the speaker of the house of representatives, and the 1156
president of the senate. 1157
1158

(E) As used in this section, "net additional cost" means any 1159
cost incurred or anticipated to be incurred by a school district, 1160
county, township, or municipal corporation in performing or 1161
administering a new or expanded program or service required by a 1162

state law other than any of the following: 1163

(1) A cost arising from the exercise of authority granted by 1164
a state law rather than from the performance of a duty or 1165
obligation imposed by a state law; 1166

(2) New duties or obligations that create only a minimal cost 1167
for affected school districts, counties, townships, or municipal 1168
corporations. The legislative ~~budget-office~~ service commission 1169
shall determine what constitutes such a minimal cost. Before 1170
making this determination, the legislative ~~budget-office~~ service 1171
commission shall notify the state organizations that represent 1172
school districts, counties, townships, and municipal corporations 1173
regarding the proposed determination and provide a thirty-day 1174
period for these organizations and individual school districts, 1175
counties, townships, and municipal corporations to comment on it. 1176
1177

(3) A cost arising from a law passed as a result of a federal 1178
mandate. 1179

The amounts described in division (E)(2) of this section 1180
include only the amounts remaining after subtracting from such 1181
costs any revenues received or receivable by the school district, 1182
county, township, or municipal corporation on account of the 1183
program or service, including the following: 1184

(a) Fees charged to the recipients of the program or service; 1185
1186

(b) State or federal aid paid specifically or categorically 1187
in connection with the program or service; 1188

(c) Any offsetting savings resulting from the diminution or 1189
elimination of any other program or service directly attributable 1190
to the performance or administration of the required program or 1191
service. 1192

(F) This section does not apply to any of the following: 1193

(1) The main biennial operating appropriations bill;	1194
(2) The biennial operating appropriations bill for state agencies supported by motor fuel tax revenue;	1195 1196
(3) The biennial operating appropriations bill or bills for the bureau of workers' compensation and the industrial commission;	1197 1198
(4) Any other bill that makes the principal biennial operating appropriations for one or more state agencies;	1199 1200
(5) The bill that primarily contains corrections and supplemental appropriations to the biennial operating appropriations bills;	1201 1202 1203
(6) The main biennial capital appropriations bill;	1204
(7) The bill that primarily contains reappropriations from previous capital appropriations bills.	1205 1206
Sec. 105.41. (A) There is hereby created the capitol square review and advisory board, consisting of nine members as follows:	1207 1208
(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;	1209 1210 1211
(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;	1212 1213 1214
(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.	1215 1216 1217 1218 1219 1220 1221 1222

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(B) Terms of office of each appointed member of the board 1223
shall be for three years, except that members of the general 1224
assembly appointed to the board shall be members of the board only 1225
so long as they are members of the general assembly. Each member 1226
shall hold office from the date of the member's appointment until 1227
the end of the term for which the member was appointed. In case of 1228
a vacancy occurring on the board, the president of the senate, the 1229
speaker of the house of representatives, or the governor, as the 1230
case may be, shall in the same manner prescribed for the regular 1231
appointment to the commission, fill the vacancy by appointing a 1232
member. Any member appointed to fill a vacancy occurring prior to 1233
the expiration of the term for which the member's predecessor was 1234
appointed shall hold office for the remainder of the term. Any 1235
member shall continue in office subsequent to the expiration date 1236
of the member's term until the member's successor takes office, or 1237
until a period of sixty days has elapsed, whichever occurs first. 1238
1239

(C) The board shall hold meetings in a manner and at times 1240
prescribed by the rules adopted by the board. A majority of the 1241
board constitutes a quorum, and no action shall be taken by the 1242
board unless approved by at least five voting members. At its 1243
first meeting, the board shall adopt rules for the conduct of its 1244
business and the election of its officers, and shall organize by 1245
selecting a chairperson and other officers as it considers 1246
necessary. Board members shall serve without compensation but 1247
shall be reimbursed for actual and necessary expenses incurred in 1248
the performance of their duties. 1249

(D) The board may do any of the following: 1250

(1) Employ or hire on a consulting basis professional, 1251
technical, and clerical employees as are necessary for the 1252
performance of its duties; 1253

(2) Hold public hearings at times and places as determined by 1254

the board; 1255

(3) Adopt, amend, or rescind rules necessary to accomplish 1256
the duties of the board as set forth in this section; 1257

(4) Sponsor, conduct, and support such social events as the 1258
board may authorize and consider appropriate for the employees of 1259
the board, employees and members of the general assembly, 1260
employees of persons under contract with the board or otherwise 1261
engaged to perform services on the premises of capitol square, or 1262
other persons as the board may consider appropriate. Subject to 1263
the requirements of Chapter 4303. of the Revised Code, the board 1264
may provide beer, wine, and intoxicating liquor, with or without 1265
charge, for ~~such~~ those events and may use funds only from the sale 1266
of goods and services fund to purchase the beer, wine, and 1267
intoxicating liquor the board provides. 1268

(E) The board shall do all of the following: 1269

(1) Have sole authority to coordinate and approve any 1270
improvements, additions, and renovations that are made to the 1271
capitol square. The improvements shall include, but not be limited 1272
to, the placement of monuments and sculpture on the capitol 1273
grounds. 1274

(2) Operate the capitol square, and have sole authority to 1275
regulate all uses of the capitol square. The uses shall include, 1276
but not be limited to, the casual and recreational use of the 1277
capitol square. 1278

(3) Employ, fix the compensation of, and prescribe the duties 1279
of the executive director of the board and ~~such~~ other employees ~~as~~ 1280
the board considers necessary for the performance of its powers 1281
and duties; 1282

(4) Establish and maintain the capitol collection trust. The 1283
capitol collection trust shall consist of furniture, antiques, and 1284
other items of personal property that the board shall store in 1285

suitable facilities until they are ready to be placed in the 1286
capitol square. 1287

(5) Perform ~~such~~ repair, construction, contracting, 1288
purchasing, maintenance, supervisory, and operating activities ~~as~~ 1289
the board determines are necessary for the operation and 1290
maintenance of the capitol square; 1291

(6) Maintain and preserve the capitol square, in accordance 1292
with guidelines issued by the United States secretary of the 1293
interior for application of the secretary's standards for 1294
rehabilitation adopted in 36 C.F.R. part 67. 1295

(F)(1) The ~~capitol square review and advisory~~ board shall 1296
lease capital facilities improved or financed by the Ohio building 1297
authority pursuant to Chapter 152. of the Revised Code for the use 1298
of the board, and may enter into any other agreements with the 1299
authority ancillary to improvement, financing, or leasing of ~~such~~ 1300
those capital facilities, including, but not limited to, any 1301
agreement required by the applicable bond proceedings authorized 1302
by Chapter 152. of the Revised Code. Any lease of capital 1303
facilities authorized by this section shall be governed by 1304
division (D) of section 152.24 of the Revised Code. 1305

(2) Fees, receipts, and revenues received by the ~~capitol~~ 1306
~~square review and advisory~~ board from the state underground 1307
parking garage constitute available receipts as defined in section 1308
152.09 of the Revised Code, and may be pledged to the payment of 1309
bond service charges on obligations issued by the Ohio building 1310
authority pursuant to Chapter 152. of the Revised Code to improve 1311
or finance capital facilities useful to the board. The authority 1312
may, with the consent of the board, provide in the bond 1313
proceedings for a pledge of all or ~~such a~~ portion of ~~such~~ those 1314
fees, receipts, and revenues as the authority determines. The 1315
authority may provide in the bond proceedings or by separate 1316
agreement with the board for the transfer of ~~such~~ those fees, 1317

receipts, and revenues to the appropriate bond service fund or 1318
bond service reserve fund as required to pay the bond service 1319
charges when due, and any such provision for the transfer of ~~such~~ 1320
those fees, receipts, and revenues shall be controlling 1321
notwithstanding any other provision of law pertaining to ~~such~~ 1322
those fees, receipts, and revenues. 1323

(3) All moneys received by the treasurer of state on account 1324
of the board and required by the applicable bond proceedings or by 1325
separate agreement with the board to be deposited, transferred, or 1326
credited to the bond service fund or bond service reserve fund 1327
established by ~~such~~ the bond proceedings shall be transferred by 1328
the treasurer of state to such fund, whether or not ~~such fund~~ it 1329
is in the custody of the treasurer of state, without necessity for 1330
further appropriation, upon receipt of notice from the Ohio 1331
building authority as prescribed in the bond proceedings. 1332

(G) All fees, receipts, and revenues received by the ~~capitol~~ 1333
~~square review and advisory~~ board from the state underground 1334
parking garage shall be deposited into the state treasury to the 1335
credit of the underground parking garage operating fund, which is 1336
hereby created, to be used for the purposes specified in division 1337
(F) of this section and for the operation and maintenance of the 1338
garage. All investment earnings of the fund shall be credited to 1339
the fund. 1340

(H) All donations received by the ~~capitol square review and~~ 1341
~~advisory~~ board shall be deposited into the state treasury to the 1342
credit of the capitol square renovation gift fund, which is hereby 1343
created. The fund shall be used by the ~~capitol square review and~~ 1344
~~advisory~~ board as follows: 1345

(1) To provide part or all of the funding related to 1346
construction, goods, or services for the renovation of the capitol 1347
square; 1348

(2) To purchase art, antiques, and artifacts for display at 1349

the capitol square; 1350

(3) To award contracts or make grants to organizations for 1351
educating the public regarding the historical background and 1352
governmental functions of the capitol square. Chapters 125., 127., 1353
and 153. and section 3517.13 of the Revised Code do not apply to 1354
purchases made exclusively from the fund, notwithstanding anything 1355
to the contrary in those chapters or that section. All investment 1356
earnings of the fund shall be credited to the fund. 1357

(I) Except as provided in divisions (G), (H), and (J) of this 1358
section, all fees, receipts, and revenues received by the ~~capitol~~ 1359
~~square review and advisory~~ board shall be deposited into the state 1360
treasury to the credit of the sale of goods and services fund, 1361
which is hereby created. Money credited to the fund shall be used 1362
solely to pay costs of the board other than those specified in 1363
divisions (F) and (G) of this section. All investment earnings of 1364
the fund shall be credited to the fund. 1365

(J) There is hereby created in the state treasury the capitol 1366
square ~~improvement~~ government television and telecommunications 1367
operating fund, to be used by the ~~capitol square review and~~ 1368
~~advisory~~ board to pay construction, renovation for the operations, 1369
improvements, and educational projects of, and any other costs 1370
related to, any television or telecommunications studio the 1371
~~capitol square~~ board authorizes to carry out its functions under 1372
this section, for which money is not otherwise available to the 1373
board. Whenever the board determines that there is a need to incur 1374
~~such~~ those costs and that the unencumbered, unobligated balance to 1375
the credit of the underground parking garage operating fund 1376
exceeds the amount needed for the purposes specified in division 1377
(F) of this section and for the operation and maintenance of the 1378
garage, the board may request the director of budget and 1379
management to transfer from the underground parking garage 1380
operating fund to the capitol square ~~improvement~~ government 1381

television and telecommunications operating fund the amount needed 1382
to pay ~~such construction, renovation, or for the operations,~~ 1383
improvements, and educational projects of, and the other costs 1384
related to, the studio. The director then shall ~~thereupon~~ transfer 1385
the amount needed from the excess balance of the underground 1386
parking garage operating fund. 1387

(K) As the operation and maintenance of the capitol square 1388
constitute essential government functions of a public purpose, the 1389
board shall not be required to pay taxes or assessments upon the 1390
square, ~~or~~ upon any property acquired or used by the board under 1391
this section, or upon any income generated by the operation of the 1392
square. 1393

(L) As used in this section, "capitol square" means the 1394
capitol building, senate building, capitol atrium, capitol 1395
grounds, and the state underground parking garage. 1396

(M) The capitol annex shall be known as the senate building. 1397

Sec. 111.16. The secretary of state shall charge and collect, 1398
for the benefit of the state, the following fees: 1399

(A) For filing and recording articles of incorporation of a 1400
domestic corporation, including designation of agent: 1401

(1) Wherein the corporation shall not be authorized to issue 1402
any shares of capital stock, one hundred twenty-five dollars-~~i~~ 1403

(2) Wherein the corporation shall be authorized to issue 1404
shares of capital stock, with or without par value: 1405

(a) Ten cents for each share authorized up to and including 1406
one thousand shares; 1407

(b) Five cents for each share authorized in excess of one 1408
thousand shares up to and including ten thousand shares; 1409

(c) Two cents for each share authorized in excess of ten 1410

thousand shares up to and including fifty thousand shares;	1411
(d) One cent for each share authorized in excess of fifty thousand shares up to and including one hundred thousand shares;	1412 1413
(e) One-half cent for each share authorized in excess of one hundred thousand shares up to and including five hundred thousand shares;	1414 1415 1416
(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.	1417 1418 1419 1420
(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:	1421 1422 1423 1424 1425
(1) If the domestic corporation is not authorized to issue any shares of capital stock, twenty-five <u>fifty</u> dollars;	1426 1427
(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;	1428 1429 1430 1431 1432 1433 1434 1435
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	1436 1437
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	1438 1439
(C) For filing and recording articles of incorporation of a	1440

savings and loan association, one hundred ~~twenty-five~~ dollars; and 1441
for filing and recording a certificate of amendment to or amended 1442
articles of incorporation ~~that do not involve an increase in the~~ 1443
~~authorized capital stock of such corporation of a savings and loan~~ 1444
~~association, twenty-five~~ fifty dollars; ~~and for filing and~~ 1445
~~recording a certificate of amendment to or amended articles of~~ 1446
~~incorporation that do involve an increase in the authorized~~ 1447
~~capital stock of such corporation, thirty-five~~ dollars; 1448

(D) For filing and recording a certificate of merger or 1449
consolidation, ~~fifty~~ one hundred twenty-five dollars and, in the 1450
case of any new corporation resulting from a consolidation or any 1451
surviving corporation that has an increased number of shares 1452
authorized to be issued resulting from a merger, an additional sum 1453
computed in accordance with the schedule set forth in division 1454
(A)(2) of this section less a credit computed in the same manner 1455
for the number of shares previously authorized to be issued or 1456
represented in this state by each of the corporations for which a 1457
consolidation or merger is effected by the certificate; 1458

(E) For filing and recording articles of incorporation of a 1459
credit union or the American credit union guaranty association, 1460
~~thirty-five~~ one hundred twenty-five dollars, and for filing and 1461
recording a certificate of increase in capital stock or any other 1462
amendment of the articles of incorporation of a credit union or 1463
the association, ~~twenty-five~~ fifty dollars; 1464

(F) For filing and recording articles of organization of a 1465
limited liability company ~~or, for filing and recording an~~ 1466
~~application to become a registered foreign limited liability~~ 1467
~~company,~~ for filing and recording a registration application to 1468
become a domestic limited liability partnership, ~~or for filing and~~ 1469
~~recording an application to become~~ a registered foreign limited 1470
liability partnership, ~~eighty-five~~ one hundred twenty-five 1471
dollars; 1472

(G) For filing and recording a certificate of limited partnership or an application for registration as a foreign limited partnership the following apply:	1473 1474 1475
(1) If the certificate or application is for a limited partnership or foreign limited partnership described in division (A)(1) of section 1782.63 of the Revised Code, and the partnership has complied with divisions (A)(1)(a) to (e) of that section, no fee:	1476 1477 1478 1479 1480
(2) If the certificate or application is for a limited partnership or foreign limited partnership other than a partnership described in division (G)(1) of this section, <u>eighty-five, one hundred twenty-five</u> dollars.	1481 1482 1483 1484
(H) For filing a copy of papers evidencing the incorporation of a municipal corporation or of annexation of territory by a municipal corporation, five dollars, to be paid by the <u>municipal</u> corporation, the petitioners therefor, or their agent;	1485 1486 1487 1488
(I) For filing and recording any of the following:	1489
(1) A license to transact business in this state by a foreign corporation for profit pursuant to section 1703.04 of the Revised Code <u>or a foreign nonprofit corporation pursuant to section 1703.27 of the Revised Code</u> , one hundred <u>twenty-five</u> dollars;	1490 1491 1492 1493 1494
(2) An annual report <u>or annual statement</u> pursuant to section 1775.63 <u>or 1785.06</u> of the Revised Code, ten <u>twenty-five</u> dollars;	1495 1496
(3) Any <u>Except as otherwise provided in this section or any other section of the Revised Code</u> , any other certificate or paper that is required to be <u>filed and recorded</u> or is permitted by any provision of the Revised Code to be filed and recorded <u>by any provision of the Revised Code</u> with the secretary of state, ten <u>twenty-five</u> dollars.	1497 1498 1499 1500 1501 1502

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

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

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

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

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

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

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

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

<u>(3) The withdrawal of registration of a foreign or domestic</u>	1533
<u>limited liability partnership under section 1775.61 or 1775.64 of</u>	1534
<u>the Revised Code, or the certificate of cancellation of</u>	1535
<u>registration of a foreign limited liability company under section</u>	1536
<u>1705.57 of the Revised Code;</u>	1537
<u>(4) The filing of a cancellation of disclaimer of general</u>	1538
<u>partner status under Chapter 1782. of the Revised Code.</u>	1539
<u>(O) Fees For filing a statement of continued existence by a</u>	1540
<u>nonprofit corporation, twenty-five dollars;</u>	1541
<u>(P) For filing a restatement under section 1705.08 or 1782.09</u>	1542
<u>of the Revised Code, an amendment to a certificate of cancellation</u>	1543
<u>under section 1782.10 of the Revised Code, an amendment under</u>	1544
<u>section 1705.08 or 1782.09 of the Revised Code, or a correction</u>	1545
<u>under section 1705.55, 1775.61, 1775.64, or 1782.52 of the Revised</u>	1546
<u>Code, fifty dollars;</u>	1547
<u>(Q) For filing for reinstatement of an entity cancelled by</u>	1548
<u>operation of law, by the secretary of state, by order of the</u>	1549
<u>department of taxation, or by order of a court, twenty-five</u>	1550
<u>dollars;</u>	1551
<u>(R) For filing a change of agent, resignation of agent, or</u>	1552
<u>change of agent's address under section 1701.07, 1702.06,</u>	1553
<u>1703.041, 1703.27, 1705.06, 1705.55, 1746.04, 1747.03, or 1782.04</u>	1554
<u>of the Revised Code, twenty-five dollars;</u>	1555
<u>(S) For filing and recording any of the following:</u>	1556
<u>(1) An application for the exclusive right to use a name or</u>	1557
<u>an application to reserve a name for future use under section</u>	1558
<u>1701.05, 1702.05, 1703.31, 1705.05, or 1746.06 of the Revised</u>	1559
<u>Code, fifty dollars;</u>	1560
<u>(2) A trade name or fictitious name registration or report,</u>	1561
<u>fifty dollars;</u>	1562

(3) An application to renew any item covered by division (S)(1) or (2) of this section that is permitted to be renewed, twenty-five dollars; 1563
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(4) An assignment of rights for use of a name covered by division (S)(1), (2), or (3) of this section, the cancellation of a name registration or name reservation that is so covered, or notice of a change of address of the registrant of a name that is so covered, twenty-five dollars. 1566
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(T) For filing and recording a report to operate a business trust or a real estate investment trust, either foreign or domestic, one hundred twenty-five dollars; and for filing and recording an amendment to a report or associated trust instrument, or a surrender of authority, to operate a business trust or real estate investment trust, fifty dollars; 1571
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(U)(1) For filing and recording the registration of a trademark, service mark, or mark of ownership, one hundred twenty-five dollars; 1577
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(2) For filing and recording the change of address of a registrant, the assignment of rights to a registration, a renewal of a registration, or the cancellation of a registration associated with a trademark, service mark, or mark of ownership, twenty-five dollars. 1580
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Fees specified in this section may be paid by cash, check, or money order or by credit card, or an alternative payment program, in accordance with division (B) or (C) of section 111.18 of the Revised Code. Any credit card number or the expiration date of any credit card is not subject to disclosure under Chapter 149. of the Revised Code. 1585
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Sec. 111.18. (A) The secretary of state shall keep a record of all fees collected by the secretary of state and, ~~except as~~ 1591
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~~otherwise provided in this subject to division (B) of section and 1593
in sections 1309.401 and 1329.68 and division (C)(2) of section 1594
3506.05 of the Revised Code and except as otherwise provided in 1595
the Revised Code, shall pay, through June 30, 2001, fifty per cent 1596
of them into the state treasury to the credit of the general 1597
revenue fund and fifty per cent of them into the state treasury to 1598
the credit of the corporate and uniform commercial code filing 1599
fund created under by section 1309.401 of the Revised Code and 1600
shall pay, on and after July 1, 2001, all of them into the state 1601
treasury to the credit of the general revenue fund. Through June 1602
30, 2001, all of the fees collected under divisions (I)(2) and (N) 1603
of section 111.16 of the Revised Code shall be paid into the state 1604
treasury to the credit of that corporate and uniform commercial 1605
code filing fund. On and after July 1, 2001, the following fees 1606
shall be paid into the state treasury to the credit of that 1607
corporate and uniform commercial code filing fund: 1608~~

~~(1) Twenty-five dollars of each fee collected under divisions 1609
(A)(2), (F), (G)(2), and (I)(1) of section 111.16 of the Revised 1610
Code: 1611~~

~~(2) Twenty-five dollars of each fee collected under division 1612
(C) of section 1703.031 of the Revised Code: 1613~~

~~(3) All fees collected under divisions (I)(2) and (N) of 1614
section 111.16 of the Revised Code: 1615~~

~~(4) All fees collected under section 1703.08 of the Revised 1616
Code: 1617~~

~~(5) Each fifty-dollar fee for amendments filed by foreign 1618
nonprofit corporations under section 1703.27 of the Revised Code. 1619~~

(B) The secretary of state may implement a credit card 1620
payment program permitting that permits payment of any fee charged 1621
by the secretary of state by means of a credit card. The secretary 1622
of state may open an account outside the state treasury in a 1623

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financial institution for the purpose of depositing credit card 1624
receipts. Within forty-eight hours following the deposit of the 1625
receipts, the financial institution shall make available to the 1626
secretary of state funds in the amount of the receipts. The 1627
secretary of state ~~then~~ shall ~~then~~ pay ~~these~~ those funds into the 1628
state treasury to the credit of the ~~general revenue~~ corporate and 1629
uniform commercial code filing fund, subject to division (B) of 1630
section 1309.401 of the Revised Code and except as otherwise 1631
provided by in the Revised Code. 1632

The secretary of state may pay the cost of any service charge 1633
required by a financial institution or credit card company in 1634
connection with a credit card payment program. 1635

The secretary of state shall adopt rules ~~as~~ necessary to 1636
carry out the purposes of this division. The rules shall include 1637
standards for determining eligible financial institutions and the 1638
manner in which funds shall be made available and shall be 1639
consistent with the standards contained in sections 135.03, 1640
135.18, and 135.181 of the Revised Code. 1641

(C) The secretary of state may implement alternative payment 1642
programs that permit payment of any fee charged by the secretary 1643
of state by means other than cash, check, money order, or credit 1644
card; an alternative payment program may include, but is not 1645
limited to, one that permits a fee to be paid by electronic means 1646
of transmission. The secretary of state may open an account 1647
outside the state treasury in a financial institution for the 1648
purpose of operating an alternative payment program. Within 1649
forty-eight hours following the deposit of funds into such an 1650
account, the financial institution shall make available to the 1651
secretary of state the deposited funds. The secretary of state 1652
then shall pay those funds into the state treasury to the credit 1653
of the corporate and uniform commercial code filing fund, subject 1654
to division (B) of section 1309.401 of the Revised Code and except 1655

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 1687
comply fully with any other requirements of the Revised Code 1688
applicable to the type of filing being made. 1689

Sec. 111.25. (A) The secretary of state shall prescribe the 1690
following forms for persons to use in complying with the 1691
requirements of Chapter 1309. of the Revised Code for the filing 1692
of financing statements and related documents: 1693

~~(A)~~(1) The financing statement described in division (A) of 1694
section 1309.39 of the Revised Code; 1695

~~(B)~~(2) A form for the amendment of a financing statement 1696
described in division (C) of section 1309.39 of the Revised Code; 1697

~~(C)~~(3) A continuation statement described in division (C) of 1698
section 1309.40 of the Revised Code; 1699

~~(D)~~(4) A termination statement described in division (A) of 1700
section 1309.41 of the Revised Code; 1701

~~(E)~~(5) A form for an assignment of rights under a financing 1702
statement described in section 1309.42 of the Revised Code; 1703

~~(F)~~(6) A statement of release described in section 1309.43 of 1704
the Revised Code. 1705

(B) The secretary of state shall prescribe the forms for 1706
persons to use in complying with the requirements of Title XVII of 1707
the Revised Code to the extent that those requirements relate to 1708
filings with the secretary of state's office. 1709

Sec. 118.08. (A) The members of the financial planning and 1710
supervision commission shall serve without compensation, but shall 1711
be paid by the commission their necessary and actual expenses 1712
incurred while engaged in the business of the commission. 1713

(B) All expenses incurred for services rendered by the 1714

financial supervisor for a period of twenty-four months shall be 1715
paid by the commission pursuant to an appropriation made by the 1716
general assembly for this purpose. Expenses incurred for services 1717
rendered by the financial supervisor beyond this period shall be 1718
borne by the municipal corporation, county, or township unless the 1719
director of budget and management waives the costs and allows 1720
payment in accordance with the following: 1721

(1) If the continued performance of the financial supervisor 1722
is required for a period of twenty-five to thirty months, the 1723
municipal corporation, county, or township is responsible for 1724
twenty per cent of the compensation due. 1725

(2) If the continued performance of the financial supervisor 1726
is required for a period of thirty-one to thirty-six months, the 1727
municipal corporation, county, or township is responsible for 1728
fifty per cent of the compensation due. 1729

(3) If the continued performance of the financial supervisor 1730
is required for a period of thirty-seven months or more, the 1731
municipal corporation, county, or township is responsible for one 1732
hundred per cent of the compensation due except as otherwise 1733
provided in division (B)(4) of this section. 1734

(4) ~~Beginning in fiscal year 2000, if~~ If the continued 1735
performance of the financial supervisor has been required longer 1736
than eight fiscal years for any municipal corporation, county, or 1737
township declared to be in a fiscal emergency prior to fiscal year 1738
1996, that municipal corporation, county, or township is 1739
responsible for fifty per cent of the compensation due in its 1740
ninth fiscal year ~~2000~~ while in fiscal emergency and one hundred 1741
per cent of the compensation due in its tenth fiscal year ~~2001~~ and 1742
every fiscal year thereafter while in fiscal emergency. 1743

(C) If the municipal corporation, county, or township fails 1744
to make any payment to the financial supervisor as required by 1745

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. 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.

(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 1777
or requested by a county public defender, joint county public 1778
defender, or the director of rehabilitation and correction, shall 1779
provide legal representation in parole and probation revocation 1780
matters, unless the state public defender finds that the alleged 1781
parole or probation violator has the financial capacity to retain 1782
the alleged violator's own counsel. 1783

(6) If the state public defender contracts with a county 1784
public defender commission, a joint county public defender 1785
commission, or a board of county commissioners for the provision 1786
of services, under authority of division (C)(7) of section 120.04 1787
of the Revised Code, the state public defender shall provide legal 1788
representation in accordance with the contract. 1789

(B) The state public defender shall not be required to 1790
prosecute any appeal, postconviction remedy, or other proceeding 1791
pursuant to division (A)(3), (4), or (5) of this section, unless 1792
the state public defender first is satisfied that there is 1793
arguable merit to the proceeding. 1794

(C) A court may appoint counsel or allow an indigent person 1795
to select the indigent's own personal counsel to assist the state 1796
public defender as co-counsel when the interests of justice so 1797
require. When co-counsel is appointed to assist the state public 1798
defender, the co-counsel shall receive any compensation that the 1799
court may approve, not to exceed the amounts provided for in 1800
section 2941.51 of the Revised Code. 1801

(D) When the state public defender is designated by the court 1802
or requested by a county public defender or joint county public 1803
defender to provide legal representation for an indigent person in 1804
any case, other than pursuant to a contract entered into under 1805
authority of division (C)(7) of section 120.04 of the Revised 1806
Code, the state public defender shall send to the county in which 1807
the case is filed an itemized bill for fifty per cent of the 1808

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actual cost of the representation. The county, upon receipt of an
itemized bill from the state public defender pursuant to this
division, shall pay fifty per cent of the actual cost of the legal
representation as set forth in the itemized bill. There is hereby
created in the state treasury the county representation fund for
the deposit of moneys received from counties under this division.
All moneys credited to the fund shall be used by the state public
defender to provide legal representation for indigent persons when
designated by the court or requested by a county or joint county
public defender.

(E)(1) Notwithstanding any contrary provision of sections
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code
that pertains to representation by the attorney general, an
assistant attorney general, or special counsel of an officer or
employee, as defined in section 109.36 of the Revised Code, or of
an entity of state government, the state public defender may elect
to contract with, and to have the state pay pursuant to division
(E)(2) of this section for the services of, private legal counsel
to represent the Ohio public defender commission, the state public
defender, assistant state public defenders, other employees of the
commission or the state public defender, and attorneys described
in division (C) of section 120.41 of the Revised Code in a
malpractice or other civil action or proceeding that arises from
alleged actions or omissions related to responsibilities derived
pursuant to this chapter, or in a civil action that is based upon
alleged violations of the constitution or statutes of the United
States, including section 1983 of Title 42 of the United States
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, 1841
with malicious purpose, in bad faith, or in a wanton or reckless 1842
manner. If the state public defender elects not to contract 1843
pursuant to this division for private legal counsel in a civil 1844
action or proceeding, then, in accordance with sections 109.02, 1845
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 1846
attorney general shall represent or provide for the representation 1847
of the Ohio public defender commission, the state public defender, 1848
assistant state public defenders, other employees of the 1849
commission or the state public defender, or attorneys described in 1850
division (C) of section 120.41 of the Revised Code in the civil 1851
action or proceeding. 1852

(2)(a) Subject to division (E)(2)(b) of this section, payment 1853
from the state treasury for the services of private legal counsel 1854
with whom the state public defender has contracted pursuant to 1855
division (E)(1) of this section shall be accomplished only through 1856
the following procedure: 1857

(i) The private legal counsel shall file with the attorney 1858
general a copy of the contract; a request for an award of legal 1859
fees, court costs, and expenses earned or incurred in connection 1860
with the defense of the Ohio public defender commission, the state 1861
public defender, an assistant state public defender, an employee, 1862
or an attorney in a specified civil action or proceeding; a 1863
written itemization of those fees, costs, and expenses, including 1864
the signature of the state public defender and the state public 1865
defender's attestation that the fees, costs, and expenses were 1866
earned or incurred pursuant to division (E)(1) of this section to 1867
the best of the state public defender's knowledge and information; 1868
a written statement whether the fees, costs, and expenses are for 1869
all legal services to be rendered in connection with that defense, 1870
are only for legal services rendered to the date of the request 1871
and additional legal services likely will have to be provided in 1872

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connection with that defense, or are for the final legal services rendered in connection with that defense; a written statement indicating whether the private legal counsel previously submitted a request for an award under division (E)(2) of this section in connection with that defense and, if so, the date and the amount of each award granted; and, if the fees, costs, and expenses are for all legal services to be rendered in connection with that defense or are for the final legal services rendered in connection with that defense, a certified copy of any judgment entry in the civil action or proceeding or a signed copy of any settlement agreement entered into between the parties to the civil action or proceeding.

(ii) Upon receipt of a request for an award of legal fees, court costs, and expenses and the requisite supportive documentation described in division (E)(2)(a)(i) of this section, the attorney general shall review the request and documentation; determine whether any of the limitations specified in division (E)(2)(b) of this section apply to the request; and, if an award of legal fees, court costs, or expenses is permissible after applying the limitations, prepare a document awarding legal fees, court costs, or expenses to the private legal counsel. The document shall name the private legal counsel as the recipient of the award; specify the total amount of the award as determined by the attorney general; itemize the portions of the award that represent legal fees, court costs, and expenses; specify any limitation applied pursuant to division (E)(2)(b) of this section to reduce the amount of the award sought by the private legal counsel; state that the award is payable from the state treasury pursuant to division (E)(2)(a)(iii) of this section; and be approved by the inclusion of the signatures of the attorney general, the state public defender, and the private legal counsel.

(iii) The attorney general shall forward a copy of the

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document prepared pursuant to division (E)(2)(a)(ii) of this 1905
section to the director of budget and management. The award of 1906
legal fees, court costs, or expenses shall be paid out of the 1907
state public defender's appropriations, to the extent there is a 1908
sufficient available balance in those appropriations. If the state 1909
public defender does not have a sufficient available balance in 1910
the state public defender's appropriations to pay the entire award 1911
of legal fees, court costs, or expenses, the director shall make 1912
application for a transfer of appropriations out of the emergency 1913
purposes account or any other appropriation for emergencies or 1914
contingencies in an amount equal to the portion of the award that 1915
exceeds the sufficient available balance in the state public 1916
defender's appropriations. A transfer of appropriations out of the 1917
emergency purposes account or any other appropriation for 1918
emergencies or contingencies shall be authorized if there are 1919
sufficient moneys greater than the sum total of then pending 1920
emergency purposes account requests, or requests for releases from 1921
the other appropriation. If a transfer of appropriations out of 1922
the emergency purposes account or other appropriation for 1923
emergencies or contingencies is made to pay an amount equal to the 1924
portion of the award that exceeds the sufficient available balance 1925
in the state public defender's appropriations, the director shall 1926
cause the payment to be made to the private legal counsel. If 1927
sufficient moneys do not exist in the emergency purposes account 1928
or other appropriation for emergencies or contingencies to pay an 1929
amount equal to the portion of the award that exceeds the 1930
sufficient available balance in the state public defender's 1931
appropriations, the private legal counsel shall request the 1932
general assembly to make an appropriation sufficient to pay an 1933
amount equal to the portion of the award that exceeds the 1934
sufficient available balance in the state public defender's 1935
appropriations, and no payment in that amount shall be made until 1936
the appropriation has been made. The private legal counsel shall 1937

make the request during the current biennium and during each 1938
succeeding biennium until a sufficient appropriation is made. 1939
1940

(b) An award of legal fees, court costs, and expenses 1941
pursuant to division (E) of this section is subject to the 1942
following limitations: 1943

(i) The maximum award or maximum aggregate of a series of 1944
awards of legal fees, court costs, and expenses to the private 1945
legal counsel in connection with the defense of the Ohio public 1946
defender commission, the state public defender, an assistant state 1947
public defender, an employee, or an attorney in a specified civil 1948
action or proceeding shall not exceed fifty thousand dollars. 1949

(ii) The private legal counsel shall not be awarded legal 1950
fees, court costs, or expenses to the extent the fees, costs, or 1951
expenses are covered by a policy of malpractice or other 1952
insurance. 1953

(iii) The private legal counsel shall be awarded legal fees 1954
and expenses only to the extent that the fees and expenses are 1955
reasonable in light of the legal services rendered by the private 1956
legal counsel in connection with the defense of the Ohio public 1957
defender commission, the state public defender, an assistant state 1958
public defender, an employee, or an attorney in a specified civil 1959
action or proceeding. 1960

(c) If, pursuant to division (E)(2)(a) of this section, the 1961
attorney general denies a request for an award of legal fees, 1962
court costs, or expenses to private legal counsel because of the 1963
application of a limitation specified in division (E)(2)(b) of 1964
this section, the attorney general shall notify the private legal 1965
counsel in writing of the denial and of the limitation applied. 1966

(d) If, pursuant to division (E)(2)(c) of this section, a 1967
private legal counsel receives a denial of an award notification 1968

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

Sec. 120.16. (A)(1) The 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 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 county public defender commission has 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 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 county public defender may request the state public defender to prosecute any appeal or other remedy before or after conviction that the county public defender decides is in the interests of justice, and may provide legal representation in parole and probation revocation matters.

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

(E) Nothing in this section shall prevent a court from appointing counsel other than the 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 county public defender as co-counsel when the interests of justice so require.

(F) Information as to the right to legal representation by 2032
the county public defender or assigned counsel shall be afforded 2033
to an accused person immediately upon arrest, when brought before 2034
a magistrate, or when formally charged, whichever occurs first. 2035

(G) If a court appoints the office of the county public 2036
defender to represent a petitioner in a postconviction relief 2037
proceeding under section 2953.21 of the Revised Code, the 2038
petitioner has received a sentence of death, and the proceeding 2039
relates to that sentence, all of the attorneys who represent the 2040
petitioner in the proceeding pursuant to the appointment, whether 2041
an assistant county public defender or the county public defender, 2042
shall be certified under Rule ~~65~~ 20 of the Rules of 2043
Superintendence for ~~Common Pleas~~ the Courts of Ohio to represent 2044
indigent defendants charged with or convicted of an offense for 2045
which the death penalty can be or has been imposed. 2046

Sec. 120.26. (A)(1) The joint county public defender shall 2047
provide legal representation to indigent adults and juveniles who 2048
are charged with the commission of an offense or act that is a 2049
violation of a state statute and for which the penalty or any 2050
possible adjudication includes the potential loss of liberty and 2051
in postconviction proceedings as defined in this section. 2052

(2) The joint county public defender may provide legal 2053
representation to indigent adults and juveniles charged with the 2054
violation of an ordinance of a municipal corporation for which the 2055
penalty or any possible adjudication includes the potential loss 2056
of liberty, if the joint county public defender commission has 2057
contracted with the municipal corporation to provide legal 2058
representation for indigent persons charged with a violation of an 2059
ordinance of the municipal corporation. 2060

(B) The joint county public defender shall provide the legal 2061
representation authorized by division (A) of this section at every 2062

stage of the proceedings following arrest, detention, service of
summons, or indictment. 2063
2064

(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. 2065
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(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. 2070
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(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. 2074
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(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. 2082
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(G) If a court appoints the office of the joint 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 joint county defender or the joint county public
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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.

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

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

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

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

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

The fees and expenses approved by the court shall not be taxed as part of the costs and shall be paid by the county.

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However, if the person represented has, or may reasonably be
expected to have, the means to meet some part of the cost of the
services rendered to the person, the person shall pay the county
an amount that the person reasonably can be expected to pay.
Pursuant to section 120.04 of the Revised Code, the county shall
pay to the state public defender a percentage of the payment
received from the person in an amount proportionate to the
percentage of the costs of the person's case that were paid to the
county by the state public defender pursuant to this section. The
money paid to the state public defender shall be credited to the
client payment fund created pursuant to division (B)(5) of section
120.04 of the Revised Code.

The county auditor shall draw a warrant on the county
treasurer for the payment of counsel in the amount fixed by the
court, plus the expenses the court fixes and certifies to the
auditor. The county auditor shall report periodically, but not
less than annually, to the board of county commissioners and to
the Ohio public defender commission the amounts paid out pursuant
to the approval of the court. The board of county commissioners,
after review and approval of the auditor's report, may then
certify it to the state public defender for reimbursement. If a
request for reimbursement is not accompanied by a financial
disclosure form and an affidavit of indigency completed by the
indigent person on forms prescribed by the state public defender,
the state public defender shall not pay the requested
reimbursement. If a request for the reimbursement of the cost of
counsel in any case is not received by the state public defender
within ninety days after the end of the calendar month in which
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 2188
standards, guidelines, and maximums established pursuant to 2189
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2190
prepare a voucher for fifty per cent of the total cost of each 2191
county appointed counsel system in the period of time covered by 2192
the certified report and a voucher for fifty per cent of the costs 2193
and expenses that are reimbursable under section 120.35 of the 2194
Revised Code, if any, or, if the amount of money appropriated by 2195
the general assembly to reimburse counties for the operation of 2196
county public defender offices, joint county public defender 2197
offices, and county appointed counsel systems is not sufficient to 2198
pay fifty per cent of the total cost of all of the offices and 2199
systems other than costs and expenses that are reimbursable under 2200
section 120.35 of the Revised Code, for the lesser amount required 2201
by section 120.34 of the Revised Code. 2202

(5) If any county appointed counsel system fails to maintain 2203
the standards for the conduct of the system established by the 2204
rules of the Ohio public defender commission pursuant to divisions 2205
(B) and (C) of section 120.03 or the standards established by the 2206
state public defender pursuant to division (B)(7) of section 2207
120.04 of the Revised Code, the Ohio public defender commission 2208
shall notify the board of county commissioners of the county that 2209
the county appointed counsel system has failed to comply with its 2210
rules or the standards of the state public defender. Unless the 2211
board of county commissioners corrects the conduct of its 2212
appointed counsel system to comply with the rules and standards 2213
within ninety days after the date of the notice, the state public 2214
defender may deny all or part of the county's reimbursement from 2215
the state provided for in division (A)(4) of this section. 2216

(B) In lieu of using a county public defender or joint county 2217
public defender to represent indigent persons in the proceedings 2218
set forth in division (A) of section 120.16 of the Revised Code, 2219

and in lieu of adopting the resolution and following the procedure 2220
described in division (A) of this section, the board of county 2221
commissioners of any county may contract with the state public 2222
defender for the state public defender's legal representation of 2223
indigent persons. A contract entered into pursuant to this 2224
division may provide for payment for the services provided on a 2225
per case, hourly, or fixed contract basis. 2226

(C) If a court appoints an attorney pursuant to this section 2227
to represent a petitioner in a postconviction relief proceeding 2228
under section 2953.21 of the Revised Code, the petitioner has 2229
received a sentence of death, and the proceeding relates to that 2230
sentence, the attorney who represents the petitioner in the 2231
proceeding pursuant to the appointment shall be certified under 2232
Rule 65 20 of the Rules of Superintendence for ~~Common Pleas~~ the 2233
Courts of Ohio to represent indigent defendants charged with or 2234
convicted of an offense for which the death penalty can be or has 2235
been imposed. 2236

Sec. 121.40. (A) There is hereby created the ~~governor's~~ Ohio 2237
community service council consisting of twenty-one members 2238
including the superintendent of public instruction or the 2239
superintendent's designee, the chancellor of the Ohio board of 2240
regents or the chancellor's designee, the director of natural 2241
resources or the director's designee, the director of youth 2242
services or the director's designee, the director of aging or the 2243
director's designee, the director of job and family services or 2244
the director's designee, the chairperson of the committee of the 2245
house of representatives dealing with education or the 2246
chairperson's designee, the chairperson of the committee of the 2247
senate dealing with education or the chairperson's designee, and 2248
thirteen members who shall be appointed by the governor with the 2249
advice and consent of the senate and who shall serve terms of 2250
office of three years. The appointees shall include educators, 2251

including teachers and administrators; representatives of youth 2252
organizations; students and parents; representatives of 2253
organizations engaged in volunteer program development and 2254
management throughout the state, including youth and conservation 2255
programs; and representatives of business, government, nonprofit 2256
organizations, social service agencies, veterans organizations, 2257
religious organizations, or philanthropies that support or 2258
encourage volunteerism within the state. Members of the council 2259
shall receive no compensation, but shall be reimbursed for actual 2260
and necessary expenses incurred in the performance of their 2261
official duties. 2262

(B) The council shall appoint an executive director for the 2263
council, who shall be in the unclassified civil service. The 2264
executive director shall supervise the council's activities and 2265
report to the council on the progress of those activities. The 2266
executive director shall do all things necessary for the efficient 2267
and effective implementation of the duties of the council. 2268

The responsibilities assigned to the executive director do 2269
not relieve the members of the council from final responsibility 2270
for the proper performance of the requirements of this ~~division~~ 2271
section. 2272

(C) The council or its designee shall do all of the 2273
following: 2274

(1) Employ, promote, supervise, and remove all employees as 2275
needed in connection with the performance of its duties under this 2276
section and may assign duties to those employees as necessary to 2277
achieve the most efficient performance of its functions, and to 2278
that end may establish, change, or abolish positions, and assign 2279
and reassign duties and responsibilities of any employee of the 2280
council. Personnel employed by the council who are subject to 2281
Chapter 4117. of the Revised Code shall retain all of their rights 2282
and benefits conferred pursuant to that chapter. Nothing in this 2283

chapter shall be construed as eliminating or interfering with 2284
Chapter 4117. of the Revised Code or the rights and benefits 2285
conferred under that chapter to public employees or to any 2286
bargaining unit. 2287

(2) Maintain its office in Columbus, and may hold sessions at 2288
any place within the state; 2289

(3) Acquire facilities, equipment, and supplies necessary to 2290
house the council, its employees, and files and records under its 2291
control, and to discharge any duty imposed upon it by law. The 2292
expense of these acquisitions shall be audited and paid for in the 2293
same manner as other state expenses. For that purpose, the council 2294
shall prepare and submit to the office of budget and management a 2295
budget for each biennium according to sections 101.532 and 107.03 2296
of the Revised Code. The budget submitted shall cover the costs of 2297
the council and its staff in the discharge of any duty imposed 2298
upon the council by law. The council shall not delegate any 2299
authority to obligate funds. 2300

(4) Pay its own payroll and other operating expenses from 2301
line items designated by the general assembly; 2302

(5) Retain its fiduciary responsibility as appointing 2303
authority. Any transaction instructions shall be certified by the 2304
appointing authority or its designee. 2305

(6) Establish the overall policy and management of the 2306
council in accordance with this chapter; 2307

(7) Assist in coordinating and preparing the state 2308
application for funds under sections 101 to 184 of the "National 2309
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 2310
U.S.C.A. 12411 to 12544, ~~and amendments thereto~~ as amended, assist 2311
in administering and overseeing the "National and Community 2312
Service Trust Act of 1993," P.L. 103-82, 107 Stat. 785, and the 2313
americorps program in this state, and assist in developing 2314

objectives for a comprehensive strategy to encourage and expand 2315
community service programs throughout the state; 2316

(8) Assist the state board of education, school districts, 2317
the board of regents, and institutions of higher education in 2318
coordinating community service education programs through 2319
cooperative efforts between institutions and organizations in the 2320
public and private sectors; 2321

(9) Assist the departments of natural resources, youth 2322
services, aging, and job and family services in coordinating 2323
community service programs through cooperative efforts between 2324
institutions and organizations in the public and private sectors; 2325

(10) Suggest individuals and organizations that are available 2326
to assist school districts, institutions of higher education, and 2327
the departments of natural resources, youth services, aging, and 2328
job and family services in the establishment of community service 2329
programs and assist in investigating sources of funding for 2330
implementing ~~such~~ these programs; 2331

(11) Assist in evaluating the state's efforts in providing 2332
community service programs using standards and methods that are 2333
consistent with any statewide objectives for ~~such~~ these programs 2334
and provide information to the state board of education, school 2335
districts, the board of regents, institutions of higher education, 2336
and the departments of natural resources, youth services, aging, 2337
and job and family services to guide them in making decisions 2338
about these programs; 2339

(12) Assist the state board of education in complying with 2340
section 3301.70 of the Revised Code and the board of regents in 2341
complying with division (B)(2) of section 3333.043 of the Revised 2342
Code. 2343

(D) The department of aging shall serve as the council's 2344
fiscal agent. Beginning on July 1, 1997, whenever reference is 2345

made in any law, contract, or document to the functions of the 2346
department of youth services as fiscal agent to the council, the 2347
reference shall be deemed to refer to the department of aging. The 2348
department of aging shall have no responsibility for or obligation 2349
to the council prior to July 1, 1997. Any validation, cure, right, 2350
privilege, remedy, obligation, or liability shall be retained by 2351
the council. 2352

As used in this section, "fiscal agent" means technical 2353
support and includes the following technical support services: 2354

(1) Preparing and processing payroll and other personnel 2355
documents that the council executes as the appointing authority. 2356
The department of aging shall not approve any payroll or other 2357
personnel-related documents. 2358

(2) Maintaining ledgers of accounts and reports of account 2359
balances, and monitoring budgets and allotment plans in 2360
consultation with the council. The department shall not approve 2361
any biennial budget, grant, expenditure, audit, or fiscal-related 2362
document. 2363

(3) Performing other routine support services that the 2364
director of aging or the director's designee and the council or 2365
its designee consider appropriate to achieve efficiency. 2366

(E) The council or its designee has the following authority 2367
and responsibility relative to fiscal matters: 2368

(1) Sole authority to draw funds for any and all federal 2369
programs in which the council is authorized to participate; 2370

(2) Sole authority to expend funds from their accounts for 2371
programs and any other necessary expenses the council may incur 2372
and its subgrantees may incur; 2373

(3) Responsibility to cooperate with and inform the 2374
department of aging as fiscal agent to ensure that the department 2375

is fully apprised of all financial transactions.	2376
The council shall follow all state procurement requirements.	2377
The department of aging shall determine fees to be charged to the council, which shall be in proportion to the services performed for the council.	2378 2379 2380
The council shall pay fees owed to the department of aging from a general revenue fund of the council or from any other fund from which the operating expenses of the council are paid. Any amounts set aside for a fiscal year for the payment of such <u>these</u> fees shall be used only for the services performed for the council by the department of aging in that fiscal year.	2381 2382 2383 2384 2385 2386
Sec. 122.011. (A) The department of development shall develop and promote plans and programs designed to assure that state resources are efficiently used, economic growth is properly balanced, community growth is developed in an orderly manner, and local governments are coordinated with each other and the state, and for such purposes may do all of the following:	2387 2388 2389 2390 2391 2392
(1) Serve as a clearinghouse for information, data, and other materials that may be helpful or necessary to persons or local governments, as provided in section 122.07 of the Revised Code;	2393 2394 2395 2396
(2) Prepare and activate plans for the retention, development, expansion, and use of the resources and commerce of the state, as provided in section 122.04 of the Revised Code;	2397 2398 2399
(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments in the coordination of programs to carry out the functions and duties of the department;	2400 2401 2402 2403
(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and	2404 2405

develop recommendations for administrative or legislative actions, 2406
as provided in section 122.03 of the Revised Code; 2407
2408

(5) Serve as the economic and community development planning 2409
agency, which shall prepare and recommend plans and programs for 2410
the orderly growth and development of this state and which shall 2411
provide planning assistance, as provided in section 122.06 of the 2412
Revised Code; 2413

(6) Cooperate with and provide technical assistance to state 2414
departments, political subdivisions, regional and local planning 2415
commissions, tourist associations, councils of government, 2416
community development groups, community action agencies, and other 2417
appropriate organizations for carrying out the functions and 2418
duties of the department or for the solution of community 2419
problems; 2420

(7) Coordinate the activities of state agencies that have an 2421
impact on carrying out the functions and duties of the department; 2422

(8) Encourage and assist the efforts of and cooperate with 2423
local governments to develop mutual and cooperative solutions to 2424
their common problems that relate to carrying out the purposes of 2425
this section; 2426

(9) Study existing structure, operations, and financing of 2427
regional or local government and those state activities that 2428
involve significant relations with regional or local governmental 2429
units, recommend to the governor and to the general assembly such 2430
changes in these provisions and activities as will improve the 2431
operations of regional or local government, and conduct other 2432
studies of legal provisions that affect problems related to 2433
carrying out the purposes of this section; 2434

(10) Appoint, with the approval of the governor, technical 2435
and other advisory councils as it considers appropriate, as 2436

provided in section 122.09 of the Revised Code;	2437
(11) Create and operate a division of community development	2438
to develop and administer programs and activities that are	2439
authorized by federal statute or the Revised Code;	2440
(12) Until July 1, 2001, review, analyze, and summarize	2441
applications and information regarding the family farm loan	2442
program forwarded to the department by a financial institution	2443
pursuant to section 901.81 of the Revised Code, and forward the	2444
applications, information, analyses, and summaries to the director	2445
of agriculture;	2446
(13) Until July 1, 2001 <u>2003</u> , establish fees and charges, in	2447
consultation with the director of agriculture, for purchasing	2448
loans from financial institutions and providing loan guarantees	2449
under the family farm loan program created under sections 901.80	2450
to 901.83 of the Revised Code;	2451
(14) (13) Provide loan servicing for the loans purchased and	2452
loan guarantees provided under section 901.80 of the Revised Code	2453
as that section existed prior to July 1, 2001 <u>2003</u> ;	2454
(15) (14) Until July 1, 2001 <u>2003</u> , and upon approval by the	2455
controlling board under division (A)(3) of section 901.82 of the	2456
Revised Code of the release of money to be used for purchasing a	2457
loan or providing a loan guarantee, request the release of that	2458
money in accordance with division (B) of section 166.03 of the	2459
Revised Code for use for the purposes of the fund created by	2460
section 166.031 of the Revised Code.	2461
(B) The department, by rule, shall establish criteria	2462
defining nonprofit corporations that are eligible for appointment	2463
as qualified agents pursuant to sections 135.81 to 135.88 of the	2464
Revised Code. The criteria shall require that a corporation be	2465
organized pursuant to Chapter 1702. of the Revised Code and have	2466
as its primary purpose the promotion of economic development or	2467

the creation or retention of jobs and job opportunities. The 2468
criteria may include a specification as to the professional 2469
qualifications of the corporation employees, a minimum elapsed 2470
period of time since the corporation was organized, current and 2471
former activities of the corporation, and such other criteria 2472
reasonably related to the foregoing that relate to the ability of 2473
the corporation to act as a qualified agent for the purposes of 2474
sections ~~135.51~~ 135.81 to 135.88 of the Revised Code. 2475

(C) The director of development may request the attorney 2476
general to, and the attorney general, in accordance with section 2477
109.02 of the Revised Code, shall bring a civil action in any 2478
court of competent jurisdiction. The director may be sued in the 2479
director's official capacity, in connection with this chapter, in 2480
accordance with Chapter 2743. of the Revised Code. 2481

Sec. 122.71. As used in sections 122.71 to 122.83 of the 2482
Revised Code: 2483

(A) "Financial institution" means any banking corporation, 2484
trust company, insurance company, savings and loan association, 2485
building and loan association, or corporation, partnership, 2486
federal lending agency, foundation, or other institution engaged 2487
in lending or investing funds for industrial or business purposes. 2488

(B) "Project" means any real or personal property connected 2489
with or being a part of an industrial, distribution, commercial, 2490
or research facility to be acquired, constructed, reconstructed, 2491
enlarged, improved, furnished, or equipped, or any combination 2492
thereof, with the aid provided under sections 122.71 to 122.83 of 2493
the Revised Code, for industrial, commercial, distribution, and 2494
research development of the state. 2495

(C) "Mortgage" means the lien imposed on a project by a 2496
mortgage on real property, or by financing statements on personal 2497
property, or a combination of a mortgage and financing statements 2498

when a project consists of both real and personal property. 2499

(D) "Mortgagor" means the principal user of a project or the 2500
person, corporation, partnership, or association unconditionally 2501
guaranteeing performance by the principal user of its obligations 2502
under the mortgage. 2503

(E)(1) "Minority business enterprise" means an individual who 2504
is a United States citizen and owns and controls a business, or a 2505
partnership, corporation, or joint venture of any kind that is 2506
owned and controlled by United States citizens who, which citizen 2507
or citizens are residents of this state ~~or nonresidents of this~~ 2508
~~state who have a significant presence in this state,~~ and who are 2509
members of one of the following economically disadvantaged groups: 2510
Blacks, American Indians, Hispanics, and Orientals. 2511

(2) "Owned and controlled" means that at least fifty-one per 2512
cent of the business, including corporate stock if a corporation, 2513
is owned by persons who belong to one or more of the groups set 2514
forth in division (E)(1) of this section, and that those owners 2515
have control over the management and day-to-day operations of the 2516
business and an interest in the capital, assets, and profits and 2517
losses of the business proportionate to their percentage of 2518
ownership. In order to qualify as a minority business enterprise, 2519
a business shall have been owned and controlled by those persons 2520
at least one year prior to being awarded a contract pursuant to 2521
this section. 2522

(F) "Community improvement corporation" means a corporation 2523
organized under Chapter 1724. of the Revised Code. 2524

(G) "Ohio development corporation" means a corporation 2525
organized under Chapter 1726. of the Revised Code. 2526

(H) "Minority contractors business assistance organization" 2527
means an entity engaged in the provision of management and 2528
technical business assistance to minority business enterprise 2529

<u>entrepreneurs.</u>	2530
<u>(I) "Minority business supplier development council" means a</u>	2531
<u>nonprofit organization established as an affiliate of the national</u>	2532
<u>minority supplier development council.</u>	2533
Sec. 122.76. (A) The director of development, with	2534
controlling board approval, may lend funds to minority business	2535
enterprises and to community improvement corporations <u>and</u> , Ohio	2536
development corporations, <u>minority contractors business assistance</u>	2537
<u>organizations, and minority business supplier development councils</u>	2538
for the purpose of loaning funds to minority business enterprises	2539
and for the purpose of procuring or improving real or personal	2540
property, or both, for the establishment, location, or expansion	2541
of industrial, distribution, commercial, or research facilities in	2542
the state, if the director determines, in the director's sole	2543
discretion, that all of the following apply:	2544
(1) The project is economically sound and will benefit the	2545
people of the state by increasing opportunities for employment, by	2546
strengthening the economy of the state, or expanding minority	2547
business enterprises † .	2548
(2) The proposed minority business enterprise borrower is	2549
unable to finance the proposed project through ordinary financial	2550
channels at comparable terms † .	2551
(3) The value of the project is † or † upon completion thereof ,	2552
will be † at least equal to the total amount of the money expended	2553
in the procurement or improvement of the project, and of which	2554
amount one or more financial institutions or other governmental	2555
entities have loaned not less than thirty per cent † <u>of that</u>	2556
<u>amount.</u>	2557
(4) The amount to be loaned by the director will not exceed	2558
sixty per cent of the total amount expended in the procurement or	2559

improvement of the project~~+~~. 2560

(5) The amount to be loaned by the director will be 2561
adequately secured by a first or second mortgage upon the project~~+~~ 2562
or by mortgages, leases, liens, assignments, or pledges on or of 2563
other property or contracts as the director requires, ~~and that~~ 2564
such mortgage will not be subordinate to any other liens or 2565
mortgages except the liens securing loans or investments made by 2566
financial institutions referred to in division (A)(3) of this 2567
section, and the liens securing loans previously made by any 2568
financial institution in connection with the procurement or 2569
expansion of all or part of a project. 2570

(B) Any proposed minority business enterprise borrower 2571
submitting an application for assistance under this section shall 2572
not have defaulted on a previous loan from the director, and no 2573
full or limited partner, ~~or~~ major shareholder, or holder of an 2574
equity interest of the proposed minority business enterprise 2575
borrower shall have defaulted on a loan from the director~~+~~. 2576

(C) The proposed minority business enterprise borrower shall 2577
demonstrate to the satisfaction of the director that it is able to 2578
successfully compete in the private sector if it obtains the 2579
necessary financial, technical, or managerial support and that 2580
support is available through the director, the minority business 2581
development office of the department of development, or other 2582
identified and acceptable sources. In determining whether a 2583
minority business enterprise borrower will be able to successfully 2584
compete, the director may give consideration to such factors as 2585
the successful completion of or participation in courses of study, 2586
recognized by the board of regents as providing financial, 2587
technical, or managerial skills related to the operation of the 2588
business, by the economically disadvantaged individual, owner, or 2589
partner, and the prior success of the individual, owner, or 2590
partner in personal, career, or business activities, as well as to 2591

other factors identified by the director.	2592
(D) The director shall not lend funds for the purpose of procuring or improving motor vehicles, power-driven vehicles, office equipment, raw materials, small tools, supplies, inventories, or accounts receivable.	2593 2594 2595 2596
Sec. 122.92. There is hereby created in the department of development a minority business development division. The division shall do all of the following:	2597 2598 2599
(A) Provide technical, managerial, and counseling services and assistance to minority business enterprises;	2600 2601
(B) Provide procurement and bid packaging assistance to minority business enterprises;	2602 2603
(C) Provide bonding technical assistance to minority business enterprises;	2604 2605
(D) Participate with other state departments and agencies as appropriate in developing specific plans and specific program goals for programs to assist in the establishment and development of minority business enterprises and establish regular performance monitoring and reporting systems to ensure that those goals are being achieved;	2606 2607 2608 2609 2610 2611
(E) Implement state law and policy supporting minority business enterprise development, and assist in the coordination of plans, programs, and operations of state government which affect or may contribute to the establishment, preservation, and strengthening of minority business enterprises;	2612 2613 2614 2615 2616
(F) Assist in the coordination of activities and resources of state agencies and local governments, business and trade associations, universities, foundations, professional organizations, and volunteer and other groups, to promote the growth of minority business enterprises;	2617 2618 2619 2620 2621

(G) Establish a center for the development, collection, and dissemination of information that will be helpful to persons in establishing or expanding minority business enterprises in this state;	2622 2623 2624 2625
(H) Design, implement, and assist in experimental and demonstration projects designed to overcome the special problems of minority business enterprises;	2626 2627 2628
(I) Coordinate reviews of all proposed state training and technical assistance activities in direct support of minority business enterprise programs to ensure consistency with program goals and to preclude duplication of efforts by other state agencies;	2629 2630 2631 2632 2633
(J) Recommend appropriate legislative or executive actions to enhance minority business <u>enterprise</u> opportunities in the state;	2634 2635 2636
(K) Assist minority business enterprises in obtaining governmental or commercial financing for business expansion, establishment of new businesses, or industrial development projects;	2637 2638 2639 2640
(L) Assist minority business enterprises in contract procurement from government and commercial sources;	2641 2642
(M) Establish procedures to identify groups who have been disadvantaged because of racial, cultural, or ethnic circumstances without regard to the individual qualities of the members of the group;	2643 2644 2645 2646
(N) Establish procedures to identify persons who have been economically disadvantaged;	2647 2648
(O) <u>Provide grant assistance to nonprofit entities that promote economic development, development corporations, community improvement corporations, and incubator business entities, if the</u>	2649 2650 2651

entities or corporations focus on business, technical, and 2652
financial assistance to minority business enterprises to assist 2653
the enterprises with fixed asset financing; 2654

(P) Do all acts and things necessary or proper to carry out 2655
the powers expressly granted and duties imposed by sections 122.92 2656
to 122.94 of the Revised Code. 2657

Sec. 125.22. (A) The department of administrative services 2658
shall establish the central service agency to perform routine 2659
support for the following boards and commissions: 2660

(1) State board of examiners of architects; 2661

(2) Barber board; 2662

(3) State chiropractic board; 2663

(4) State board of cosmetology; 2664

(5) Accountancy board; 2665

(6) State dental board; 2666

(7) State board of optometry; 2667

(8) Ohio occupational therapy, physical therapy, and athletic 2668
trainers board; 2669

(9) State board of registration for professional engineers 2670
and surveyors; 2671

(10) State board of sanitarian registration; 2672

(11) Board of embalmers and funeral directors; 2673

(12) State board of psychology; 2674

(13) Ohio optical dispensers board; 2675

(14) Board of speech pathology and audiology; 2676

(15) Counselor and social worker board; 2677

(16) State veterinary medical licensing board; 2678

(17) Ohio board of dietetics;	2679
(18) Commission on Hispanic-Latino affairs;	2680
(19) Ohio respiratory care board;	2681
<u>(20) Ohio commission on African-American males.</u>	2682
(B)(1) Notwithstanding any other section of the Revised Code,	2683
the agency shall perform the following routine support services	2684
for the boards and commissions named in division (A) of this	2685
section unless the controlling board exempts a board or commission	2686
from this requirement on the recommendation of the director of	2687
administrative services:	2688
(a) Preparing and processing payroll and other personnel	2689
documents;	2690
(b) Preparing and processing vouchers, purchase orders,	2691
encumbrances, and other accounting documents;	2692
(c) Maintaining ledgers of accounts and balances;	2693
(d) Preparing and monitoring budgets and allotment plans in	2694
consultation with the boards and commissions;	2695
(e) Maintaining information required by section 3729.40 of	2696
the Revised Code;	2697
(f) Other routine support services that the director of	2698
administrative services considers appropriate to achieve	2699
efficiency.	2700
(2) The agency may perform other services which a board or	2701
commission named in division (A) of this section delegates to the	2702
agency and the agency accepts.	2703
(3) The agency may perform any service for any professional	2704
or occupational licensing board not named in division (A) of this	2705
section or any commission if the board or commission requests such	2706
service and the agency accepts.	2707

(C) The director of administrative services shall be the 2708
appointing authority for the agency. 2709

(D) The agency shall determine the fees to be charged to the 2710
boards and commissions, which shall be in proportion to the 2711
services performed for each board or commission. 2712

(E) Each board or commission named in division (A) of this 2713
section and any other board or commission requesting services from 2714
the agency shall pay these fees to the agency from the general 2715
revenue fund maintenance account of the board or commission or 2716
from such other fund as the operating expenses of the board or 2717
commission are paid. Any amounts set aside for a fiscal year by a 2718
board or commission to allow for the payment of fees shall be used 2719
only for the services performed by the agency in that fiscal year. 2720
All receipts collected by the agency shall be deposited in the 2721
state treasury to the credit of the central service agency fund, 2722
which is hereby created. All expenses incurred by the agency in 2723
performing services for the boards or commissions shall be paid 2724
from the fund. 2725

(F) Nothing in this section shall be construed as a grant of 2726
authority for the central service agency to initiate or deny 2727
personnel or fiscal actions for the boards and commissions. 2728

Sec. 126.11. (A)(1) The director of budget and management 2729
shall, upon consultation with the treasurer of state, coordinate 2730
and approve the scheduling of initial sales of publicly offered 2731
securities of the state and of publicly offered fractionalized 2732
interests in or securitized issues of public obligations of the 2733
state. The director shall from time to time develop and distribute 2734
to state issuers an approved sale schedule for each of the 2735
obligations covered by ~~this~~ division (A) of this section. ~~This~~ 2736
~~division~~ Division (A) of this section applies only to those 2737
nonconduit obligations on which the state or a state agency is the 2738

direct obligor or obligor on any backup security or related credit 2739
enhancement facility or source of money subject to state 2740
appropriations that is intended for payment of those obligations. 2741

(2) The issuers of obligations pursuant to section 151.03, 2742
151.04, 151.05, or 151.07 or Chapter 152. of the Revised Code 2743
shall submit to the director: 2744

(a) For review and approval: the projected sale date, amount, 2745
and type of obligations proposed to be sold; their purpose, 2746
security, and source of payment; and the proposed structure and 2747
maturity schedule; 2748

(b) For review and comment: the authorizing order or 2749
resolution; preliminary and final offering documents; method of 2750
sale; preliminary and final pricing information; and any written 2751
reports or recommendations of financial advisors or consultants 2752
relating to those obligations; 2753

(c) Promptly after each sale of those obligations: final 2754
terms, including sale price, maturity schedule and yields, and 2755
sources and uses; names of the original purchasers or 2756
underwriters; a copy of the final offering document and of the 2757
transcript of proceedings; and any other pertinent information 2758
requested by the director. 2759

(3) The issuer of obligations pursuant to section 151.06 or 2760
151.08 or Chapter 154. ~~or 3318.~~ of the Revised Code shall submit 2761
to the director: 2762

(a) For review and mutual agreement: the projected sale date, 2763
amount, and type of obligations proposed to be sold; their 2764
purpose, security, and source of payment; and the proposed 2765
structure and maturity schedule; 2766

(b) For review and comment: the authorizing order or 2767
resolution; preliminary and final offering documents; method of 2768
sale; preliminary and final pricing information; and any written 2769

reports or recommendations of financial advisors or consultants	2770
relating to those obligations;	2771
(c) Promptly after each sale of those obligations: final	2772
terms, including sale price, maturity schedule and yields, and	2773
sources and uses; names of the original purchasers or	2774
underwriters; a copy of the final offering document and of the	2775
transcript of proceedings; and any other pertinent information	2776
requested by the director.	2777
(4) The issuers of obligations pursuant to Chapter 166.,	2778
4981., 5540., or 6121., or section 5531.10, of the Revised Code	2779
shall submit to the director:	2780
(a) For review and comment: the projected sale date, amount,	2781
and type of obligations proposed to be sold; the purpose,	2782
security, and source of payment; and preliminary and final	2783
offering documents;	2784
(b) Promptly after each sale of those obligations: final	2785
terms, including a maturity schedule; names of the original	2786
purchasers or underwriters; a copy of the complete continuing	2787
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent	2788
rule as from time to time in effect; and any other pertinent	2789
information requested by the director.	2790
(5) Not later than thirty days after the end of a fiscal	2791
year, each issuer of obligations subject to divisions (A) and (B)	2792
of this section shall submit to the director and to the treasurer	2793
of state a sale plan for the then current fiscal year for each	2794
type of obligation, projecting the amount and term of each	2795
issuance, the method of sale, and the month of sale.	2796
(B) Issuers of obligations pursuant to <u>section 3318.085 or</u>	2797
<u>Chapter 122., 166., 175., 3345., 3347., 3366., 3377., 3706.,</u>	2798
<u>3737., 5537., 6121., or 6123. of the Revised Code, and issuers of</u>	2799
<u>securities issued pursuant to Chapter 165. of the Revised Code</u>	2800

~~other than a county or municipal corporation,~~ shall submit to the 2801
director copies of the preliminary and final offering documents 2802
upon their availability if not previously submitted pursuant to 2803
division (A) of this section. 2804

(C) Not later than the first day of January of each year, 2805
every state agency obligated to make payments on outstanding 2806
public obligations with respect to which fractionalized interests 2807
have been publicly issued, such as certificates of participation, 2808
shall submit a report to the director of the amounts payable from 2809
state appropriations under those public obligations during the 2810
then current and next two fiscal years, identifying the 2811
appropriation or intended appropriation from which payment is 2812
expected to be made. 2813

(D)(1) Information relating generally to the historic, 2814
current, or future demographics or economy or financial condition 2815
or funds or general operations of the state, and descriptions of 2816
any state contractual obligations relating to public obligations, 2817
to be contained in any offering document, continuing disclosure 2818
document, or written presentation prepared, approved, or provided, 2819
or committed to be provided, by an issuer in connection with the 2820
original issuance and sale of, or rating, remarketing, or credit 2821
enhancement facilities relating to, public obligations referred to 2822
in division (A) of this section shall be approved as to format and 2823
accuracy by the director before being presented, published, or 2824
disseminated in preliminary, draft, or final form, or publicly 2825
filed in paper, electronic, or other format. 2826

(2) Except for information described in division (D)(1) of 2827
this section that is to be contained in an offering document, 2828
continuing disclosure document, or written presentation, division 2829
(D)(1) of this section does not inhibit direct communication 2830
between an issuer and a rating agency, remarketing agent, or 2831
credit enhancement provider concerning an issuance of public 2832

obligations referred to in division (A) of this section or matters 2833
associated with that issuance. 2834

(3) The materials approved and provided pursuant to division 2835
(D) of this section are the information relating to the particular 2836
subjects provided by the state or state agencies that are required 2837
or contemplated by any applicable state or federal securities laws 2838
and any commitments by the state or state agencies made under 2839
those laws. Reliance for the purpose should not be placed on any 2840
other information publicly provided, in any format including 2841
electronic, by any state agency for other purposes, including 2842
general information provided to the public or to portions of the 2843
public. A statement to that effect shall be included in those 2844
materials so approved or provided. 2845

(E) Issuers of obligations referred to in division (A) of 2846
this section may take steps, by formal agreement, covenants in the 2847
proceedings, or otherwise, as may be necessary or appropriate to 2848
comply or permit compliance with applicable lawful disclosure 2849
requirements relating to those obligations, and may, subject to 2850
division (D) of this section, provide, make available, or file 2851
copies of any required disclosure materials as necessary or 2852
appropriate. Any such formal agreement or covenant relating to 2853
subjects referred to in division (D) of this section, and any 2854
description of that agreement or covenant to be contained in any 2855
offering document, shall be approved by the director before being 2856
entered into or published or publicly disseminated in preliminary, 2857
draft, or final form or publicly filed in paper, electronic, or 2858
other format. The director shall be responsible for making all 2859
filings in compliance with those requirements relating to direct 2860
obligations of the state, including fractionalized interests in 2861
those obligations. 2862

(F) No state agency or official shall, without the approval 2863
of the director of budget and management, do either of the 2864

following:	2865
(1) Enter into or commit to enter into a public obligation under which fractionalized interests in the payments are to be publicly offered, which payments are anticipated to be made from money from any source appropriated or to be appropriated by the general assembly or in which the provision stated in section 9.94 of the Revised Code is not included;	2866 2867 2868 2869 2870 2871
(2) Except as otherwise expressly authorized for the purpose by law, agree or commit to provide, from money from any source to be appropriated in the future by the general assembly, financial assistance to or participation in the costs of capital facilities, or the payment of debt charges, directly or by way of a credit enhancement facility, a reserve, rental payments, or otherwise, on obligations issued to pay costs of capital facilities.	2872 2873 2874 2875 2876 2877 2878
(G) As used in this section, "credit enhancement facilities," "debt charges," "fractionalized interests in public obligations," "obligor," "public issuer," and "securities" have the same meanings as in section 133.01 of the Revised Code; "public obligation" has the same meaning as in division (GG)(2) of section 133.01 of the Revised Code; "obligations" means securities or public obligations or fractionalized interests in them; "issuers" means issuers of securities or state obligors on public obligations; "offering document" means an official statement, offering circular, private placement memorandum, or prospectus, or similar document; and "director" means the director of budget and management or the employee of the office of budget and management designated by the director for the purpose.	2879 2880 2881 2882 2883 2884 2885 2886 2887 2888 2889 2890 2891
Sec. 126.21. (A) The director of budget and management shall do all of the following:	2892 2893
(1) Keep all necessary accounting records;	2894

(2) Prescribe and maintain the accounting system of the state	2895
and establish appropriate accounting procedures and charts of	2896
accounts;	2897
(3) Establish procedures for the use of written, electronic,	2898
optical, or other communications media for approving payment	2899
vouchers;	2900
(4) Reconcile, in the case of any variation between the	2901
amount of any appropriation and the aggregate amount of items of	2902
the appropriation, with the advice and assistance of the state	2903
agency affected by it and the legislative budget office of the	2904
legislative service commission, totals so as to correspond in the	2905
aggregate with the total appropriation. In the case of a conflict	2906
between the item and the total of which it is a part, the item	2907
shall be considered the intended appropriation.	2908
(5) Evaluate on an ongoing basis and, if necessary, recommend	2909
improvements to the internal controls used in state agencies;	2910
	2911
(6) Authorize the establishment of petty cash accounts. The	2912
director of budget and management may withdraw approval for any	2913
petty cash account and require the officer in charge to return to	2914
the state treasury any unexpended balance shown by the officer's	2915
accounts to be on hand. Any officer who is issued a warrant for	2916
petty cash shall render a detailed account of the expenditures of	2917
the petty cash and shall report when requested the balance of	2918
petty cash on hand at any time.	2919
(7) Process orders, invoices, vouchers, claims, and payrolls	2920
and prepare financial reports and statements;	2921
(8) Perform extensions, reviews, and compliance checks prior	2922
to approving a payment as the director considers necessary;	2923
(9) Issue the official comprehensive annual financial report	2924
of the state. The report shall cover all funds and account groups	2925

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of the state reporting entity and shall include ~~general purpose~~ 2926
basic financial statements and required supplementary information 2927
prepared in accordance with generally accepted accounting 2928
principles and other information as the director provides. All 2929
state agencies, authorities, institutions, offices, retirement 2930
systems, and other component units of the state reporting entity 2931
as determined by the director shall furnish the director whatever 2932
financial statements and other information the director requests 2933
for the report, in the form, at the times, covering the periods, 2934
and with the attestation the director prescribes. The information 2935
for state institutions of higher education, as defined in section 2936
3345.011 of the Revised Code, shall be submitted to the director 2937
by the Ohio board of regents. The board shall establish a due date 2938
by which each such institution shall submit the information to the 2939
board, but no such date shall be later than one hundred twenty 2940
days after the end of the state fiscal year unless a later date is 2941
approved by the director. 2942

(B) In addition to the director's duties under division (A) 2943
of this section, the director of budget and management may 2944
establish and administer one or more state payment card programs 2945
that permit or require state agencies to use a payment card to 2946
purchase equipment, materials, supplies, or services in accordance 2947
with guidelines issued by the director. The director may contract 2948
with one or more vendors to provide the payment cards and payment 2949
card services. State agencies may only participate in state 2950
payment card programs that the director establishes pursuant to 2951
this section. 2952

Sec. 127.16. (A) Upon the request of either a state agency or 2953
the director of budget and management and after the controlling 2954
board determines that an emergency or a sufficient economic reason 2955
exists, the controlling board may approve the making of a purchase 2956
without competitive selection as provided in division (B) of this 2957

section.	2958
(B) Except as otherwise provided in this section, no state agency, using money that has been appropriated to it directly, shall:	2959 2960 2961
(1) Make any purchase from a particular supplier, that would amount to fifty thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for purchases made by the agency and the amount of all outstanding encumbrances for purchases made by the agency from the supplier, unless the purchase is made by competitive selection or with the approval of the controlling board;	2962 2963 2964 2965 2966 2967 2968
(2) Lease real estate from a particular supplier, if the lease would amount to seventy-five thousand dollars or more when combined with both the amount of all disbursements to the supplier during the fiscal year for real estate leases made by the agency and the amount of all outstanding encumbrances for real estate leases made by the agency from the supplier, unless the lease is made by competitive selection or with the approval of the controlling board.	2969 2970 2971 2972 2973 2974 2975 2976
(C) Any person who authorizes a purchase in violation of division (B) of this section shall be liable to the state for any state funds spent on the purchase, and the attorney general shall collect the amount from the person.	2977 2978 2979 2980
(D) Nothing in division (B) of this section shall be construed as:	2981 2982
(1) A limitation upon the authority of the director of transportation as granted in sections 5501.17, 5517.02, and 5525.14 of the Revised Code;	2983 2984 2985
(2) Applying to medicaid provider agreements under Chapter 5111. of the Revised Code or payments or provider agreements under disability assistance medical assistance established under Chapter	2986 2987 2988

5115. of the Revised Code;	2989
(3) Applying to the purchase of examinations from a sole supplier by a state licensing board under Title XLVII of the Revised Code;	2990 2991 2992
(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;	2993 2994 2995 2996 2997 2998 2999 3000 3001
(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;	3002 3003 3004 3005
(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.	3006 3007 3008 3009 3010 3011 3012 3013
(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;	3014 3015 3016
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in	3017 3018 3019

connection with the eligibility determinations it makes for	3020
applicants of programs administered by the social security	3021
administration;	3022
(9) Applying to payments by the department of job and family	3023
services under section 5111.13 of the Revised Code for group	3024
health plan premiums, deductibles, coinsurance, and other	3025
cost-sharing expenses;	3026
(10) Applying to any agency of the legislative branch of the	3027
state government;	3028
(11) Applying to agreements or contracts entered into under	3029
section 5101.11, 5101.21, or 5101.211 of the Revised Code;	3030
(12) Applying to purchases of services by the adult parole	3031
authority under section 2967.14 of the Revised Code or by the	3032
department of youth services under section 5139.08 of the Revised	3033
Code;	3034
(13) Applying to dues or fees paid for membership in an	3035
organization or association;	3036
(14) Applying to purchases of utility services pursuant to	3037
section 9.30 of the Revised Code;	3038
(15) Applying to purchases made in accordance with rules	3039
adopted by the department of administrative services of motor	3040
vehicle, aviation, or watercraft fuel, or emergency repairs of	3041
such vehicles;	3042
(16) Applying to purchases of tickets for passenger air	3043
transportation;	3044
(17) Applying to purchases necessary to provide public	3045
notifications required by law or to provide notifications of job	3046
openings;	3047
(18) Applying to the judicial branch of state government;	3048

(19) Applying to purchases of liquor for resale by the division of liquor control;	3049 3050
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	3051 3052 3053
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	3054 3055 3056 3057
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	3058 3059 3060
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	3061 3062
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	3063 3064 3065 3066
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	3067 3068
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	3069 3070 3071 3072 3073
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 of the Revised Code;	3074 3075 3076
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section	3077 3078

5119.101 of the Revised Code;	3079
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	3080 3081 3082 3083 3084 3085
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	3086 3087 3088 3089 3090
(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code or the children's health insurance program part II provided for under section 5101.51 of the Revised Code;	3091 3092 3093 3094 3095
<u>(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code.</u>	3096 3097 3098 3099
(E) Notwithstanding division (B)(1) of this section, the cumulative purchase threshold shall be seventy-five thousand dollars for the departments of mental retardation and developmental disabilities, mental health, rehabilitation and correction, and youth services.	3100 3101 3102 3103 3104
(F) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1), (B)(2), and (E) of this section, all of the following purchases by such agency shall not be considered:	3105 3106 3107 3108
(1) Purchases made through competitive selection or with	3109

controlling board approval;	3110
(2) Purchases listed in division (D) of this section;	3111
(3) For the purposes of the thresholds of divisions (B)(1) and (E) of this section only, leases of real estate.	3112 3113
(G) As used in this section, "competitive selection," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.	3114 3115 3116
Sec. 131.01. As used in Chapters 113., 117., 123., 124., 125., 126., 127., and 131. of the Revised Code, and any statute that uses the terms in connection with state accounting or budgeting:	3117 3118 3119 3120
(A) <u>"Account"</u> means any record, element, or summary in which financial transactions are identified and recorded as debit or credit transactions in order to summarize items of a similar nature or classification.	3121 3122 3123 3124
(B) <u>"Accounting procedure"</u> means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control.	3125 3126 3127 3128
(C) <u>"Accounting system"</u> means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, balanced account groups, and organizational components.	3129 3130 3131 3132 3133
(D) <u>"Allocation"</u> means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time.	3134 3135 3136 3137
(E) <u>"Allotment"</u> means all or part of an appropriation which	3138

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- may be encumbered or expended within a specific period of time. 3139
- (F) "Appropriation" means an authorization granted by the 3140
general assembly to make expenditures and to incur obligations for 3141
specific purposes. 3142
- (G) "Assets" means resources owned, controlled, or otherwise 3143
used or held by the state which have monetary value. 3144
- (H) "Budget" means the plan of financial operation embodying 3145
an estimate of proposed expenditures and obligations for a given 3146
period and the proposed means of financing them. 3147
- (I) "Direct deposit" is a form of electronic funds transfer 3148
in which money is electronically deposited into the account of a 3149
person or entity at a financial institution. 3150
- (J) "Disbursement" means a payment made for any purpose. 3151
- (K) "Electronic benefit transfer" means the electronic 3152
delivery of benefits through automated teller machines, point of 3153
sale terminals, or other electronic media pursuant to section 3154
5101.33 of the Revised Code. 3155
- (L) "Electronic funds transfer" means the electronic movement 3156
of funds via automated clearing house or wire transfer. 3157
- (M) "Encumbrancing document" means a document reserving all 3158
or part of an appropriation. 3159
- (N) "Expenditure" means a reduction of the balance of an 3160
appropriation after legal requirements have been met. 3161
- (O) "Fund" means an independent fiscal and accounting entity 3162
with a self-balancing set of accounts recording cash or other 3163
resources, together with all related liabilities, obligations, 3164
reserves, and fund balances which are segregated for the purpose 3165
of carrying on specific activities or attaining certain objectives 3166
in accordance with special rules, restrictions, or limitations. 3167
- (P) "Lapse" means the automatic termination of an 3168

appropriation at the end of the fiscal period for which it was 3169
appropriated. 3170

(Q) "Reappropriation" means an appropriation of a previous 3171
appropriation that is continued in force in a succeeding 3172
appropriation period. "Reappropriation" shall be equated with and 3173
incorporated in the term "appropriation." 3174

(R) "Voucher" means the document used to transmit a claim for 3175
payment and evidentiary matter related to the claim. 3176

(S) "Warrant" means an order drawn upon the treasurer of 3177
state by the auditor of state directing the treasurer of state to 3178
pay a specified amount, including an order to make a lump-sum 3179
payment to a financial institution for the transfer of funds by 3180
direct deposit or the drawdown of funds by electronic benefit 3181
transfer, and the resulting electronic transfer to or by the 3182
ultimate payees. 3183

The terms defined in this section shall be used, on all 3184
accounting forms, reports, formal rules, and budget requests 3185
produced by a state agency, only as defined in this section. 3186

Sec. 133.021. The general assembly hereby finds and declares 3187
that the "Tax Reform Act of 1986" (the "Act") establishes a 3188
unified volume ceiling on the aggregate amount of private activity 3189
bonds which can be issued in each state. The unified volume 3190
ceiling is the product of seventy-five dollars multiplied by the 3191
state population in 1987 and fifty dollars multiplied by the state 3192
population in each succeeding calendar year. 3193

The general assembly further finds and declares that the Act 3194
requires the state to allocate its volume ceiling according to a 3195
specified formula unless a different procedure is established by 3196
the governor or general assembly. 3197

The general assembly further finds and declares that pursuant 3198

to authorization of state legislation the general assembly has, by 3199
division (D)(3) of section 133.02 of the Revised Code, effective 3200
October 30, 1989, provided for delegating such function to the 3201
governor and for further delegation as therein provided, subject 3202
to such prospectively effective actions as may subsequently be 3203
taken by the general assembly. 3204

The general assembly further finds and declares that it 3205
desires to by legislation provide for an efficient, effective, and 3206
equitable procedure under which the state will allocate the 3207
unified volume ceiling. 3208

The general assembly therefore finds and declares that it is 3209
necessary to create the joint select committee on volume cap to 3210
create a process for the allocation of the unified volume ceiling. 3211

(A) Pursuant to section 146(e)(2)(B)(ii) of the Internal 3212
Revenue Code, which provides that a state may by law provide a 3213
different formula for allocating the state ceiling, there is 3214
hereby created the joint select committee on volume cap to provide 3215
for the allocation and the reallocation of the unified volume 3216
ceiling among the governmental units (or other authorities) in the 3217
state having authority to issue tax exempt private activity bonds. 3218

(B) The committee shall consist of eight members. Two members 3219
shall be from the house of representatives appointed by the 3220
speaker of the house of representatives; two members shall be from 3221
the senate appointed by the president of the senate; and four 3222
members shall be appointed by the governor. Each member shall be 3223
selected for ~~his or her~~ the member's knowledge and experience in 3224
tax exempt private activity bonds. The members shall serve at the 3225
pleasure of the appointing authority. A vacancy shall be filled in 3226
the same manner as the original appointment. 3227

(C) The purpose of the committee shall be to maximize the 3228
economic benefits of the unified volume ceiling to all citizens of 3229

the state. To this end, the joint select committee on volume cap	3230
shall:	3231
(1) Annually, survey the governmental units (or other	3232
authorities) in the state having authority to issue tax exempt	3233
private activity bonds concerning:	3234
(a) The amount of tax exempt private activity bonds issued	3235
for the previous calendar year; and	3236
(b) The amount requested for the calendar year allocation	3237
currently under consideration.	3238
(2) Set forth procedures for making allocations, reallocation	3239
and carry forward of the state's unified volume ceiling in	3240
accordance with the Act;	3241
(3)(2) Develop strategies for allocating and reallocating the	3242
unified volume ceiling which are designed to maximize the	3243
availability of tax exempt private activity bonds among competing	3244
sectors of the state.	3245
(D) To provide for the orderly and prompt issuance of private	3246
activity bonds, the committee is authorized to allocate the	3247
unified volume ceiling among those governmental units (or other	3248
authorities) in the state having authority to issue tax exempt	3249
private activity bonds. The committee shall reserve a portion of	3250
the unified volume ceiling to be allocated for multi-family rental	3251
housing projects. The committee in determination of unified volume	3252
ceiling allocations and reallocations shall consider the	3253
following:	3254
(1) The interest of the state with regard to long-term	3255
economic development, housing, education, redevelopment, and solid	3256
waste management;	3257
(2) The projected increase of jobs in the state;	3258
(3) The needs of political subdivisions.	3259

(E) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this section.

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;	3291
(2) Securities issued under division (F) of this section, under section 133.301 of the Revised Code, and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	3292 3293 3294 3295
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	3296 3297 3298 3299
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the Revised Code;	3300 3301 3302
(5) Debt incurred under section 3313.374 of the Revised Code;	3303 3304
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	3305 3306 3307
<u>(7) Debt incurred under section 3318.041 of the Revised Code.</u>	3308 3309
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	3310 3311
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	3312 3313 3314
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	3315 3316
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	3317 3318 3319 3320

- (2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:
- (a) A history of and a projection of the growth of the student population;
 - (b) The history of and a projection of the growth of the tax valuation;
 - (c) The projected needs;
 - (d) The estimated cost of permanent improvements proposed to meet such projected needs.
- (3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:
- (a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.
 - (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.
- (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:
- (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 3351
tax valuation on the first day of the sixtieth month preceding the 3352
month in which its board determines to submit to the electors the 3353
question of issuing the proposed securities; 3354

(b) Nine per cent of the sum of its tax valuation plus an 3355
amount that is the product of multiplying that tax valuation by 3356
the percentage, determined by the superintendent of public 3357
instruction, by which that tax valuation is projected to increase 3358
during the next ten years. 3359

(F) A school district may issue securities for emergency 3360
purposes, in a principal amount that does not exceed an amount 3361
equal to three per cent of its tax valuation, as provided in this 3362
division. 3363

(1) A board of education, by resolution, may declare an 3364
emergency if it determines both of the following: 3365

(a) School buildings or other necessary school facilities in 3366
the district have been wholly or partially destroyed, or condemned 3367
by a constituted public authority, or that such buildings or 3368
facilities are partially constructed, or so constructed or planned 3369
as to require additions and improvements to them before the 3370
buildings or facilities are usable for their intended purpose, or 3371
that corrections to permanent improvements are necessary to remove 3372
or prevent health or safety hazards. 3373

(b) Existing fiscal and net indebtedness limitations make 3374
adequate replacement, additions, or improvements impossible. 3375

(2) Upon the declaration of an emergency, the board of 3376
education may, by resolution, submit to the electors of the 3377
district pursuant to section 133.18 of the Revised Code the 3378
question of issuing securities for the purpose of paying the cost, 3379
in excess of any insurance or condemnation proceeds received by 3380
the district, of permanent improvements to respond to the 3381

emergency need. 3382

(3) The procedures for the election shall be as provided in 3383
section 133.18 of the Revised Code, except that: 3384

(a) The form of the ballot shall describe the emergency 3385
existing, refer to this division as the authority under which the 3386
emergency is declared, and state that the amount of the proposed 3387
securities exceeds the limitations prescribed by division (B) of 3388
this section; 3389

(b) The resolution required by division (B) of section 133.18 3390
of the Revised Code shall be certified to the county auditor and 3391
the board of elections at least seventy-five days prior to the 3392
election; 3393

(c) The county auditor shall advise and, not later than 3394
sixty-five days before the election, confirm that advice by 3395
certification to, the board of education of the information 3396
required by division (C) of section 133.18 of the Revised Code; 3397

(d) The board of education shall then certify its resolution 3398
and the information required by division (D) of section 133.18 of 3399
the Revised Code to the board of elections not less than sixty 3400
days prior to the election. 3401

(4) Notwithstanding division (B) of section 133.21 of the 3402
Revised Code, the first principal payment of securities issued 3403
under this division may be set at any date not later than sixty 3404
months after the earliest possible principal payment otherwise 3405
provided for in that division. 3406

(G) The board of education may contract with an architect, 3407
professional engineer, or other person experienced in the design 3408
and implementation of energy conservation measures for an analysis 3409
and recommendations pertaining to installations, modifications of 3410
installations, or remodeling that would significantly reduce 3411
energy consumption in buildings owned by the district. The report 3412

shall include estimates of all costs of such installations, 3413
modifications, or remodeling, including costs of design, 3414
engineering, installation, maintenance, repairs, and debt service, 3415
and estimates of the amounts by which energy consumption and 3416
resultant operational and maintenance costs, as defined by the 3417
Ohio school facilities commission, would be reduced. 3418

If the board finds after receiving the report that the amount 3419
of money the district would spend on such installations, 3420
modifications, or remodeling is not likely to exceed the amount of 3421
money it would save in energy and resultant operational and 3422
maintenance costs over the ensuing fifteen years, the board may 3423
submit to the commission a copy of its findings and a request for 3424
approval to incur indebtedness to finance the making or 3425
modification of installations or the remodeling of buildings for 3426
the purpose of significantly reducing energy consumption. 3427

If the commission determines that the board's findings are 3428
reasonable, it shall approve the board's request. Upon receipt of 3429
the commission's approval, the district may issue securities 3430
without a vote of the electors in a principal amount not to exceed 3431
nine-tenths of one per cent of its tax valuation for the purpose 3432
of making such installations, modifications, or remodeling, but 3433
the total net indebtedness of the district without a vote of the 3434
electors incurred under this and all other sections of the Revised 3435
Code shall not exceed one per cent of the district's tax 3436
valuation. 3437

So long as any securities issued under division (G) of this 3438
section remain outstanding, the board of education shall monitor 3439
the energy consumption and resultant operational and maintenance 3440
costs of buildings in which installations or modifications have 3441
been made or remodeling has been done pursuant to division (G) of 3442
this section and shall maintain and annually update a report 3443
documenting the reductions in energy consumption and resultant 3444

operational and maintenance cost savings attributable to such 3445
installations, modifications, or remodeling. The report shall be 3446
certified by an architect or engineer independent of any person 3447
that provided goods or services to the board in connection with 3448
the energy conservation measures that are the subject of the 3449
report. The resultant operational and maintenance cost savings 3450
shall be certified by the school district treasurer. The report 3451
shall be made available to the commission upon request. 3452

(H) With the consent of the superintendent of public 3453
instruction, a school district may incur without a vote of the 3454
electors net indebtedness that exceeds the amounts stated in 3455
divisions (A) and (G) of this section for the purpose of paying 3456
costs of permanent improvements, if and to the extent that both of 3457
the following conditions are satisfied: 3458

(1) The fiscal officer of the school district estimates that 3459
receipts of the school district from payments made under or 3460
pursuant to agreements entered into pursuant to section 725.02, 3461
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 3462
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 3463
Code, or distributions under division (C) of section 5709.43 of 3464
the Revised Code, or any combination thereof, are, after 3465
accounting for any appropriate coverage requirements, sufficient 3466
in time and amount, and are committed by the proceedings, to pay 3467
the debt charges on the securities issued to evidence that 3468
indebtedness and payable from those receipts, and the taxing 3469
authority of the district confirms the fiscal officer's estimate, 3470
which confirmation is approved by the superintendent of public 3471
instruction; 3472

(2) The fiscal officer of the school district certifies, and 3473
the taxing authority of the district confirms, that the district, 3474
at the time of the certification and confirmation, reasonably 3475
expects to have sufficient revenue available for the purpose of 3476

operating such permanent improvements for their intended purpose 3477
upon acquisition or completion thereof, and the superintendent of 3478
public instruction approves the taxing authority's confirmation. 3479

The maximum maturity of securities issued under division (H) 3480
of this section shall be the lesser of twenty years or the maximum 3481
maturity calculated under section 133.20 of the Revised Code. 3482

(I) A school district may incur net indebtedness by the 3483
issuance of securities in accordance with the provisions of this 3484
chapter in excess of the limit specified in division (B) of this 3485
section when necessary to raise the school district portion of the 3486
basic project cost pursuant to Chapter 3318. of the Revised Code. 3487
The school facilities commission shall notify the superintendent 3488
of public instruction whenever a school district will exceed the 3489
nine per cent limit pursuant to this division. 3490

Sec. 133.07. (A) A county shall not incur, without a vote of 3491
the electors, either of the following: 3492

(1) Net indebtedness for all purposes that exceeds an amount 3493
equal to one per cent of its tax valuation; 3494

(2) Net indebtedness for the purpose of paying the county's 3495
share of the cost of the construction, improvement, maintenance, 3496
or repair of state highways that exceeds an amount equal to 3497
one-half of one per cent of its tax valuation. 3498

(B) A county shall not incur total net indebtedness that 3499
exceeds an amount equal to one of the following limitations that 3500
applies to the county: 3501

(1) A county with a valuation not exceeding one hundred 3502
million dollars, three per cent of that tax valuation; 3503

(2) A county with a tax valuation exceeding one hundred 3504
million dollars but not exceeding three hundred million dollars, 3505
three million dollars plus one and one-half per cent of that tax 3506

valuation in excess of one hundred million dollars;	3507
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	3508 3509 3510 3511
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	3512 3513
(1) Securities described in section 307.201 of the Revised Code;	3514 3515
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	3516 3517 3518
(a) Water systems or facilities;	3519
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	3520 3521 3522
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	3523 3524 3525
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	3526 3527 3528
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	3529 3530 3531
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	3532 3533
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	3534 3535

(h) Correctional and detention facilities and related rehabilitation facilities.	3536 3537
(3) Securities issued for the purpose of purchasing, 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;	3538 3539 3540 3541 3542 3543 3544
(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;	3545 3546 3547 3548 3549 3550
(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;	3551 3552 3553 3554 3555 3556 3557 3558 3559 3560
(6) Securities issued pursuant to section 133.08 of the Revised Code;	3561 3562
(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	3563 3564 3565 3566

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computer systems for the office of the clerk of any 3567
county-operated municipal court, for the office of the clerk of 3568
the court of common pleas, or for the office of the clerk of the 3569
probate, juvenile, or domestic relations division of the court of 3570
common pleas to the extent that the legislation authorizing the 3571
issuance of the securities includes a covenant to appropriate from 3572
moneys distributed to the county pursuant to division (B) of 3573
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 3574
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 3575
sufficient amount to cover debt charges on and financing costs 3576
relating to the securities as they become due; 3577

(8) Securities issued for the purpose of acquiring, 3578
constructing, improving, and equipping a county, multicounty, or 3579
multicounty-municipal jail, workhouse, juvenile detention 3580
facility, or correctional facility; 3581

(9) Securities issued for the acquisition, construction, 3582
equipping, or repair of any permanent improvement or any class or 3583
group of permanent improvements enumerated in a resolution adopted 3584
pursuant to division (D) of section 5739.026 of the Revised Code 3585
to the extent that the legislation authorizing the issuance of the 3586
securities includes a covenant to appropriate from moneys received 3587
from the taxes authorized under section 5739.023 and division 3588
(A)(5) of section 5739.026 of the Revised Code an amount 3589
sufficient to pay debt charges on the securities and those moneys 3590
shall be pledged for that purpose; 3591

(10) Securities issued for county or joint county solid waste 3592
or hazardous waste collection, transfer, or disposal facilities, 3593
or resource recovery and solid or hazardous waste recycling 3594
facilities, or any combination of those facilities; 3595

(11) Securities issued for the acquisition, construction, and 3596
equipping of a port authority educational and cultural facility 3597
under section 307.671 of the Revised Code; 3598

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(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 Code;	3599 3600 3601 3602
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	3603 3604
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	3605 3606 3607 3608
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	3609 3610 3611 3612 3613 3614 3615 3616
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;	3617 3618 3619 3620 3621 3622 3623 3624 3625
(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026	3626 3627 3628 3629

and section 5741.023 of the Revised Code an amount sufficient to
pay the debt charges on the bonds or notes, and the board of
county commissioners pledges that revenue for that purpose;*i*

(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

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board of county commissioners or other legislative body; in the 3660
case of a board of county hospital trustees, the board; in the 3661
case of a county hospital commission, the commission; in the case 3662
of a municipal corporation, the council or other legislative 3663
authority; in the case of a new community authority, its board of 3664
trustees; in the case of a joint township hospital district, the 3665
joint township district hospital board; in the case of a state or 3666
municipal university or college, its board of trustees or board of 3667
directors; in the case of a nonprofit hospital agency, the board 3668
of trustees or other body having general management thereof of the 3669
agency; and, in the case of the state, the director of development 3670
or the Ohio higher educational facility commission. 3671

(E) "Hospital facilities" means buildings, structures and 3672
other improvements, additions thereto and extensions thereof, 3673
furnishings, equipment, and real estate and interests in real 3674
estate, used or to be used for or in connection with one or more 3675
hospitals, emergency, intensive, intermediate, extended, 3676
long-term, or self-care facilities, diagnostic and treatment and 3677
out-patient facilities, facilities related to programs for home 3678
health services, clinics, laboratories, public health centers, 3679
research facilities, and rehabilitation facilities, for or 3680
pertaining to diagnosis, treatment, care, or rehabilitation of 3681
sick, ill, injured, infirm, impaired, disabled, or handicapped 3682
persons, or the prevention, detection, and control of disease, and 3683
also includes education, training, and food service facilities for 3684
health professions personnel, housing facilities for such 3685
personnel and their families, and parking and service facilities 3686
in connection with any of the foregoing; and includes any one, 3687
part of, or any combination of the foregoing; and further includes 3688
site improvements, utilities, machinery, facilities, furnishings, 3689
and any separate or connected buildings, structures, improvements, 3690
sites, utilities, facilities, or equipment to be used in, or in 3691

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connection with the operation or maintenance of, or supplementing 3692
or otherwise related to the services or facilities to be provided 3693
by, any one or more of such hospital facilities. 3694

(F) "Costs of hospital facilities" means the costs of 3695
acquiring or constructing hospital facilities, costs of improving 3696
one or more hospital facilities, including reconstructing, 3697
rehabilitating, remodeling, renovating, and enlarging, costs of 3698
equipping and furnishing such facilities, and all financing costs 3699
pertaining thereto, including, without limitation thereto, costs 3700
of engineering, architectural, and other professional services, 3701
designs, plans, specifications and surveys, and estimates of cost, 3702
costs of tests and inspections, the costs of any indemnity or 3703
surety bonds and premiums on insurance, all related direct or 3704
allocable administrative expenses pertaining thereto, fees and 3705
expenses of trustees, depositories, and paying agents for the 3706
obligations, cost of issuance of the obligations and financing 3707
charges and fees and expenses of financial advisors, attorneys, 3708
accountants, consultants and rating services in connection 3709
therewith, capitalized interest on the obligations, amounts 3710
necessary to establish reserves as required by the bond 3711
proceedings, the reimbursement of all moneys advanced or applied 3712
by the hospital agency or others or borrowed from others for the 3713
payment of any item or items of costs of such facilities, and all 3714
other expenses necessary or incident to planning or determining 3715
feasibility or practicability with respect to such facilities, and 3716
such other expenses as may be necessary or incident to the 3717
acquisition, construction, reconstruction, rehabilitation, 3718
remodeling, renovation, enlargement, improvement, equipment, and 3719
furnishing of such facilities, the financing thereof, and the 3720
placing of the same in use and operation, including any one, part 3721
of, or combination of such classes of costs and expenses, and 3722
means the costs of refinancing obligations issued by, or 3723

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reimbursement of money advanced by, nonprofit hospital agencies or 3724
others the proceeds of which were used for the payment of costs of 3725
hospital facilities, if the governing body of the public hospital 3726
agency determines that the refinancing or reimbursement advances 3727
the purposes of this chapter, whether or not the refinancing or 3728
reimbursement is in conjunction with the acquisition or 3729
construction of additional hospital facilities. 3730

(G) "Hospital receipts" means all moneys received by or on 3731
behalf of a hospital agency from or in connection with the 3732
ownership, operation, acquisition, construction, improvement, 3733
equipping, or financing of any hospital facilities, including, 3734
without limitation thereto, any rentals and other moneys received 3735
from the lease, sale, or other disposition of hospital facilities, 3736
and any gifts, grants, interest subsidies, or other moneys 3737
received under any federal program for assistance in financing the 3738
costs of hospital facilities, and any other gifts, grants, and 3739
donations, and receipts therefrom, available for financing the 3740
costs of hospital facilities. 3741

(H) "Obligations" means bonds, notes, or other evidences of 3742
indebtedness or obligation, including interest coupons pertaining 3743
thereto, issued or issuable by a public hospital agency to pay 3744
costs of hospital facilities. 3745

(I) "Bond service charges" means principal, interest, and 3746
call premium, if any, required to be paid on obligations. 3747

(J) "Bond proceedings" means one or more ordinances, 3748
resolutions, trust agreements, indentures, and other agreements or 3749
documents, and amendments and supplements to the foregoing, or any 3750
combination thereof, authorizing or providing for the terms, 3751
including any variable interest rates, and conditions applicable 3752
to, or providing for the security of, obligations and the 3753
provisions contained in such obligations. 3754

(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.	3755 3756
(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.	3757 3758
(M) "Adult care facility" has the same meaning as in division (A)(3) of section 5701.13 of the Revised Code.	3759 3760
(N) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:	3761 3762 3763 3764 3765
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	3766 3767
(2) A nursing home or residential care facility;	3768
(3) An adult care facility;	3769
(4) A hospice licensed under section 3712.04 of the Revised Code;	3770 3771
(5) A habilitation center as defined in section 5123.041 of the Revised Code;	3772 3773
(6) A residential facility for the mentally ill licensed by the department of mental health under section 5119.22 of the Revised Code;	3774 3775 3776
(7) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	3777 3778
(8) A facility certified as an alcohol and drug addiction program under section 3793.06 of the Revised Code;	3779 3780
(9) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of mental retardation and developmental	3781 3782 3783

disabilities under section 5123.18 of the Revised Code; 3784

(10) A residential facility used as part of a hospital to 3785
provide housing for staff of the hospital or students pursuing a 3786
course of study at the hospital. 3787

Sec. 166.03. (A) There is hereby created the facilities 3788
establishment fund within the state treasury, consisting of 3789
proceeds from the issuance of obligations as specified under 3790
section 166.08 of the Revised Code; the moneys received by the 3791
state from the sources specified in section 166.09 of the Revised 3792
Code; service charges imposed under sections 166.06 and 166.07 of 3793
the Revised Code; any grants, gifts, or contributions of moneys 3794
received by the director of development to be used for loans made 3795
under section 166.07 of the Revised Code or for the payment of the 3796
allowable costs of project facilities; and all other moneys 3797
appropriated or transferred to the fund. Moneys in the loan 3798
guarantee fund in excess of four per cent of the unpaid principal 3799
amount of loan repayments guaranteed under section 166.06 of the 3800
Revised Code, but subject to the provisions and requirements of 3801
any guarantee contracts, may be transferred to the facilities 3802
establishment fund by the treasurer of state upon the order of the 3803
director of development. Moneys received by the state under 3804
Chapter 122. of the Revised Code, to the extent allocable to the 3805
utilization of moneys derived from proceeds of the sale of 3806
obligations pursuant to section 166.08 of the Revised Code, shall 3807
be credited to the facilities establishment fund. 3808

(B) All moneys appropriated or transferred to the facilities 3809
establishment fund may be released at the request of the director 3810
of development for payment of allowable costs or the making of 3811
loans under this chapter, for transfer to the loan guarantee fund 3812
established in section 166.06 of the Revised Code, or for use for 3813
the purpose of or transfer to the funds established by sections 3814

122.35, 122.42, 122.54, 122.55, 122.56, 122.561, 122.57, and 3815
122.80 of the Revised Code and, until July 1, ~~2001~~ 2003, the funds 3816
established by sections 122.26 and 166.031 of the Revised Code, 3817
but only for such of those purposes as are within the 3818
authorization of Section 13 of Article VIII, Ohio Constitution, in 3819
all cases subject to the approval of the controlling board. 3820

(C) The department of development, in the administration of 3821
the facilities establishment fund, is encouraged to utilize and 3822
promote the utilization of, to the maximum practicable extent, the 3823
other existing programs, business incentives, and tax incentives 3824
that department is required or authorized to administer or 3825
supervise. 3826

Sec. 169.01. As used in this chapter, unless the context 3827
otherwise requires: 3828

(A) "Financial organization" means any bank, trust company, 3829
savings bank, safe deposit company, mutual savings bank without 3830
mutual stock, savings and loan association, credit union, or 3831
investment company. 3832

(B)(1) "Unclaimed funds" means any moneys, rights to moneys, 3833
or intangible property, described in section 169.02 of the Revised 3834
Code, when, as shown by the records of the holder, the owner has 3835
not, within the times provided in section 169.02 of the Revised 3836
Code, done any of the following: 3837

(a) Increased, decreased, or adjusted the amount of such 3838
funds; 3839

(b) Assigned, paid premiums, or encumbered such funds; 3840

(c) Presented an appropriate record for the crediting of such 3841
funds or received payment of such funds by check, draft, or 3842
otherwise; 3843

(d) Corresponded with the holder concerning such funds; 3844

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(e) Otherwise indicated an interest in or knowledge of such funds;	3845 3846
(f) Transacted business with the holder.	3847
(2) "Unclaimed funds" does not include any of the following:	3848
(a) Money received or collected under section 9.39 of the Revised Code;	3849 3850
(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, refunds, and rebates;	3851 3852 3853 3854 3855 3856
(c) Any payment or credit received by a business association from a business association for tangible goods sold, or services performed, in the course of business, including, but not limited to, checks or memoranda, overpayments, unidentified remittances, nonrefunded overcharges, discounts, refunds, and rebates;	3857 3858 3859 3860 3861
<u>(d) Any credit due a retail customer that is represented by a gift certificate, gift card, merchandise credit, or merchandise credit card, redeemable only for merchandise.</u>	3862 3863 3864
For purposes of divisions (B)(2)(b) and (c) of this section, "business association" means any corporation, joint venture, business trust, limited liability company, partnership, association, or other business entity composed of one or more individuals, whether or not the entity is for profit.	3865 3866 3867 3868 3869
(C) "Owner" means any person, or the person's legal representative, entitled to receive or having a legal or equitable interest in or claim against moneys, rights to moneys, or other intangible property, subject to this chapter.	3870 3871 3872 3873
(D)(1) "Holder" means any person that has possession,	3874

custody, or control of moneys, rights to moneys, or other 3875
intangible property, or that is indebted to another, if any of the 3876
following applies: 3877

(a) Such person resides in this state; 3878

(b) Such person is formed under the laws of this state; 3879

(c) Such person is formed under the laws of the United States 3880
and has an office or principal place of business in this state; 3881
3882

(d) The records of such person indicate that the last known 3883
address of the owner of such moneys, rights to moneys, or other 3884
intangible property is in this state; 3885

(e) The records of such person do not indicate the last known 3886
address of the owner of the moneys, rights to moneys, or other 3887
intangible property and the entity originating or issuing the 3888
moneys, rights to moneys, or other intangible property is this 3889
state or any political subdivision of this state, or is 3890
incorporated, organized, created, or otherwise located in this 3891
state. Division (D)(1)(e) of this section applies to all moneys, 3892
rights to moneys, or other intangible property that is in the 3893
possession, custody, or control of such person on or after July 3894
22, 1994, whether the moneys, rights to moneys, or other 3895
intangible property becomes unclaimed funds prior to or on or 3896
after ~~such~~ that date. 3897

(2) "Holder" does not mean any hospital granted tax-exempt 3898
status under section 501(c)(3) of the Internal Revenue Code or any 3899
hospital owned or operated by the state or by any political 3900
subdivision. Any entity in order to be exempt from the definition 3901
of "holder" pursuant to this division shall make a reasonable, 3902
good-faith effort to contact the owner of the unclaimed funds. 3903

(E) "Person" includes a natural person; corporation, whether 3904
for profit or not for profit; copartnership; unincorporated 3905

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association or organization; public authority; estate; trust; two 3906
or more persons having a joint or common interest; eleemosynary 3907
organization; fraternal or cooperative association; other legal or 3908
community entity; the United States government, including any 3909
district, territory, possession, officer, agency, department, 3910
authority, instrumentality, board, bureau, or court; or any state 3911
or political subdivision thereof, including any officer, agency, 3912
board, bureau, commission, division, department, authority, court, 3913
or instrumentality. 3914

(F) "Mortgage funds" means the mortgage insurance fund 3915
created by section 122.561 of the Revised Code, and the housing 3916
guarantee fund created by division (D) of section 128.11 of the 3917
Revised Code. 3918

(G) "Lawful claims" means any vested right a holder of 3919
unclaimed funds has against the owner of such unclaimed funds. 3920

(H) "Public utility" means any entity defined as such by 3921
division (A) of section 745.01 or by section 4905.02 of the 3922
Revised Code. 3923

(I) "Deposit" means to place money in the custody of a 3924
financial organization for the purpose of establishing an 3925
income-bearing account by purchase or otherwise. 3926

(J) "Income-bearing account" means a time or savings account, 3927
whether or not evidenced by a certificate of deposit, or an 3928
investment account through which investments are made solely in 3929
obligations of the United States or its agencies or 3930
instrumentalities or guaranteed as to principal and interest by 3931
the United States or its agencies or instrumentalities, debt 3932
securities rated as investment grade by at least two nationally 3933
recognized rating services, debt securities which the director of 3934
commerce has determined to have been issued for the safety and 3935
welfare of the residents of this state, and equity interests in 3936

mutual funds that invest solely in some or all of the above-listed 3937
securities and involve no general liability, without regard to 3938
whether income earned on such accounts, securities, or interests 3939
is paid periodically or at the end of a term. 3940

Sec. 173.40. There is hereby created a component of the 3941
medicaid program established under Chapter 5111. of the Revised 3942
Code to be known as the preadmission screening system providing 3943
options and resources today program, or PASSPORT. ~~Through the~~ 3944
~~medical assistance program established under Chapter 5111. of the~~ 3945
~~Revised Code, the~~ The PASSPORT program shall provide home and 3946
community-based services as an alternative to nursing facility 3947
placement for aged and disabled ~~persons~~ medicaid recipients. The 3948
program shall be operated pursuant to a home and community-based 3949
waiver granted by the United States secretary of health and human 3950
services under section 1915 of the "Social Security Act," 49 Stat. 3951
620 (1935), 42 U.S.C. 1396n, as amended. The department of aging 3952
shall administer the program. ~~The department of aging shall enter~~ 3953
~~into~~ through an interagency agreement entered into with the 3954
department of job and family services ~~regarding services provided~~ 3955
~~under the program to recipients of medical assistance under~~ 3956
~~Chapter 5111. under section 5111.86~~ of the Revised Code. The 3957
directors of aging and job and family services shall adopt rules 3958
in accordance with Chapter 119. of the Revised Code to implement 3959
the program. 3960

Sec. 175.22. (A) The department of development and the Ohio 3961
housing finance agency shall each develop programs under which, in 3962
accordance with rules adopted under this section, it may make 3963
grants, loans, loan guarantees, and loan subsidies to counties, 3964
municipal corporations, townships, local housing authorities, and 3965
nonprofit organizations and may make loans, loan guarantees, and 3966
loan subsidies to private developers and private lenders to assist 3967

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them in activities that will provide housing and housing	3968
assistance for specifically targeted low- and moderate-income	3969
families and individuals. Activities for which grants, loans, loan	3970
guarantees, and loan subsidies may be made under this section	3971
include all of the following:	3972
(1) Acquiring, financing, constructing, leasing,	3973
rehabilitating, remodeling, improving, and equipping publicly or	3974
privately owned housing;	3975
(2) Providing supportive services related to housing and the	3976
homeless, including housing counseling [†] . <u>Not more than twenty per</u>	3977
<u>cent of the current year appropriation authority for the low- and</u>	3978
<u>moderate-income housing trust fund shall be awarded in any fiscal</u>	3979
<u>year for such supportive services.</u>	3980
(3) Providing rental assistance payments or other project	3981
operating subsidies that lower tenant rents.	3982
(B) Grants, loans, loan guarantees, and loan subsidies may be	3983
made to counties, municipal corporations, townships, and nonprofit	3984
organizations for the additional purposes of providing technical	3985
assistance, design and finance services and consultation, and	3986
payment of pre-development and administrative costs related to any	3987
of the activities listed above.	3988
(C) In developing programs under this section, the department	3989
and <u>the</u> agency shall invite, accept, and consider public comment,	3990
and recommendations from the housing trust fund advisory committee	3991
created under section 175.25 of the Revised Code, on how the	3992
programs should be designed to most effectively benefit low- and	3993
moderate-income families and individuals. The programs developed	3994
under this section shall respond collectively to housing and	3995
housing assistance needs of low- and moderate-income families and	3996
individuals statewide.	3997
(D) The department and <u>the</u> agency, in accordance with Chapter	3998

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119. of the Revised Code, shall each adopt rules under which it 3999
shall administer programs developed by it under this section. The 4000
rules shall prescribe procedures and forms whereby counties, 4001
municipal corporations, townships, local housing authorities, and 4002
nonprofit organizations may apply for grants, loans, loan 4003
guarantees, and loan subsidies and private developers and private 4004
lenders may apply for loans, loan guarantees, and loan subsidies; 4005
eligibility criteria for the receipt of funds; procedures for 4006
reviewing and granting or denying applications; procedures for 4007
paying out funds; conditions on the use of funds; procedures for 4008
monitoring the use of funds; and procedures under which a 4009
recipient shall be required to repay funds that are improperly 4010
used. The rules adopted by the department shall do both of the 4011
following: 4012

(1) Require each recipient of a grant or loan made from the 4013
low- and moderate-income housing trust fund for activities that 4014
will provide, or assist in providing, a rental housing project, to 4015
reasonably ensure that the rental housing project will be 4016
affordable to those families and individuals targeted for the 4017
rental housing project for the useful life of the rental housing 4018
project or for thirty years, whichever is longer; 4019

(2) Require each recipient of a grant or loan made from the 4020
low- and moderate-income housing trust fund for activities that 4021
will provide, or assist in providing, a housing project to prepare 4022
and implement a plan to reasonably assist any families and 4023
individuals displaced by the housing project in obtaining decent 4024
affordable housing. 4025

(E) In prescribing eligibility criteria and conditions for 4026
the use of funds, neither the department nor agency is limited to 4027
the criteria and conditions specified in this section and each may 4028
prescribe additional eligibility criteria and conditions that 4029
relate to the purposes for which grants, loans, loan guarantees, 4030

and loan subsidies may be made. However, the department and agency 4031
are limited by the following specifically targeted low- and 4032
moderate-income guidelines: 4033

(1) Not less than seventy-five per cent of the money granted 4034
and loaned under this section in any biennium shall be for 4035
activities that will provide affordable housing and housing 4036
assistance to families and individuals in a county whose incomes 4037
are equal to or less than fifty per cent of the median income for 4038
that county, as determined by the department under section 175.23 4039
of the Revised Code. 4040

(2) The remainder of the money granted and loaned under this 4041
section in any biennium shall be for activities that will provide 4042
affordable housing and housing assistance to families and 4043
individuals in a county whose incomes are equal to or less than 4044
eighty per cent of the median income for that county, as 4045
determined by the department under section 175.23 of the Revised 4046
Code. 4047

(F) In making grants, loans, loan guarantees, and loan 4048
subsidies under this section, the department and the agency shall 4049
give preference to viable projects and activities that will 4050
benefit those families and individuals in a county whose incomes 4051
are equal to or less than thirty-five per cent of the median 4052
income for that county, as determined by the department under 4053
section 175.23 of the Revised Code. The department and the agency 4054
shall monitor the programs developed under this section to ensure 4055
that money granted and loaned under this section is not used in a 4056
manner that violates division (H) of section 4112.02 of the 4057
Revised Code or discriminates against families with children. 4058

Sec. 179.02. (A) There is hereby established the Ohio 4059
commission on dispute resolution and conflict management, 4060
consisting of twelve members, unless a vacancy exists in an 4061

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appointment at any given time. The purpose of the commission is to 4062
provide, coordinate, fund, and evaluate dispute resolution and 4063
conflict management education, training, and research programs in 4064
this state, and to consult with, educate, train, provide resources 4065
for, and otherwise assist and facilitate other persons and public 4066
or private agencies, organizations, or entities that are engaged 4067
in activities related to dispute resolution and conflict 4068
management. Four members of the commission shall be appointed by 4069
the governor, four members shall be appointed by the chief justice 4070
of the supreme court, two members shall be appointed by the 4071
president of the senate, and two members shall be appointed by the 4072
speaker of the house of representatives. 4073

Within thirty days after ~~the effective date of this section~~ 4074
June 30, 1995, the governor, the chief justice of the supreme 4075
court, the president of the senate, and the speaker of the house 4076
of representatives shall make initial appointments to the 4077
commission. Of the initial appointments made to the commission by 4078
the governor and the chief justice, two each shall be for a term 4079
ending two years after ~~the effective date of this section~~ June 30, 4080
1995, and two each shall be for a term ending four years after 4081
that date. Of the initial appointments made to the commission by 4082
the president of the senate and the speaker of the house of 4083
representatives, one each shall be for a term ending two years 4084
after ~~the effective date of this section~~ June 30, 1995, and one 4085
each shall be for a term ending four years after that date. 4086
Thereafter, terms of office shall be for three years, with each 4087
term ending on the same day of the same month of the year as the 4088
term that it succeeds. Each member shall hold office from the date 4089
of appointment until the end of the term for which appointed. 4090
Members may be reappointed. ~~Vacancies~~ 4091

Vacancies shall be filled in the manner provided for original 4092
appointments. Any member appointed to fill a vacancy occurring 4093

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prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. A

A member shall continue in office subsequent to the expiration date of the member's term until ~~a~~ the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(B) The commission shall meet within two weeks after all of its initial members have been appointed, at a time and place determined by the governor. Thereafter, the commission shall meet at least quarterly, or more often upon the call of the ~~chairman~~ chairperson or at the request of the executive director of the commission. ~~The~~

The commission shall organize by selecting from among its members a ~~chairman~~ chairperson, a ~~vice-chairman~~ vice-chairperson, and ~~such~~ other necessary officers ~~as are necessary~~. All officers shall be elected annually by vote of the members of the commission. ~~Each~~

Each member of the commission shall have one vote. ~~Seven~~ A majority of the members constitute of the commission, as it exists at any given time, constitutes a quorum, and the votes of a majority of the members present at a meeting of the commission are required to validate an action of the commission.

(C) The members of the commission shall serve without compensation, but each member shall be reimbursed for actual and necessary expenses incurred in the performance of official duties, and actual mileage for each mile necessarily traveled in the performance of official duties.

Sec. 179.03. (A) The Ohio commission on dispute resolution and conflict management shall do all of the following:

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(1) Appoint and set the compensation of an executive director, who shall serve at the pleasure of the commission;	4124
(2) Establish and maintain a central office;	4125
(3) Adopt rules to govern the application for, and the awarding of, grants made available by the commission under sections 179.01 to 179.04 of the Revised Code out of the dispute resolution and conflict management commission gifts, grants, and reimbursements fund established by division (C) of this section;	4126
(4) Seek, solicit, and apply for grants from any public or private source to provide for the operation of dispute resolution and conflict management programs in this state;	4127
(5) Adopt standards for the evaluation of dispute resolution and conflict management programs funded pursuant to sections 179.01 to 179.04 of the Revised Code;	4128
(6) Provide technical aid and assistance to dispute resolution and conflict management programs, to centers that provide these programs, and to public and private agencies and organizations that provide these programs or engage in dispute resolution and conflict management activities <u>services</u> ;	4129
(7) Approve an annual operating budget;	4130
(8) Prepare an annual report on the operation of the commission and the office established by the commission, and provide the report to the governor, the supreme court, and the general assembly.	4131
(B) The commission may do any of the following:	4132
(1) Receive and accept donations, grants, awards, bequests, gifts, reimbursements, and similar funds from any lawful source;	4133
(2) 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	4134

duties, and reimburse any volunteer workers or consultants for 4154
their actual and necessary expenses so incurred; 4155

(3) Prepare and publish statistical data and case studies and 4156
other data pertinent to the development, operation, and evaluation 4157
of dispute resolution and conflict management programs and centers 4158
that provide these programs or engage in dispute resolution and 4159
conflict management services; 4160

(4) Conduct programs that have a general objective of 4161
training and educating mediators and other persons engaged in 4162
providing dispute resolution and conflict management services; 4163

(5) Develop programs and curricula that are designed to 4164
provide dispute resolution and conflict management training and 4165
education for public and private education, as well as other 4166
appropriate education forums; 4167

(6) Enter into contracts for dispute resolution and conflict 4168
management services or authorize the executive director to enter 4169
into those contracts. 4170

(C) There is hereby established in the state treasury the 4171
dispute resolution and conflict management commission gifts, 4172
grants, and reimbursements fund. All donations, grants, awards, 4173
bequests, gifts, ~~and reimbursements~~, and similar funds received by 4174
the commission under this section shall be deposited in the fund. 4175

Sec. 179.04. (A) No person shall be appointed executive 4176
director of the Ohio commission on dispute resolution and conflict 4177
management unless the person is trained in law, public affairs, 4178
business administration, or social sciences and the person has 4179
experience in administering dispute resolution and conflict 4180
management programs or services. The executive director appointed 4181
by the commission shall serve at the pleasure of the commission. 4182

(B) The executive director shall do both of the following: 4183

(1) Appoint and set the compensation of personnel who are 4184
necessary for the efficient operation of the office established by 4185
the commission, with the approval of the commission; 4186

(2) Keep and maintain financial records pertaining to the 4187
awarding of grants and contracts authorized ~~pursuant to~~ under 4188
sections 179.01 to 179.04 of the Revised Code, and report 4189
periodically, but not less than annually, to the commission on all 4190
relevant data pertaining to the operations, costs, and projected 4191
needs of the office established by the commission and on 4192
recommendations for legislation or amendments to court rules that 4193
may be appropriate to improve dispute resolution and conflict 4194
management programs. 4195

(C) The executive director may do any of the following: 4196

(1) Make all necessary arrangements to coordinate the 4197
services of the office established by the commission with any 4198
federal, state, county, municipal, township, or private entity or 4199
program established to provide dispute resolution and conflict 4200
management services and to obtain and provide all funds allowable 4201
from any such entity or under any such ~~programs~~ program; 4202

(2) Consult and cooperate with professional groups concerned 4203
with the study, development, implementation, and evaluation of 4204
dispute resolution and conflict management programs and services 4205
and the operation of the ~~state dispute resolution and conflict~~ 4206
~~management~~ office established by the commission; 4207

(3) Accept the services of volunteer workers and consultants 4208
at no compensation, other than reimbursement for actual and 4209
necessary expenses incurred in the performance of their official 4210
duties, and provide for the reimbursement of any volunteer workers 4211
or consultants for their actual and necessary expenses so 4212
incurred; 4213

(4) Prescribe any forms that are necessary for the uniform 4214

operation of sections 179.01 to 179.04 of the Revised Code; 4215

(5) With the authorization of the commission, enter into 4216
contracts for dispute resolution and conflict management services. 4217

Sec. 181.51. As used in sections 181.51 to 181.56 of the 4218
Revised Code: 4219

(A) "Federal criminal justice acts" means any federal law 4220
that authorizes financial assistance and other forms of assistance 4221
to be given by the federal government to the states to be used for 4222
the improvement of the criminal and juvenile justice systems of 4223
the states. 4224

(B)(1) "Criminal justice system" includes all of the 4225
functions of the following: 4226

(a) The state highway patrol, county sheriff offices, 4227
municipal and township police departments, and all other law 4228
enforcement agencies; 4229

(b) The courts of appeals, courts of common pleas, municipal 4230
courts, county courts, and mayor's courts, when dealing with 4231
criminal cases; 4232

(c) The prosecuting attorneys, city directors of law, village 4233
solicitors, and other prosecuting authorities when prosecuting or 4234
otherwise handling criminal cases and the county and joint county 4235
public defenders and other public defender agencies or offices; 4236
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(d) The department of rehabilitation and correction, 4238
probation departments, county and municipal jails and workhouses, 4239
and any other department, agency, or facility that is concerned 4240
with the rehabilitation or correction of criminal offenders; 4241

(e) Any public or private agency whose purposes include the 4242
prevention of crime or the diversion, adjudication, detention, or 4243

rehabilitation of criminal offenders; 4244

(f) Any public or private agency, the purposes of which 4245
include assistance to crime victims or witnesses. 4246

(2) The inclusion of any public or private agency, the 4247
purposes of which include assistance to crime victims or 4248
witnesses, as part of the criminal justice system pursuant to 4249
division (B)(1) of this section does not limit, and shall not be 4250
construed as limiting, the discretion or authority of the attorney 4251
general with respect to crime victim assistance and criminal 4252
justice programs. 4253

(C) "Juvenile justice system" includes all of the functions 4254
of the juvenile courts, the department of youth services, any 4255
public or private agency whose purposes include the prevention of 4256
delinquency or the diversion, adjudication, detention, or 4257
rehabilitation of delinquent children, and any of the functions of 4258
the criminal justice system that are applicable to children. 4259

(D) "Comprehensive plan" means a document that coordinates, 4260
evaluates, and otherwise assists, on an annual or multi-year 4261
basis, ~~all~~ any of the functions of the criminal and juvenile 4262
justice systems of the state or a specified area of the state, 4263
that conforms to the priorities of the state with respect to 4264
criminal and juvenile justice systems, and that conforms with the 4265
requirements of all federal criminal justice acts. These functions 4266
may include, but are not limited to, ~~all~~ any of the following: 4267

(1) Crime and delinquency prevention; 4268
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(2) Identification, detection, apprehension, and detention of 4270
persons charged with criminal offenses or delinquent acts; 4271

(3) Assistance to crime victims or witnesses, except that the 4272
comprehensive plan does not include the functions of the attorney 4273
general pursuant to sections 109.91 and 109.92 of the Revised 4274

Code;	4275
(4) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;	4276 4277
(5) Custodial treatment of criminal offenders and , delinquent children, <u>or both</u> ;	4278 4279
(6) Institutional and noninstitutional rehabilitation of criminal offenders and , delinquent children, <u>or both</u> .	4280 4281
(E) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section 181.54 of the Revised Code.	4282 4283 4284
(F) "Administrative planning district" means a district that is established pursuant to division (A) <u>or (B)</u> of section 181.56 of the Revised Code.	4285 4286 4287
(G) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (B) <u>(D)</u> of section 181.56 of the Revised Code.	4288 4289 4290
(H) "Local elected official" means any person who is a member of a board of county commissioners or township trustees or of a city or village council, judge of the court of common pleas, a municipal court, or a county court, sheriff, county coroner, prosecuting attorney, city director of law, village solicitor, or mayor.	4291 4292 4293 4294 4295 4296
<u>(I) "Juvenile justice coordinating council" means a juvenile justice services agency that is established pursuant to division (D) of section 181.56 of the Revised Code.</u>	4297 4298 4299
Sec. 181.52. (A) There is hereby created an office of criminal justice services. The governor shall appoint a director of the office, and the director may appoint, within the office, any professional and technical personnel and other employees that	4300 4301 4302 4303

are necessary to enable the office to comply with sections 181.51 4304
to 181.56 of the Revised Code. The director and the assistant 4305
director of the office, and all professional and technical 4306
personnel employed within the office who are not public employees 4307
as defined in section 4117.01 of the Revised Code, shall be in the 4308
unclassified civil service, and all other persons employed within 4309
the office shall be in the classified civil service. The director 4310
may enter into any contracts, except contracts governed by Chapter 4311
4117. of the Revised Code, that are necessary for the operation of 4312
the office. 4313

(B) Subject to division ~~(D)~~(E) of this section and subject to 4314
divisions (D) to (F) of section 5120.09 of the Revised Code 4315
insofar as those divisions relate to federal criminal justice acts 4316
that the governor requires the department of rehabilitation and 4317
correction to administer, the office of criminal justice services 4318
shall do all of the following: 4319

(1) Serve as the state criminal justice services agency and 4320
perform criminal ~~and juvenile~~ justice system planning in the 4321
state, including any planning that is required by any federal law; 4322

(2) Collect, analyze, and correlate information and data 4323
concerning the criminal ~~and juvenile~~ justice ~~systems~~ system in the 4324
state; 4325

(3) Cooperate with and provide technical assistance to state 4326
departments, administrative planning districts, metropolitan 4327
county criminal justice services agencies, criminal justice 4328
coordinating councils, agencies, offices, and departments of the 4329
criminal ~~and juvenile~~ justice ~~systems~~ system in the state, and 4330
other appropriate organizations and persons; 4331

(4) Encourage and assist agencies, offices, and departments 4332
of the criminal ~~and juvenile~~ justice ~~systems~~ system in the state 4333
and other appropriate organizations and persons to solve problems 4334
that relate to the duties of the office; 4335

(5) Administer within the state any federal criminal justice acts or juvenile justice acts that the governor requires it to administer;	4336 4337 4338
(6) <u>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.</u>	4339 4340 4341 4342 4343
(7) Implement the state comprehensive plans;	4344
(7) (8) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office;	4345 4346 4347
(8) (9) Monitor or evaluate the performance of criminal and juvenile justice systems <u>system</u> projects and programs in the state that are financed in whole or in part by funds granted through the office;	4348 4349 4350 4351
(9) (10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts or juvenile justice acts , or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems <u>system</u> in the state. All money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the fund shall be credited to the fund.	4352 4353 4354 4355 4356 4357 4358 4359 4360 4361 4362
(10) (11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the office;	4363 4364 4365
(11) (12) Oversee the activities of metropolitan county	4366

criminal justice services agencies, administrative planning 4367
districts, and criminal justice coordinating councils in the 4368
state; 4369

~~(12)~~(13) Advise the general assembly and governor on 4370
legislation and other significant matters that pertain to the 4371
improvement and reform of criminal and juvenile justice systems in 4372
the state; 4373

~~(13)~~(14) Prepare and recommend legislation to the general 4374
assembly and governor for the improvement of the criminal and 4375
juvenile justice systems in the state; 4376

~~(14)~~(15) Assist, advise, and make any reports that are 4377
requested or required by the governor, attorney general, or 4378
general assembly; 4379

~~(15)~~(16) Adopt rules pursuant to Chapter 119. of the Revised 4380
Code. 4381

(C) Division Upon the request of the governor, the office of 4382
criminal justice services may do any of the following: 4383

(1) Collect, analyze, or correlate information and data 4384
concerning the juvenile justice system in the state; 4385

(2) Cooperate with and provide technical assistance to state 4386
departments, administrative planning districts, metropolitan 4387
county criminal justice service agencies, criminal justice 4388
coordinating councils, agency offices, and the departments of the 4389
juvenile justice system in the state and other appropriate 4390
organizations and persons; 4391

(3) Encourage and assist agencies, offices, and departments 4392
of the juvenile justice system in the state and other appropriate 4393
organizations and persons to solve problems that relate to the 4394
duties of the office. 4395

(D) Divisions (B) and (C) of this section does do not limit 4396

the discretion or authority of the attorney general with respect 4397
to crime victim assistance and criminal justice programs. 4398

~~(D)~~(E) Nothing in this section is intended to diminish or 4399
alter the status of the office of the attorney general as a 4400
criminal justice services agency. 4401

Sec. 181.54. (A) A county may enter into an agreement with 4402
the largest city within the county to establish a metropolitan 4403
county criminal justice services agency, if the population of the 4404
county exceeds five hundred thousand or the population of the city 4405
exceeds two hundred fifty thousand. 4406

(B) A metropolitan county criminal justice services agency 4407
shall do all of the following: 4408

(1) Accomplish criminal and juvenile justice systems planning 4409
within its services area; 4410

(2) Collect, analyze, and correlate information and data 4411
concerning the criminal and juvenile justice systems within its 4412
services area; 4413

(3) Cooperate with and provide technical assistance to all 4414
criminal and juvenile justice agencies and systems and other 4415
appropriate organizations and persons within its services area; 4416

(4) Encourage and assist agencies of the criminal and 4417
juvenile justice systems and other appropriate organizations and 4418
persons to solve problems that relate to its duties; 4419

(5) Administer within its services area any federal criminal 4420
justice acts or juvenile justice acts that the office of criminal 4421
justice services or the department of youth services administers 4422
within the state; 4423

(6) Implement the comprehensive plans for its services area; 4424

(7) Monitor or evaluate, within its services area, the 4425

performance of the criminal and juvenile justice systems projects 4426
and programs that are financed in whole or in part by funds 4427
granted through it; 4428

(8) Apply for, allocate, and disburse grants that are made 4429
available pursuant to any federal criminal justice acts, or 4430
pursuant to any other federal, state, or private sources for the 4431
purpose of improving the criminal and juvenile justice systems; 4432

(9) Contract with federal, state, and local agencies, 4433
foundations, corporations, and other businesses or persons to 4434
carry out the duties of the agency. 4435

Sec. 181.56. (A) In counties in which a metropolitan county 4436
criminal justice services agency does not exist, the office of 4437
criminal justice services shall discharge the office's duties that 4438
the governor requires it to administer by establishing 4439
administrative planning districts for criminal justice programs. 4440
An administrative planning district shall contain a group of 4441
contiguous counties in which no county has a metropolitan county 4442
criminal justice services agency. 4443

(B) In counties in which a metropolitan county criminal 4444
justice services agency does not exist, the department of youth 4445
services shall discharge the department's duty by establishing 4446
administrative planning districts for juvenile justice programs. 4447

(C) All administrative planning districts shall contain a 4448
group of contiguous counties in which no county has a metropolitan 4449
county criminal justice services agency. 4450

(D) Any county or any combination of contiguous counties 4451
within an administrative planning district may form a criminal 4452
justice coordinating council or a juvenile justice coordinating 4453
council for its respective programs, if the county or the group of 4454
counties has a total population in excess of two hundred fifty 4455

thousand. The council shall comply with the conditions set forth 4456
in divisions (B) and (C) of section 181.55 of the Revised Code, 4457
and exercise within its jurisdiction the powers and duties set 4458
forth in division (B) of section 181.54 of the Revised Code. 4459

Sec. 183.09. The fiscal year of the tobacco use prevention 4460
and control foundation shall be the same as the fiscal year of the 4461
state. 4462

Within ninety days after the end of each fiscal year, the 4463
foundation shall submit to the governor and the general assembly 4464
both of the following: 4465

(A) A report of the activities of the foundation during the 4466
preceding fiscal year and an independent and objective evaluation 4467
of the progress being made by the foundation in reducing tobacco 4468
use by Ohioans; 4469

(B) A financial report of the foundation for the preceding 4470
fiscal year, which shall include both: 4471

(1) Information on the amount and percentage of overhead and 4472
administrative expenditures compared to programmatic expenditures; 4473

(2) An independent auditor's report on the ~~general purpose~~ 4474
basic financial statements and required supplementary information 4475
of the foundation. Such financial statements shall be prepared in 4476
conformity with generally accepted accounting principles 4477
prescribed for governmental entities. 4478

Sec. 183.10. The law enforcement improvements trust fund is 4479
hereby created in the state treasury. Money credited to the fund 4480
shall be used by the attorney general to maintain, upgrade, and 4481
modernize the law enforcement training, law enforcement 4482
technology, and laboratory ~~facilities~~ equipment of the office of 4483
the attorney general. All investment earnings of the fund shall be 4484
credited to the fund. 4485

Sec. 183.17. The fiscal year of the southern Ohio 4486
agricultural and community development foundation shall be the 4487
same as the fiscal year of the state. 4488

Within ninety days after the end of each fiscal year, the 4489
foundation shall submit to the governor and the general assembly 4490
both of the following: 4491

(A) A report of the activities of the foundation during the 4492
preceding fiscal year. The report shall also contain an 4493
independent evaluation of the progress being made by the 4494
foundation in carrying out its duties. 4495

(B) A financial report of the foundation for the preceding 4496
year, which shall include both: 4497

(1) Information on the amount and percentage of overhead and 4498
administrative expenditures compared to programmatic expenditures; 4499

(2) An independent auditor's report on the ~~general purpose~~ 4500
basic financial statements and required supplementary information 4501
of the foundation. Such financial statements shall be prepared in 4502
conformity with generally accepted accounting principles 4503
prescribed for governmental entities. 4504

On or before July 1, 2010, the foundation shall report to the 4505
governor and the general assembly on the progress that the 4506
foundation has made in replacing the production of tobacco in 4507
southern Ohio with the production of other agricultural products 4508
and in mitigating the adverse economic impact of reduced tobacco 4509
production in the region. ~~It~~ If the foundation concludes that a 4510
need for additional funding still exists, the foundation may 4511
request that provision be made for a portion of the payments 4512
credited to the tobacco master settlement agreement fund to 4513
continue to be transferred to the southern Ohio agricultural and 4514
community development trust fund. 4515

Sec. 301.27. (A) As used in this section:	4516
(1) "Credit card" includes a gasoline credit card and a telephone credit card.	4517 4518
(2) "Officer" includes an individual who also is an appointing authority.	4519 4520
(3) "Gasoline and oil expenses," "minor motor vehicle maintenance expenses," and "emergency motor vehicle repair expenses" refer to only those expenses incurred for motor vehicles owned or leased by the county.	4521 4522 4523 4524
(B) A credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay work-related <u>food, transportation, gasoline expenses, limited to the following:</u>	4525 4526 4527 4528
(1) <u>Food expenses;</u>	4529
(2) <u>Transportation expenses;</u>	4530
(3) <u>Gasoline and oil, minor expenses;</u>	4531
(4) <u>Minor motor vehicle maintenance, emergency;</u>	4532
(5) <u>Emergency motor vehicle repair, telephone, lodging, and internet expenses;</u>	4533 4534
(6) <u>Telephone expenses;</u>	4535
(7) <u>Lodging expenses;</u>	4536
(8) <u>Internet service provider expenses;</u>	4537
(9) <u>In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement.</u>	4538 4539 4540 4541 4542 4543

(C) A county appointing authority may apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority itself or whether the issued card shall also include the name of a specified officer or employee.

(D) The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated to the appointing authority for 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.

(E)(1) Except as otherwise provided in division (E)(2) of this section, every officer or employee authorized to use a credit card held by the board or appointing authority shall submit to the 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

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approved for use, and is free from previous and then-outstanding 4576
obligations or certifications, the board shall authorize the 4577
officer or employee to incur debt for such expenses against the 4578
county's credit up to the authorized amount. 4579

(2) In lieu of following the procedure set forth in division 4580
(E)(1) of this section, a board of county commissioners may adopt 4581
a resolution authorizing an officer or employee of an appointing 4582
authority to use a county credit card to pay for specific classes 4583
of the work-related expenses listed in division (B) of this 4584
section, or use a specific credit card for any of those 4585
work-related expenses listed in division (B) of this section, 4586
without submitting an estimate of those expenses to the board as 4587
required by division (E)(1) of this section. Prior to adopting the 4588
resolution, the board shall notify the county auditor. The 4589
resolution shall specify whether the officer's or employee's 4590
exemption extends to the use of a specific card, which card shall 4591
be identified by its number, or to one or more specific 4592
work-related uses from the classes of uses permitted under 4593
division (B) of this section. Before any credit card exempted for 4594
specific uses may be used to make purchases for uses other than 4595
those specific uses listed in the resolution, the procedures 4596
outlined in division (E)(1) of this section must be followed or 4597
the use shall be considered an unauthorized use. Use of any credit 4598
card under division (E)(2) of this section shall be limited to the 4599
amount appropriated and encumbered in a specific appropriation 4600
line item for the permitted use or uses designated in the 4601
authorizing resolution, or, in the case of a resolution that 4602
authorizes use of a specific credit card, for each of the 4603
permitted uses listed in division (B) of this section, but only to 4604
the extent the moneys in such appropriations are not otherwise 4605
encumbered. 4606

(F)(1) Any time a county credit card approved for use for an 4607

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
county to reimburse the county treasury for the amount charged to
the county beyond the originally authorized amount.

(b) If the card was issued to the office of the appointing
authority, then the appointing authority is liable in person and
upon any official bond the appointing authority has given to the
county for the amount charged to the county beyond the originally
authorized amount.

(2) Any time a county credit card authorized for use under
division (E)(2) of this section is used for more than the amount
appropriated under that division, the appointing authority may
request the board of county commissioners to issue a supplemental
appropriation or make a transfer to the proper line item account
as permitted in section 5705.40 of the Revised Code, to cover the
amount charged beyond the originally appropriated amount. If the
card is used for more than the amount originally appropriated and
if for any reason that amount is not appropriated or transferred

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as permitted by this section, then the county treasury shall be
reimbursed for any amount spent beyond the originally appropriated
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
county for reimbursing the county treasury for any amount charged
on the card beyond the originally appropriated amount.

(b) If the card is issued in the name of the office of the
appointing authority, then the appointing authority is liable in
person and upon any official bond the appointing authority has
given to the county for reimbursement for any amount charged on
the card beyond the originally appropriated amount.

(3) Whenever any officer or employee authorized to use a
credit card held by the board or the office of any other county
appointing authority suspects the loss, theft, or possibility of
unauthorized use of the county credit card the officer or employee
is authorized to use, the officer or employee shall so notify the
officer's or employee's appointing authority or the board
immediately and in writing.

(4) If the county auditor determines there has been a credit
card expenditure beyond the appropriated or authorized amount as
provided in division (E) of this section, the auditor immediately
shall notify the board of county commissioners of this fact. When
the board of county commissioners determines on its own or after
notification from the county auditor that the county treasury
should be reimbursed for credit card expenditures beyond the
appropriated or authorized amount as provided in divisions (F)(1)
and (2) of this section, it shall give written notice to the
officer or employee or appointing authority liable to the treasury
as provided in divisions (F)(1) and (2) of this section. If,
within thirty days after issuance of this written notice the

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county treasury is not reimbursed for the amount shown on the
written notice, the prosecuting attorney of the county shall
recover that amount from the officer or employee or appointing
authority who is liable under this section by civil action in any
court of appropriate jurisdiction.

(G) Use of a county credit card for any use other than those
permitted under division (B) of this section is a violation of law
for the purposes of section 2913.21 of the Revised Code.

Sec. 325.071. There shall be allowed annually to the sheriff,
in addition to all salary and allowances otherwise provided by
law, an amount equal to one-half of the official salary allowed
under ~~sections~~ division (A) of section 325.06 and section 325.18
of the Revised Code, to provide for expenses that the sheriff
incurs in the performance of the sheriff's official duties and in
the furtherance of justice. Upon the order of the sheriff, the
county auditor shall draw the auditor's warrant on the county
treasurer, payable to the sheriff or any other person as the order
designates, for the amount the order requires. The amounts the
order requires, not exceeding the amount provided by this section,
shall be paid out of the general fund of the county.

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,

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shall file with the county auditor an itemized statement, verified 4703
by the sheriff, as to the manner in which the fund provided by 4704
this section has been expended during the current year, and, if 4705
any part of that fund remains in the sheriff's hands unexpended, 4706
forthwith shall pay the remainder into the county treasury. 4707

Sec. 329.042. The county department of job and family 4708
services shall certify public assistance and nonpublic assistance 4709
households eligible under the "Food Stamp Act of 1964," 78 Stat. 4710
703, 7 U.S.C.A. 2011, as amended, and federal and state 4711
regulations adopted pursuant to such act, to enable low-income 4712
households to participate in the food stamp program and thereby to 4713
purchase foods having a greater monetary value than is possible 4714
under public assistance standard allowances or other low-income 4715
budgets. 4716

The county department of job and family services shall 4717
administer the distribution of food stamp ~~coupons~~ benefits under 4718
the supervision of the department of job and family services. ~~Such~~ 4719
~~coupons~~ The benefits shall be distributed by ~~mail in accordance~~ 4720
~~with sections 5101.541, 5101.542, and 5101.543 of the Revised~~ 4721
~~Code, or by some alternative~~ a method approved by the department 4722
of job and family services in accordance with the "Food Stamp Act 4723
of 1964," 78 Stat. 703, 7 U.S.C.A. 2011, as amended, and 4724
regulations issued thereunder. 4725

The document referred to as the "authorization-to-participate 4726
card," which shows the face value of the ~~coupon allotment~~ benefits 4727
an eligible household is entitled to receive on presentment of the 4728
document, shall be issued, immediately upon certification, to a 4729
household determined under division (C) of section 5101.54 of the 4730
Revised Code to be in immediate need of food assistance by being 4731
personally handed by a member of the staff of the county 4732
department of job and family services to the member of the 4733

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household in whose name application was made for participation in 4734
 the program or the authorized representative of such member of the 4735
 household. 4736

~~Sec. 5101.19 329.19.~~ (A) Upon determining that a person or 4737
 persons are eligible for ~~aid payments~~ benefits or services under 4738
~~Chapter 5107. or 5115. of the Revised Code~~ any assistance program 4739
administered by the county department of job and family services, 4740
the county department may issue an identification card ~~shall be~~ 4741
 issued to the individual designated to receive warrants for aid 4742
~~payments~~ person or persons. Such cards may be made up and issued 4743
~~by the county department of job and family services, or the~~ 4744
~~department of job and family services~~ may enter into a contract 4745
~~with any person, corporation, or agency, public or private, to~~ 4746
~~furnish cards to individuals certified by the county department.~~ 4747
 The county department of job and family services shall determine 4748
 the card's material, design, and informational content, which 4749
~~shall~~ may include a photograph, social security number, name, and 4750
 signature, and shall prescribe the procedure by which it is 4751
 issued. 4752

~~(B) Any county department of job and family services which on~~ 4753
~~July 7, 1972 is furnishing identification cards to individuals~~ 4754
~~designated to receive warrants for aid payments under Chapter~~ 4755
~~5107. of the Revised Code, may continue to issue such cards and~~ 4756
~~may issue identification cards to individuals designated to~~ 4757
~~receive warrants for aid payments under Chapter 5115. of the~~ 4758
~~Revised Code under procedures developed by the county, in lieu of~~ 4759
~~those established under division (A) of this section, provided:~~ 4760

~~(1) The information borne on the card is substantially the~~ 4761
~~same as that required in division (A) of this section:~~ 4762

~~(2) The county complies with any regulations adopted by the~~ 4763
~~director of job and family services which are applicable to such a~~ 4764

~~procedure.~~

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~~(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.~~

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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.

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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.

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Sec. 349.01. As used in this chapter:

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(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 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.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, hospital facilities as defined in section 140.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets, pathway and bikeway systems, pedestrian underpasses and

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overpasses, lighting facilities, design amenities, or other 4859
community facilities, and buildings needed in connection with 4860
water supply or sewage disposal installations or steam, gas, or 4861
electric lines or installation. 4862

(J) "Cost" as applied to a new community development program 4863
means all costs related to land acquisition and land development, 4864
the acquisition, construction, maintenance, and operation of 4865
community facilities and offices of the community authority, and 4866
of providing furnishings and equipment therefor, financing charges 4867
including interest prior to and during construction and for the 4868
duration of the new community development program, planning 4869
expenses, engineering expenses, administrative expenses including 4870
working capital, and all other expenses necessary and incident to 4871
the carrying forward of the new community development program. 4872

(K) "Income source" means any and all sources of income to 4873
the community authority, including community development charges 4874
of which the new community authority is the beneficiary as 4875
provided in section 349.07 of the Revised Code, rentals, user fees 4876
and other charges received by the new community authority, any 4877
gift or grant received, any moneys received from any funds 4878
invested by or on behalf of the new community authority, and 4879
proceeds from the sale or lease of land and community facilities. 4880

(L) "Community development charge" means a dollar amount 4881
which shall be determined on the basis of the assessed valuation 4882
of real property or interests in real property in a new community 4883
district sold, leased, or otherwise conveyed by the developer or 4884
the new community authority, the income of the residents of such 4885
property subject to such charge under section 349.07 of the 4886
Revised Code, if such property is devoted to residential uses or 4887
to the profits of any business, a uniform fee on each parcel of 4888
such real property originally sold, leased, or otherwise conveyed 4889
by the developer or new community authority, or any combination of 4890

the foregoing bases. 4891

(M) "Proximate city" means any city that, as of the date of 4892
filing of the petition under section 349.03 of the Revised Code, 4893
is the most populous city of the county in which the proposed new 4894
community district is located, is the most populous city of an 4895
adjoining county if any portion of such city is within five miles 4896
of any part of the boundaries of such district, or exercises 4897
extraterritorial subdivision authority under section 711.09 of the 4898
Revised Code with respect to any part of such district. 4899

Sec. 503.162. (A) After certification of a resolution as 4900
provided in section 503.161 of the Revised Code, the board of 4901
elections shall submit the question of whether the township's name 4902
shall be changed to the electors of the unincorporated area of the 4903
township in accordance with division (C) of that section, and the 4904
ballot language shall be substantially as follows: 4905

"Shall the township of (name) change its name to 4906
..... (proposed name)? 4907

..... For name change 4908

..... Against name change" 4909

(B) At least forty-five days before the election on this 4910
question, the board of township trustees shall provide notice of 4911
the election and an explanation of the proposed name change in a 4912
newspaper of general circulation in the township for three 4913
consecutive weeks and shall post the notice and explanation in 4914
five conspicuous places in the unincorporated area of the 4915
township. 4916

(C) If a majority of the votes cast on the proposition of 4917
changing the township's name is in the affirmative, the name 4918
change is adopted and becomes effective ninety days after the 4919
board of elections certifies the election results to the clerk of 4920

the township. Upon receipt of the certification of the election 4921
results from the board of elections, the clerk of the township 4922
shall send a copy of that certification to the secretary of state 4923
~~and to the state and local government commission of Ohio.~~ 4924

(D) A change in the name of a township shall not alter the 4925
rights or liabilities of the township as previously named. 4926

Sec. 504.03. (A)(1) If a limited home rule government is 4927
adopted pursuant to section 504.02 of the Revised Code, it shall 4928
remain in effect for at least three years except as otherwise 4929
provided in division (B) of this section. At the end of that 4930
period, if the board of township trustees determines that that 4931
government is not in the best interests of the township, it may 4932
adopt a resolution causing the board of elections to submit to the 4933
electors of the unincorporated area of the township the question 4934
of whether the township should continue the limited home rule 4935
government. The question shall be voted upon at the next general 4936
election occurring at least seventy-five days after the 4937
certification of the resolution to the board of elections. After 4938
certification of the resolution, the board of elections shall 4939
submit the question to the electors of the unincorporated area of 4940
the township, and the ballot language shall be substantially as 4941
follows: 4942

"Shall the township of (name) continue the 4943
limited home rule government under which it is operating? 4944
..... For continuation of the limited home rule government 4945
..... Against continuation of the limited home rule government" 4946

(2) At least forty-five days before the election on the 4947
question of continuing the limited home rule government, the board 4948
of township trustees shall have notice of the election published 4949
in a newspaper of general circulation in the township for three 4950
consecutive weeks and have the notice posted in five conspicuous 4951

places in the unincorporated area of the township. 4952

(B) The electors of a township that has adopted a limited 4953
home rule government may propose at any time by initiative 4954
petition, in accordance with section 504.14 of the Revised Code, a 4955
resolution submitting to the electors in the unincorporated area 4956
of the township, in an election, the question set forth in 4957
division (A)(1) of this section. 4958

(C) If a majority of the votes cast under division (A) or (B) 4959
of this section on the proposition of continuing the limited home 4960
rule government is in the negative, that government is terminated 4961
effective on the first day of January immediately following the 4962
election, and a limited home rule government shall not be adopted 4963
in the unincorporated area of the township pursuant to section 4964
504.02 of the Revised Code for at least three years after that 4965
date. 4966

(D) If a limited home rule government is terminated pursuant 4967
to under this section, the board of township trustees immediately 4968
shall adopt a resolution repealing all resolutions adopted 4969
pursuant to this chapter that are not authorized by any other 4970
section of the Revised Code outside this chapter, effective on the 4971
first day of January immediately following the election described 4972
in division (A) or (B) of this section. However, no resolution 4973
adopted under this division shall affect or impair the obligations 4974
of the township under any security issued or contracts entered 4975
into by the township in connection with the financing of any water 4976
supply facility or sewer improvement under sections 504.18 to 4977
504.20 of the Revised Code or the authority of the township to 4978
collect or enforce any assessments or other revenues constituting 4979
security for or source of payments of debt service charges of 4980
those securities. 4981

(E) Upon the termination of a limited home rule government 4982
under this section, if the township had converted its board of 4983

township trustees to a five-member board under section 504.21 of 4984
the Revised Code, the current board member who received the lowest 4985
number of votes of the current board members who were elected at 4986
the most recent election for township trustees, and the current 4987
board member who received the lowest number of votes of the 4988
current board members who were elected at the second most recent 4989
election for township trustees, shall cease to be township 4990
trustees on the date that the limited home rule government 4991
terminates. Their offices likewise shall cease to exist at that 4992
time, and the board shall continue as a three-member board as 4993
provided in section 505.01 of the Revised Code. 4994

Sec. 504.04. (A) A township that adopts a limited home rule 4995
government may do all of the following by resolution, provided 4996
that any of these resolutions, other than a resolution to supply 4997
water or sewer services in accordance with sections 504.18 to 4998
504.20 of the Revised Code, may be enforced only by the imposition 4999
of civil fines as authorized in this chapter: 5000

(1) Exercise all powers of local self-government within the 5001
unincorporated area of the township, other than powers that are in 5002
conflict with general laws, except that the township shall comply 5003
with the requirements and prohibitions of this chapter, and shall 5004
enact no taxes other than those authorized by general law, and 5005
except that no resolution adopted pursuant to this chapter shall 5006
encroach upon the powers, duties, and privileges of elected 5007
township officers or change, alter, combine, eliminate, or 5008
otherwise modify the form or structure of the township government 5009
unless the change is required or permitted by this chapter; 5010

(2) Adopt and enforce within the unincorporated area of the 5011
township local police, sanitary, and other similar regulations 5012
that are not in conflict with general laws or otherwise prohibited 5013
by division (B) of this section; 5014

(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.	5015 5016 5017
(B) No resolution adopted pursuant to this chapter shall do any of the following:	5018 5019
(1) Create a criminal offense or impose criminal penalties, except as authorized by division (A) of this section;	5020 5021
(2) Impose civil fines other than as authorized by this chapter;	5022 5023
(3) Establish or revise subdivision regulations, road construction standards, urban sediment rules, or storm water and drainage regulations;	5024 5025 5026
(4) Establish or revise building standards, building codes, and other standard codes except as provided in section 504.13 of the Revised Code;	5027 5028 5029
(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;	5030 5031 5032 5033
(6) Establish regulations affecting hunting, trapping, fishing, or the possession, use, or sale of firearms;	5034 5035
(7) Establish or revise water or sewer regulations, except in accordance with sections 504.18 and 504.19 of the Revised Code.	5036 5037
Nothing in this chapter shall be construed as affecting the powers of counties with regard to the subjects listed in divisions (B)(3) to (5) of this section.	5038 5039 5040
(C) Under a limited home rule government, all officers shall have the qualifications, and be nominated, elected, or appointed, as provided in Chapter 505. of the Revised Code, except that the board of township trustees shall appoint a full-time or part-time	5041 5042 5043 5044

law director pursuant to section 504.15 of the Revised Code, and 5045
except that section 504.21 of the Revised Code also shall apply if 5046
a five-member board of township trustees is approved for the 5047
township. 5048

(D) In case of conflict between resolutions enacted by a 5049
board of township trustees and municipal ordinances or 5050
resolutions, the ordinance or resolution enacted by the municipal 5051
corporation prevails. In case of conflict between resolutions 5052
enacted by a board of township trustees and any county resolution, 5053
the resolution enacted by the board of township trustees prevails. 5054

Sec. 504.21. (A) By a unanimous vote, the board of township 5055
trustees of a limited home rule township may pass a resolution to 5056
place on the ballot at the next general election described in this 5057
division the question of whether the board should be converted to 5058
a five-member board. Upon passage of the resolution, the question 5059
shall be voted upon at the next general election occurring at 5060
least seventy-five days after the board certifies the resolution 5061
to the board of elections. 5062

(B) If a majority of the votes cast on the question of 5063
converting the board of township trustees to a five-member board 5064
is in the affirmative, at the next election at which any members 5065
of the board are elected, two additional board members shall be 5066
elected, one for a four-year term of office and the other for a 5067
two-year term of office. Their successors thereafter shall be 5068
elected for four-year terms of office. 5069

(C) If a board of township trustees is converted to a 5070
five-member board, the board members shall be elected by 5071
determining which individuals receive the highest number of votes 5072
from a slate of candidates running for the office of township 5073
trustee. If the first election after a township converts its board 5074
of township trustees to a five-member board is an election for 5075

three four-year term members and one two-year term member, the 5076
three candidates who receive the highest number of votes from the 5077
slate of candidates for township trustee shall serve a four-year 5078
term and the candidate who receives the fourth highest number of 5079
votes from that slate of candidates shall serve a two-year term. 5080

Sec. 505.24. Each township trustee is entitled to 5081
compensation as follows: 5082

(A) Except as otherwise provided in division (B) of this 5083
section, an amount for each day of service in the business of the 5084
township, to be paid from the township treasury as follows: 5085

(1) In townships having a budget of fifty thousand dollars or 5086
less, twenty dollars per day for not more than two hundred days; 5087
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(2) In townships having a budget of more than fifty thousand 5089
but not more than one hundred thousand dollars, twenty-four 5090
dollars per day for not more than two hundred days; 5091

(3) In townships having a budget of more than one hundred 5092
thousand but not more than two hundred fifty thousand dollars, 5093
twenty-eight dollars and fifty cents per day for not more than two 5094
hundred days; 5095

(4) In townships having a budget of more than two hundred 5096
fifty thousand but not more than five hundred thousand dollars, 5097
thirty-three dollars per day for not more than two hundred days; 5098

(5) In townships having a budget of more than five hundred 5099
thousand but not more than seven hundred fifty thousand dollars, 5100
thirty-five dollars per day for not more than two hundred days; 5101

(6) In townships having a budget of more than seven hundred 5102
fifty thousand but not more than one million five hundred thousand 5103
dollars, forty dollars per day for not more than two hundred days; 5104

(7) In townships having a budget of more than one million 5105
five hundred thousand but not more than three million five hundred 5106
thousand dollars, forty-four dollars per day for not more than two 5107
hundred days; 5108

(8) In townships having a budget of more than three million 5109
five hundred thousand dollars but not more than six million 5110
dollars, forty-eight dollars per day for not more than two hundred 5111
days; 5112

(9) In townships having a budget of more than six million 5113
dollars, fifty-two dollars per day for not more than two hundred 5114
days. 5115

(B) Beginning in calendar year 1999, the amounts paid as 5116
specified in division (A) of this section shall be replaced by the 5117
following amounts: 5118

(1) In calendar year 1999, the amounts specified in division 5119
(A) of this section increased by three per cent; 5120

(2) In calendar year 2000, the amounts determined under 5121
division (B)(1) of this section increased by three per cent; 5122

(3) In calendar year 2001, the amounts determined under 5123
division (B)(2) of this section increased by three per cent; 5124

(4) In calendar year 2002, except in townships having a 5125
budget of more than six million dollars, the amounts determined 5126
under division (B)(3) of this section increased by three per cent; 5127
in townships having a budget of more than six million but not more 5128
than ten million dollars, seventy dollars per day for not more 5129
than two hundred days; and in townships having a budget of more 5130
than ten million dollars, ninety dollars per day for not more than 5131
two hundred days; 5132

(5) In calendar years 2003 through 2008, the amounts 5133
determined under division (B) of this section for the immediately 5134

preceding calendar year increased by the lesser of the following: 5135

(a) Three per cent; 5136

(b) The percentage increase, if any, in the consumer price 5137
index over the twelve-month period that ends on the thirtieth day 5138
of September of the immediately preceding calendar year, rounded 5139
to the nearest one-tenth of one per cent; 5140

(6) In calendar year 2009 and thereafter, the amount 5141
determined under division (B) of this section for calendar year 5142
2008. 5143

As used in division (B) of this section, "consumer price 5144
index" has the same meaning as in section 325.18 of the Revised 5145
Code. 5146

(C) Whenever members of a board of township trustees are 5147
compensated per diem and not by annual salary, the board shall 5148
establish, by resolution, a method by which each member of the 5149
board shall periodically notify the township clerk of the number 5150
of days spent in the service of the township and the kinds of 5151
services rendered on those days. The per diem compensation shall 5152
be paid from the township general fund or from other township 5153
funds in such proportions as the kinds of services performed may 5154
require. The notice shall be filed with the township clerk and 5155
preserved for inspection by any persons interested. 5156

By unanimous vote, a board of township trustees may adopt a 5157
method of compensation consisting of an annual salary to be paid 5158
in equal monthly payments. If the office of trustee is held by 5159
more than one person during any calendar year, each person holding 5160
the office shall receive payments for only those months, and any 5161
fractions of those months, during which the person holds the 5162
office. The amount of the annual salary approved by the board 5163
shall be no more than the maximum amount that could be received 5164
annually by a trustee if the trustee were paid on a per diem basis 5165

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;

(4) In townships having a budget of more than two hundred
fifty thousand but not more than five hundred thousand dollars,
nine thousand nine hundred dollars;

(5) In townships having a budget of more than five hundred
thousand but not more than seven hundred fifty thousand dollars,
eleven thousand dollars;

(6) In townships having a budget of more than seven hundred
fifty thousand but not more than one million five hundred thousand
dollars, thirteen thousand two hundred dollars;

(7) In townships having a budget of more than one million

five hundred thousand but not more than three million five hundred
thousand dollars, fifteen thousand four hundred dollars; 5196
5197

(8) In townships having a budget of more than three million 5198
five hundred thousand dollars but not more than six million 5199
dollars, sixteen thousand five hundred dollars; 5200

(9) In townships having a budget of more than six million 5201
dollars, seventeen thousand six hundred dollars. 5202

(B) Any township clerk may elect to receive less than the 5203
compensation the clerk is entitled to under division (A) of this 5204
section. Any clerk electing to do this shall so notify the board 5205
of township trustees in writing, and the board shall include this 5206
notice in the minutes of its next board meeting. 5207

(C) The compensation of the township clerk shall be paid in 5208
equal monthly payments. If the office of clerk is held by more 5209
than one person during any calendar year, each person holding the 5210
office shall receive payments for only those months, and any 5211
fractions of those months, during which the person holds the 5212
office. 5213

(D) Beginning in calendar year 1999, the township clerk shall 5214
be entitled to compensation as follows: 5215

(1) In calendar year 1999, the compensation specified in 5216
division (A) of this section increased by three per cent; 5217

(2) In calendar year 2000, the compensation determined under 5218
division (D)(1) of this section increased by three per cent; 5219

(3) In calendar year 2001, the compensation determined under 5220
division (D)(2) of this section increased by three per cent; 5221

(4) In calendar year 2002, except in townships having a 5222
budget of more than six million dollars, the compensation 5223
determined under division (D)(3) of this section increased by 5224
three per cent; in townships having a budget of more than six 5225

million but not more than ten million dollars, nineteen thousand 5226
eight hundred ten dollars; and in townships having a budget of 5227
more than ten million dollars, twenty thousand nine hundred 5228
dollars; 5229

(5) In calendar years 2003 through 2008, the compensation 5230
determined under division (D) of this section for the immediately 5231
preceding calendar year increased by the lesser of the following: 5232

(a) Three per cent; 5233

(b) The percentage increase, if any, in the consumer price 5234
index over the twelve-month period that ends on the thirtieth day 5235
of September of the immediately preceding calendar year, rounded 5236
to the nearest one-tenth of one per cent; 5237

(6) In calendar year 2009 and thereafter, the amount 5238
determined under division (D) of this section for calendar year 5239
2008. 5240

As used in this division, "consumer price index" has the same 5241
meaning as in section 325.18 of the Revised Code. 5242

Sec. 901.43. (A) The director of agriculture may authorize 5243
any department of agriculture laboratory to perform a laboratory 5244
service for any person, organization, political subdivision, state 5245
agency, federal agency, or other entity, whether public or 5246
private. The director shall adopt and enforce rules to provide for 5247
the rendering of a laboratory service. 5248

(B) The director may charge a reasonable fee for the 5249
performance of a laboratory service, except when the service is 5250
performed on an official sample taken by the director acting 5251
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 5252
Revised Code; by a board of health acting as the licensor of 5253
retail food establishments or food service operations under 5254
Chapter 3717. of the Revised Code; or by the director of health 5255

acting as the licensor of food service operations under Chapter 5256
3717. of the Revised Code. The director of agriculture shall adopt 5257
rules specifying what constitutes an official sample. 5258

The director shall publish a list of laboratory services 5259
offered, together with the fee for each service. 5260

(C) The director may enter into a contract with any person, 5261
organization, political subdivision, state agency, federal agency, 5262
or other entity for the provision of a laboratory service. 5263

(D)(1) The director may adopt rules establishing standards 5264
for accreditation of laboratories and laboratory services and in 5265
doing so may adopt by reference existing or recognized standards 5266
or practices. 5267

(2) The director may inspect and accredit laboratories and 5268
laboratory services, and may charge a reasonable fee for the 5269
inspections and accreditation. 5270

(E)(1) All moneys collected by the director under this 5271
section that are from fees generated by a laboratory service 5272
performed by the department and related to the diseases of 5273
animals, and all moneys so collected that are from fees generated 5274
for the inspection and accreditation of laboratories and 5275
laboratory services related to the diseases of animals, shall be 5276
deposited in the animal industry laboratory fund, which is hereby 5277
created in the state treasury. The director shall use the moneys 5278
in the animal industry laboratory fund to pay the expenses 5279
necessary to operate the animal industry laboratory, including the 5280
purchase of supplies and equipment ~~for the laboratory that~~ 5281
~~provides laboratory services related to the diseases of animals.~~ 5282

(2) All moneys collected by the director under this section 5283
that are from fees generated by a laboratory service performed by 5284
the consumer analytical laboratory, and all moneys so collected 5285
that are from fees generated for the inspection and accreditation 5286

of laboratories and laboratory services not related to weights and 5287
measures or the diseases of animals, shall be deposited in the 5288
laboratory services fund, which is hereby created in the state 5289
treasury. The moneys held in the fund may be used to pay the 5290
expenses necessary to operate the consumer analytical laboratory, 5291
including the purchase of supplies and equipment. 5292

(3) All moneys collected by the director under this section 5293
that are from fees generated by a laboratory service performed by 5294
the weights and measures laboratory, and all moneys so collected 5295
that are from fees generated for the inspection and accreditation 5296
of laboratories and laboratory services related to weights and 5297
measures, shall be deposited in the weights and measures 5298
laboratory fund, which is hereby created in the state treasury. 5299
The moneys held in the fund may be used to pay the expenses 5300
necessary to operate the division of weights and measures, 5301
including the purchase of supplies and equipment. 5302

Sec. 901.63. (A) The agricultural financing commission shall 5303
do both of the following until July 1, ~~2001~~ 2003: 5304

(1) Make recommendations to the director of agriculture about 5305
financial assistance applications made pursuant to sections 901.80 5306
to 901.83 of the Revised Code. In making its recommendations, the 5307
commission shall utilize criteria established by rules adopted 5308
under division (A)(8)(b) of section 901.82 of the Revised Code. 5309

(2) Advise the director in the administration of sections 5311
901.80 to 901.83 of the Revised Code. 5312

With respect to sections 901.80 to 901.83 of the Revised 5313
Code, the role of the commission is solely advisory. No officer, 5314
member, or employee of the commission is liable for damages in a 5315
civil action for any injury, death, or loss to person or property 5316
that allegedly arises out of purchasing any loan or providing a 5317

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,
and hold, assign, pledge, lease, transfer, or otherwise dispose
of, real and personal property, or any interest in that real and
personal property, in the exercise of its powers and the
performance of its duties under this chapter and Chapter 902. of
the Revised Code;

(6) Receive and accept gifts, grants, loans, or any other
financial or other form of aid from any federal, state, local, or
private agency or fund and enter into any contract with any such
agency or fund in connection therewith, and receive and accept aid
or contributions from any other source of money, property, labor,
or things of value, to be held, used, and applied only for the

purposes for which ~~such~~ the grants and contributions are made, all 5349
within the purposes of this chapter and Chapter 902. of the 5350
Revised Code; 5351

(7) Sue and be sued in its own name with respect to its 5352
contracts or to enforce this chapter or its obligations or 5353
covenants made under this chapter and Chapter 902. of the Revised 5354
Code; 5355

(8) Make and enter into all contracts, commitments, and 5356
agreements, and execute all instruments necessary or incidental to 5357
the performance of its duties and the execution of its powers 5358
under this chapter and Chapter 902. of the Revised Code; 5359

(9) Adopt an official seal; 5360

(10) Do any and all things necessary or appropriate to carry 5361
out the public purposes and exercise the powers granted to the 5362
commission in this chapter and Chapter 902. of the Revised Code 5363
and the public purposes of Section 13 of Article VIII, Ohio 5364
Constitution. 5365

Any instrument by which real property is acquired pursuant to 5366
this section shall identify the agency of the state that has the 5367
use and benefit of the real property as specified in section 5368
5301.012 of the Revised Code. 5369

Sec. 901.81. (A) As used in this section and sections 901.82 5370
and 901.83 of the Revised Code: 5371

(1) "Financial institution" means any banking corporation; 5372
trust company; savings and loan association; building and loan 5373
association; or corporation, partnership, or other institution 5374
that is engaged in lending or investing funds for agricultural or 5375
other business purposes and that is eligible to become a 5376
depository for public moneys under section 135.03 of the Revised 5377
Code. 5378

(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.

(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.

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 also shall forward a request by the financial institution to enter into a contract of guarantee described in section 901.83 of the Revised Code.

The department of ~~development~~ shall proceed with the loan application in accordance with ~~division (A)(12) of section 122.011~~ 901.82 of the Revised Code.

Sec. 901.82. (A) In administering the program established under section 901.80 of the Revised Code, the director of agriculture shall do all of the following:

(1) Receive, review, analyze, and summarize applications for

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financial assistance forwarded to the director by ~~the department~~ 5410
~~of development~~, a financial institution under section 901.81 of 5411
the Revised Code and, after processing, forward them to the 5412
agricultural financing commission together with necessary 5413
supporting information; 5414

(2) Receive the recommendations of the commission made under 5415
division (A)(1) of section 901.63 of the Revised Code and make a 5416
final determination whether to approve ~~the~~ an application for 5417
financial assistance; 5418

(3) Transmit the director's determinations to approve 5419
assistance to the controlling board together with any information 5420
the controlling board requires for its review and its decision 5421
whether to approve the release of money for the financial 5422
assistance; 5423

(4) Work in conjunction with financial institutions and other 5424
private and public financing sources to purchase loans from 5425
financial institutions or provide loan guarantees to eligible 5426
applicants; 5427

(5) Require each applicant to provide a farm business plan, 5428
including an overview of the type of agricultural operation the 5429
applicant anticipates conducting, and a management strategy for 5430
the project; 5431

(6) Inform agricultural organizations and others in the state 5432
of the existence of the program established under section 901.80 5433
of the Revised Code and of the financial assistance available 5434
under the program; 5435

(7) Report to the governor, president of the senate, speaker 5436
of the house of representatives, and minority leaders of the 5437
senate and the house of representatives by the thirtieth day of 5438
June of each year on the activities carried out under the program 5439
during the preceding calendar year. The report shall include the 5440

number of loans purchased or loan guarantees made that year, the 5441
amount of each such loan or loan guarantee, the county in which 5442
the loan recipient's farm is located, and whatever other 5443
information the director determines is relevant to include. 5444

(8) Adopt rules in accordance with Chapter 119. of the 5445
Revised Code establishing all of the following with regard to the 5446
program: 5447

(a) Forms and procedures by which eligible applicants may 5448
apply for financial assistance; 5449

(b) Criteria for reviewing, evaluating, and ranking 5450
applications, and for approving applications that best serve the 5451
goals of the program; 5452

(c) Reporting requirements and monitoring procedures; 5453

(d) Interest rates, payment schedules, loan transfer 5454
provisions, penalties, including penalties for the conversion of 5455
land devoted exclusively to agricultural use as defined in section 5456
5713.30 of the Revised Code, and other terms and conditions for 5457
loans purchased and loan guarantees provided under the program; 5458

(e) Criteria for determining whether the location at which 5459
the applicant proposes to use financial assistance provided under 5460
the program is in an area in which agriculture is the primary land 5461
use at the time the application is made and whether the land at 5462
that location reasonably may not be expected to be converted to a 5463
nonagricultural use during the period of time that the applicant's 5464
obligation to repay the loan remains outstanding; 5465

(f) Any other rules necessary to implement and administer the 5466
program. 5467

(B) In order to be eligible for financial assistance under 5468
section 901.80 of the Revised Code, an applicant shall demonstrate 5469
all of the following: 5470

- (1) That the applicant is domiciled in this state; 5471
- (2) That the applicant is unable to obtain sufficient 5472
financing from commercial or agricultural lending sources; 5473
- (3) That the applicant has the ability to repay the loan, 5474
primarily from the cash flow of the proposed farming operation, 5475
and that there is adequate security for the loan; 5476
- (4) That the applicant has sufficient education, training, or 5477
experience in the type of farming for which the applicant requests 5478
the financial assistance; 5479
- (5) That there are no zoning restrictions, environmental 5480
regulations, or other impairments to the use of the land for the 5481
purpose intended; 5482
- (6) That the location at which the applicant proposes to use 5483
the financial assistance is in an area in which agriculture is the 5484
primary land use at the time the application is made and that the 5485
land at that location reasonably may not be expected to be 5486
converted to a nonagricultural use during the period of time that 5487
the applicant's obligation to repay the financial assistance 5488
remains outstanding. In demonstrating the information required 5489
under division (B)(5)(6) of this section, the applicant shall 5490
utilize criteria established in rules adopted under division 5491
(A)(8)(e) of this section. 5492
- Sec. 917.07.** The dairy industry fund is hereby created in the 5493
state treasury. All inspection fees and license fees collected 5494
under this chapter shall be deposited into the fund- 5495
- ~~The dairy fund is hereby created in the state treasury. All 5496
together with all fine moneys received by the treasurer of state 5497
pursuant to division (E)(F) of section 917.99 of the Revised Code 5498
and any other moneys collected under this chapter, except for 5499
inspection fees and license fees, shall be deposited into the 5500~~

fund. 5501

Moneys credited to the dairy industry fund ~~and the dairy fund~~ 5502
shall be used to operate and pay expenses of the division of dairy 5503
in the department of agriculture. 5504

Sec. 917.99. (A) Whoever violates division (C) of section 5505
917.09 of the Revised Code is guilty of a misdemeanor of the 5506
second degree on a first offense and a misdemeanor of the first 5507
degree on each subsequent offense. 5508

(B) Whoever violates section 917.13 or 917.14 of the Revised 5509
Code is guilty of a misdemeanor of the first degree on a first 5510
offense, a felony of the fifth degree on a second offense, and a 5511
felony of the fourth degree on each subsequent offense. 5512

(C) Whoever violates division (A), (B), (C), (D), or (G) of 5513
section 917.05 of the Revised Code is guilty of a misdemeanor of 5514
the fourth degree. 5515

(D) Whoever violates division (E) or (F) of section 917.05 of 5516
the Revised Code is guilty of a misdemeanor of the second degree 5517
on a first offense and a misdemeanor of the first degree on each 5518
subsequent offense. 5519

(E) Each day of violation of a provision described in 5520
divisions (A) to (D) of this section constitutes a separate 5521
offense. 5522

(F) The court imposing a fine under divisions (A) to (D) of 5523
this section shall order that not less than fifty per cent of the 5524
fine be disbursed to the treasurer of state for deposit into the 5525
dairy industry fund created in section 917.07 of the Revised Code. 5526
Subject to that minimum percentage, the court's order shall 5527
specify the percentage of the fine that the clerk of the court 5528
shall disburse to the treasurer of state. The clerk of the court 5529
shall disburse the remainder of the fine to the county treasurer. 5530

Sec. 991.20. The Ohio state fair shall not be held open to the public for more than fifteen days in a calendar year, beginning in the year 2002. The fifteen-day period shall not include any day on which livestock exhibits or other attractions or concessions are being set up or taken down, provided that the fair is not open to the public on any such day.

Sec. 1309.40. (A) Presentation for filing of a financing statement, tender of the filing fee, and acceptance of the statement by the filing officer constitute filing under sections 1309.01 to 1309.50 of the Revised Code.

(B)(1) Except as provided in divisions (B)(2) and (F) of this section, a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty days or until expiration of the five-year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(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

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of such obligation, or the final installment thereof, of more than 5562
five years, be fully effective until the maturity date set forth 5563
therein. Such financing statement shall also contain a reference 5564
to the recorder's file number of the mortgage upon real estate or 5565
to the volume and page of the mortgage record in which such 5566
mortgage is recorded. 5567

(C) A continuation statement may be filed by the secured 5568
party within six months prior to the expiration of the five-year 5569
period specified in division (B)(1) of this section, or within six 5570
months prior to the stated maturity date referred to in division 5571
(B)(2) of this section. A continuation statement shall be filed on 5572
a form prescribed by the secretary of state. A continuation 5573
statement filed in the office of the county recorder shall also 5574
comply with Chapter 317. of the Revised Code. The continuation 5575
statement must be signed by the secured party, identify the 5576
original statement by file number, and state that the original 5577
statement is still effective. A continuation statement signed by a 5578
person other than the secured party of record must be accompanied 5579
by a separate written statement of assignment signed by the 5580
secured party of record and complying with division (B) of section 5581
1309.42 of the Revised Code, including payment of the required 5582
fee. Upon timely filing of the continuation statement, the 5583
effectiveness of the original statement is continued for five 5584
years after the last date to which the filing was effective 5585
whereupon it lapses in the same manner as provided in division (B) 5586
of this section unless another continuation statement is filed 5587
prior to such lapse. Succeeding continuation statements may be 5588
filed in the same manner to continue the effectiveness of the 5589
original statement. The filing officer may remove a lapsed 5590
statement from the files and destroy it immediately if the filing 5591
officer has retained a microfilm or other photographic record, or 5592
in other cases one year after the lapse. The filing officer shall 5593

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so arrange matters by physical annexation of financing statements 5594
to continuation statements or other related filings, or by other 5595
means, that if the filing officer physically destroys the 5596
financing statements of a period more than five years past, those 5597
which have been continued by a continuation statement or which are 5598
still effective under division (B)(2) or (F) of this section shall 5599
be retained. 5600

(D) Except as provided in division (G) of this section, a 5601
filing officer shall assign each statement a consecutive file 5602
number and shall hold the statement or a microfilm or other 5603
photographic or digitized copy thereof for public inspection. In 5604
addition, the filing officer shall index the statements according 5605
to the name of the debtor and shall note in the index the file 5606
number, the date and hour of filing, and the address of the debtor 5607
given in the statement. In addition to the indexing required in 5608
the previous sentence, statements covering crops growing or to be 5609
grown or timber to be cut or minerals or the like, including oil 5610
and gas, or accounts subject to division (E) of section 1309.03 of 5611
the Revised Code, or a financing statement filed as a fixture 5612
filing pursuant to section 1309.32 of the Revised Code shall also 5613
be indexed in the real estate mortgage records by the filing 5614
officer according to the name of the debtor or, if the financing 5615
statement shows the record owner or record lessee to be other than 5616
the debtor, then according to the name of the record owner or 5617
record lessee given in the statement. The fee to be charged for 5618
indexing financing statements in the real estate mortgage records 5619
shall be two dollars for each record owner or lessee listed in the 5620
statement, as provided in division (E) of section 317.32 of the 5621
Revised Code. 5622

(E) The fee for filing, indexing, and furnishing filing data 5623
for an original, amended, or a continuation statement on a form 5624
that is prescribed by the secretary of state shall be ~~nine~~ twelve 5625

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dollars. The fee for filing, indexing, and furnishing filing data 5626
for an original, amended, or a continuation statement on a form 5627
that is not prescribed by the secretary of state and that is filed 5628
in the office of the county recorder shall be eleven dollars. 5629

(F) If the debtor is a transmitting utility and a filed 5630
financing statement so states, it is effective until a termination 5631
statement is filed. A real estate mortgage that is effective as a 5632
fixture filing under division (E) of section 1309.39 of the 5633
Revised Code remains effective as a fixture filing until the 5634
mortgage is released or satisfied of record or its effectiveness 5635
otherwise terminates as to the real estate. 5636

(G) If the person filing any original or amended financing 5637
statement, termination statement, statement of assignment, or 5638
statement of release requests a copy thereof, the filing officer 5639
shall note upon the copy the file number and date and hour of the 5640
filing of the original and deliver or send the copy to such 5641
person. 5642

(H)(1) Upon request of any person, the filing officer shall 5643
issue a certificate showing whether there is on file on the date 5644
and hour stated ~~therein in the certificate~~, any presently 5645
effective financing statement naming a particular debtor, owner, 5646
or lessee, and any statement of assignment ~~thereof of the~~ 5647
financing statement, and, if there is, giving the date and hour of 5648
filing of each such statement and the names and addresses of each 5649
secured party ~~therein in each such statement~~. The fee for such a 5650
certificate shall be nine twenty dollars ~~plus one dollar for each~~ 5651
~~financing statement and for each statement of assignment reported~~ 5652
~~therein. Upon~~ 5653

(2) Upon request, the a county recorder who is a filing 5654
officer shall furnish to any person a copy of any filed financing 5655
statement ~~or naming a particular debtor, owner, or lessee and any~~ 5656
filed statement of assignment of the financing statement. When 5657

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~~such a request for copies is made in the office of the county recorder, the county recorder shall charge a fee of one dollar per page. When a request for copies is made in the office of the secretary of state, the fee shall not exceed one dollar per page.~~

(3) Any person may request from the secretary of state a copy of any financing statement naming a particular debtor, owner, or lessee, and of any statement of assignment of the financing statement, that is on file with the secretary of state. The request shall be made in writing to the secretary of state, and the secretary of state shall charge and collect a fee of five dollars for each copy requested.

~~**Sec. 1309.401.** Through June 30, 2001, four dollars and fifty cents, and, on and after July 1, 2001, four dollars, of each fee collected by the secretary of state under sections 1309.42 and 1309.43 and divisions (E) and (H) of section 1309.40 of the Revised Code, and all of the fees collected by the secretary of state under section 1309.402 (A) All fees collected by the secretary of state for filings under Title XIII or XVII of the Revised Code, shall be deposited in into the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. The remainder of each such fee shall be deposited in the general revenue fund. All moneys credited to the corporate and uniform commercial code filing fund, subject to division (B) of this section, shall be used only for the purpose of paying for the operations of the office of the secretary of state, other than the division of elections, and for the purpose of paying for expenses relating to the processing of filings under Title XIII or XVII and Chapter 1329. of the Revised Code and the uniform commercial code.~~

(B) The secretary of state business technology fund is hereby created in the state treasury. One per cent of the money credited to the corporate and uniform commercial code filing fund shall be

transferred to the credit of this fund. All moneys credited to 5690
this fund shall be used only for the upkeep, improvement, or 5691
replacement of equipment, or for the purpose of training employees 5692
in the use of equipment, used to conduct business of the secretary 5693
of state's office under Title XIII or XVII of the Revised Code. 5694
5695

Sec. 1309.402. The fee for expedited filing service by the 5696
secretary of state for any filing under this chapter ~~is ten~~ 5697
~~dollars in addition to~~ shall be the fee set by rule under division 5698
(A) of section 111.23 of the Revised Code plus the fee the 5699
secretary of state is otherwise required to collect for the filing 5700
under this chapter. 5701

Sec. 1309.42. (A) A financing statement may disclose an 5702
assignment of a security interest in the collateral described in 5703
the financing statement by indication in the financing statement 5704
of the name and address of the assignee or by an assignment itself 5705
or a copy thereof on the face or back of the statement. On 5706
presentation to the filing officer of such a financing statement, 5707
the filing officer shall proceed as provided in division (D) of 5708
section 1309.40 of the Revised Code. The fee for filing, indexing, 5709
and furnishing filing data for a financing statement so indicating 5710
an assignment shall be ~~nine~~ twelve dollars. 5711

(B) A secured party may assign of record all or a part of the 5712
secured party's rights under a financing statement by the filing 5713
in the place where the original financing statement was filed of a 5714
separate written statement of assignment. The statement of 5715
assignment shall be on a form prescribed by the secretary of 5716
state, shall be signed by the secured party of record, shall set 5717
forth the name of the secured party of record and the debtor, the 5718
file number and the date of filing of the financing statement, and 5719
the name and address of the assignee, and shall contain a 5720

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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
1309.01 to 1309.50 of the Revised Code.

(C) After the disclosure or filing of an assignment under
this section, the assignee is the secured party of record.

Sec. 1329.01. (A) As used in sections 1329.01 to 1329.10 of

the Revised Code: 5753

(1) "Trade name" means a name used in business or trade to 5754
designate the business of the user and to which the user asserts a 5755
right to exclusive use. 5756

(2) "Fictitious name" means a name used in business or trade 5757
that is fictitious and that the user has not registered or is not 5758
entitled to register as a trade name. It does not include the name 5759
of record of any domestic corporation that is formed under Chapter 5760
1701. or 1702. of the Revised Code, any foreign corporation that 5761
is registered pursuant to Chapter 1703. of the Revised Code, any 5762
domestic or foreign limited liability company that is formed under 5763
or registered pursuant to Chapter 1705. of the Revised Code, any 5764
domestic or foreign limited partnership that is formed under or 5765
registered pursuant to Chapter 1782. of the Revised Code, or any 5766
domestic or foreign limited liability partnership that is formed 5767
under or registered pursuant to Chapter 1775. of the Revised Code. 5768
5769

(3) "Person" includes any individual, general partnership, 5770
limited partnership, limited liability partnership, corporation, 5771
association, professional association, limited liability company, 5772
society, foundation, federation, or organization formed under the 5773
laws of this state or any other state. 5774

(B) Subject to sections 1329.01 to 1329.10 of the Revised 5775
Code, any person may register with the secretary of state, on a 5776
form prescribed by the secretary of state, any trade name under 5777
which the person is operating, setting forth all of the following: 5778

(1) The name and business address of the applicant for 5779
registration and any of the following that is applicable: 5780

(a) If the applicant is a general partnership, the names and 5781
residence addresses of all of the partners; 5782

(b) If the applicant is a limited partnership existing prior 5783

to July 1, 1994, that has not registered with the secretary of 5784
state pursuant to Chapter 1782. of the Revised Code, the name of 5785
the Ohio county in which its certificate of limited partnership or 5786
application for registration as a foreign limited partnership is 5787
filed; 5788

(c) If the applicant is a limited partnership to which 5789
division (B)(1)(b) of this section does not apply or is a 5790
corporation, professional association, limited liability company, 5791
or other entity, the form of the entity and the state under the 5792
laws of which it was formed. 5793

(2) The trade name to be registered; 5794

(3) The general nature of the business conducted by the 5795
applicant; 5796

(4) The length of time during which the trade name has been 5797
used by the applicant in business operations in this state. 5798

(C) The trade name application shall be signed by the 5799
applicant or by any authorized representative of the applicant. 5800

A single trade name may be registered upon each trade name 5801
application submitted under sections 1329.01 to 1329.10 of the 5802
Revised Code. 5803

The trade name application shall be accompanied by a filing 5804
fee of ~~twenty~~ fifty dollars, payable to the secretary of state. 5805

(D) Any person who does business under a fictitious name and 5806
who has not registered and does not wish to register the 5807
fictitious name as a trade name or who cannot do so because the 5808
name is not available for registration shall report the use of the 5809
fictitious name to the secretary of state, on a form prescribed by 5810
the secretary of state, setting forth all of the following: 5811

(1) The name and business address of the user and any of the 5812
following that is applicable: 5813

(a) If the user is a general partnership, the names and residence addresses of all the partners;

(b) If the user is a limited partnership existing prior to July 1, 1994, that has not been 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 user is a limited partnership to which division (D)(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 whose laws it was formed.

(2) The fictitious name being used;

(3) The general nature of the business conducted by the user.

(E) The report of use of a fictitious name shall be signed by the user or by any authorized representative of the user.

A single fictitious name may be registered upon each fictitious name report submitted under sections 1329.01 to 1329.10 of the Revised Code.

The fictitious name report shall be accompanied by a filing fee of ~~ten~~ fifty dollars, payable to the secretary of state.

A report under this division shall be made within thirty days after the date of the first use of the fictitious name.

Sec. 1329.04. Registration of a trade name or report of a fictitious name, under sections 1329.01 to 1329.10 of the Revised Code, shall be effective for a term of five years from the date of registration or report. Upon application filed within six months

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prior to the expiration of such term, on a form furnished by the 5843
secretary of state, the registration or report may be renewed at 5844
the end of each five-year period for a like term, provided that a 5845
general partnership shall renew its registration or report 5846
whenever there has been a change in the listing of partners on its 5847
registration or report and a limited partnership shall renew its 5848
registration or report when a change occurs in the listing of its 5849
general partners on its registration or report. Such a renewal 5850
shall extend the registration or report for five years, unless 5851
further changes occur in the interim. A The renewal fee specified 5852
in division (S)(3) of ~~ten dollars~~ section 111.16 of the Revised 5853
Code, payable to the secretary of state, shall accompany the 5854
application for renewal of the registration or report. 5855

The secretary of state shall notify persons who have 5856
registered trade names or reported fictitious names, within the 5857
six months next preceding the expiration of the five years from 5858
the date of registration or report, of the necessity of renewal by 5859
writing to the last known address of such persons. 5860

Sec. 1329.06. Any trade name or fictitious name and its 5861
registration or report shall be assignable by an instrument in 5862
writing duly executed and may be recorded with the secretary of 5863
state upon the payment of a the fee specified in division (S)(4) 5864
of ~~ten dollars~~ section 111.16 of the Revised Code, payable to the 5865
secretary of state, who, recording the assignment, shall issue in 5866
the name of the assignee a new certificate for the remainder of 5867
the term of the registration or report or the last renewal 5868
thereof. The instrument shall be on a form prescribed by the 5869
secretary of state. 5870

Sec. 1329.07. The registrant of any trade name or a person 5871
who reports a fictitious name shall record all changes of the 5872
registrant's business address by filing with the secretary of 5873

state a statement in writing, on a form prescribed by the 5874
secretary of state, setting forth the name previously registered 5875
or reported, the date of the registration or report, and the new 5876
address of the applicant. A The filing fee specified in division 5877
(S)(4) of ~~three dollars~~ section 111.16 of the Revised Code shall 5878
accompany ~~such~~ the statement. 5879

Sec. 1329.42. A person who uses in this state a name, mark, 5880
or device to indicate ownership of articles or supplies may file 5881
in the office of the secretary of state, on a form to be 5882
prescribed by the secretary of state, a verified statement setting 5883
forth, but not limited to, the following information: 5884

(A) The name and business address of the person filing the 5885
statement; and, if a corporation, the state of incorporation; 5886

(B) The nature of the business of the applicant; 5887

(C) The type of articles or supplies in connection with which 5888
the name, mark, or device is used. 5889

The statement shall include or be accompanied by a specimen 5890
evidencing actual use of the name, mark, or device, together with 5891
a the filing fee specified in division (U)(1) of ~~twenty dollars~~ 5892
section 111.16 of the Revised Code. The registration of a name, 5893
mark, or device pursuant to this section is effective for a 5894
ten-year period beginning on the date of registration. If an 5895
application for renewal is filed within six months prior to the 5896
expiration of the ten-year period on a form prescribed by the 5897
secretary of state, the registration may be renewed at the end of 5898
each ten-year period for an additional ten-year period. A The 5899
renewal fee specified in division (U)(2) of ~~ten dollars~~ section 5900
111.16 of the Revised Code shall accompany the application for 5901
renewal. The secretary of state shall notify a registrant within 5902
the six months next preceding the expiration of ten years from the 5903
date of registration of the necessity of renewal by writing to the 5904

last known address of the registrant. 5905

Sec. 1329.421. The registrant of a name, mark, or device used 5906
to indicate ownership shall record all changes of the registrant's 5907
business address by filing with the secretary of state a written 5908
statement, on a form prescribed by the secretary of state, of the 5909
new address. A The filing fee of three dollars specified in 5910
division (U)(2) of section 111.16 of the Revised Code shall 5911
accompany the statement. 5912

Sec. 1329.45. The certificate of the filing of any name, 5913
mark, or device under sections 1329.41 to 1329.53 of the Revised 5914
Code and the benefits obtained ~~thereunder~~ under it shall be 5915
assignable with the sale of the articles or supplies on which the 5916
same are produced and used. Assignments shall be by instruments in 5917
writing duly executed and may be recorded upon the payment of a 5918
the fee specified in division (U)(2) of ten dollars section 111.16 5919
of the Revised Code, payable to the secretary of state, who, after 5920
recording the assignment, upon request of the assignee, may issue 5921
in the assignee's name a new certificate. The instrument shall be 5922
on a form prescribed by the secretary of state. 5923

Sec. 1329.56. (A) Subject to the limitations set forth in 5924
sections 1329.54 to 1329.67 of the Revised Code, any person who 5925
adopts and uses a trademark or service mark in this state may file 5926
in the office of the secretary of state, on a form to be 5927
prescribed by the secretary of state, an application for 5928
registration of that trademark or service mark that sets forth, 5929
but is not limited to, the following information: 5930

(1) The name and business address of the person applying for 5931
the registration; if the person is a corporation, the state of its 5932
incorporation; if the person is a partnership or limited liability 5933
partnership, the state in which the partnership is organized and 5934

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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

mark as actually used and shall contain a brief description of the 5966
mark as it appears on the specimen. 5967

(D) The application shall be accompanied by ~~a~~ the filing fee 5968
specified in division (U)(1) of twenty dollars that is section 5969
111.16 of the Revised Code, payable to the secretary of state. 5970

Sec. 1329.58. Registration of a trademark or service mark 5971
under sections 1329.54 to 1329.67 of the Revised Code shall be 5972
effective for a term of ten years from the date of registration. 5973
Upon the filing of an application within six months prior to the 5974
expiration of that term on a form furnished by the secretary of 5975
state, the registrant may renew the registration at the end of 5976
each ten-year period for a similar term. ~~A~~ The renewal fee 5977
specified in division (U)(2) of ten dollars that is section 111.16 5978
of the Revised Code, payable to the secretary of state, shall 5979
accompany the renewal application. The renewal application shall 5980
require the applicant to state that the mark still is in use in 5981
this state. 5982

Sec. 1329.60. Any trademark or service mark and its 5983
registration shall be assignable with the good will of the 5984
business in which the trademark or service mark is used, or with 5985
that part of the good will of the business connected with the use 5986
of and symbolized by the trademark or service mark. Assignment 5987
shall be by instruments in writing duly executed and may be 5988
recorded with the secretary of state upon the payment of ~~a~~ the fee 5989
specified in division (U)(2) of ten dollars section 111.16 of the 5990
Revised Code, payable to the secretary of state, who, after 5991
recording the assignment, shall issue in the name of the assignee 5992
a new certificate for the remainder of the term of the 5993
registration or of the last renewal thereof. The instrument shall 5994
be on a form prescribed by the secretary of state. An assignment 5995
of any registration shall be void as against any subsequent 5996

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purchaser for valuable consideration without notice unless it is 5997
recorded with the secretary of state within three months after the 5998
date thereof or prior to such subsequent purchase. 5999

Sec. 1329.601. The registrant of a trademark or service mark 6000
shall record all changes of the registrant's business address by 6001
filing a written statement, on a form prescribed by the secretary 6002
of state, of the new address with the secretary of state. ~~A~~ The 6003
filing fee of three dollars specified in division (U)(2) of 6004
section 111.16 of the Revised Code shall accompany the statement. 6005

Sec. 1501.01. Except where otherwise expressly provided, the 6006
director of natural resources shall formulate and institute all 6007
the policies and programs of the department of natural resources. 6008
The chief of any division of the department shall not enter into 6009
any contract, agreement, or understanding unless it is approved by 6010
the director. No appointee or employee of the director, other than 6011
the assistant director, may bind the director in a contract except 6012
when given general or special authority to do so by the director. 6013

The director shall correlate and coordinate the work and 6014
activities of the divisions in the department to eliminate 6015
unnecessary duplications of effort and overlapping of functions. 6016
The chiefs of the various divisions of the department shall meet 6017
with the director at least once each month at a time and place 6018
designated by the director. 6019
6020

The director may create advisory boards to any of those 6021
divisions in conformity with section 121.13 of the Revised Code. 6022

The director may accept and expend gifts, devises, and 6023
bequests of money, lands, and other properties on behalf of the 6024
department or any division thereof under the terms set forth in 6025
section 9.20 of the Revised Code. Any political subdivision of 6026

this state may make contributions to the department for the use of 6027
the department or any division therein according to the terms of 6028
the contribution. 6029

The director may publish and sell or otherwise distribute 6030
data, reports, and information. 6031

The director shall adopt rules in accordance with Chapter 6032
119. of the Revised Code to permit the department to accept by 6033
means of a credit card the payment of fees, charges, and rentals 6034
at those facilities described in section 1501.07 of the Revised 6035
Code that are operated by the department, for any data, reports, 6036
or information sold by the department, and for any other goods or 6037
services provided by the department. 6038

Whenever authorized by the governor to do so, the director 6039
may appropriate property for the uses and purposes authorized to 6040
be performed by the department and on behalf of any division 6041
within the department. This authority shall be exercised in the 6042
manner provided in sections 163.01 to 163.22 of the Revised Code 6043
for the appropriation of property by the director of 6044
administrative services. This authority to appropriate property is 6045
in addition to the authority provided by law for the appropriation 6046
of property by divisions of the department. The director of 6047
natural resources also may acquire by purchase, lease, or 6048
otherwise such real and personal property rights or privileges in 6049
the name of the state as are necessary for the purposes of the 6050
department or any division therein. The director, with the 6051
approval of the governor and the attorney general, may sell, 6052
lease, or exchange portions of lands or property, real or 6053
personal, of any division of the department or grant easements or 6054
licenses for the use thereof, or enter into agreements for the 6055
sale of water from lands and waters under the administration or 6056
care of the department or any of its divisions, when the sale, 6057
lease, exchange, easement, agreement, or license for use is 6058

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advantageous to the state, provided that such approval is not 6059
required for leases and contracts made under ~~section 1507.12, if~~ 6060
~~any, or~~ section 1501.07, 1501.09, or 1520.03 or Chapter 1523. of 6061
the Revised Code. Water may be sold from a reservoir only to the 6062
extent that the reservoir was designed to yield a supply of water 6063
for a purpose other than recreation or wildlife, and the water 6064
sold is in excess of that needed to maintain the reservoir for 6065
purposes of recreation or wildlife. 6066

Money received from such sales, leases, easements, exchanges, 6067
agreements, or licenses for use, except revenues required to be 6068
set aside or paid into depositories or trust funds for the payment 6069
of bonds issued under sections 1501.12 to 1501.15 of the Revised 6070
Code, and to maintain the required reserves therefor as provided 6071
in the orders authorizing the issuance of such bonds or the trust 6072
agreements securing such bonds, revenues required to be paid and 6073
credited pursuant to the bond proceeding applicable to obligations 6074
issued pursuant to section 154.22, and revenues generated under 6075
section 1520.05 of the Revised Code, shall be deposited in the 6076
state treasury to the credit of the fund of the division of the 6077
department having prior jurisdiction over the lands or property. 6078
If no such fund exists, the money shall be credited to the general 6079
revenue fund. All such money received from lands or properties 6080
administered by the division of wildlife shall be credited to the 6081
wildlife fund. 6082

The director shall provide for the custody, safekeeping, and 6083
deposit of all moneys, checks, and drafts received by the 6084
department or its employees prior to paying them to the treasurer 6085
of state under section 113.08 of the Revised Code. 6086

The director shall cooperate with the nature conservancy, 6087
other nonprofit organizations, and the United States fish and 6088
wildlife service in order to secure protection of islands in the 6089
Ohio river and the wildlife and wildlife habitat of those islands. 6090

Any instrument by which real property is acquired pursuant to 6091
this section shall identify the agency of the state that has the 6092
use and benefit of the real property as specified in section 6093
5301.012 of the Revised Code. 6094

Sec. 1501.40. The department of natural resources is the 6095
designated state agency responsible for the coordination and 6096
administration of sections 120 to 136 of the "National and 6097
Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C.A. 6098
12401 to 12456, ~~and amendments thereto as amended~~. With the 6099
assistance of the ~~state Ohio community service advisory committee~~ 6100
council created in section 121.40 of the Revised Code, the 6101
director of natural resources shall coordinate with other state 6102
agencies to apply for funding under the act when appropriate and 6103
shall administer any federal funds the state receives under 6104
sections 120 to 136 of the act. 6105

Sec. 1502.12. There is hereby created in the state treasury 6106
the scrap tire recycling fund, consisting of moneys transferred to 6107
the fund under section 3734.82 of the Revised Code. The chief of 6108
the division of recycling and litter prevention, pursuant to 6109
division (B) of section 1502.04 of the Revised Code and with the 6110
approval of the director of natural resources, may make grants 6111
from the fund for the purpose of supporting market development 6112
activities for recycled scrap tires. The chief, with the approval 6113
of the director, shall require any eligible applicant for grants 6114
who is certified by the recycling and litter prevention advisory 6115
council under division (B) of section 1502.04 of the Revised Code 6116
to provide a matching contribution in the same manner specified 6117
for contributions made pursuant to division (C) of section 1502.05 6118
of the Revised Code. 6119

Sec. 1503.011. The chief of the division of forestry shall be 6121

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responsible for the conservation and development of forests within 6122
this state. ~~He~~ The chief shall be concerned with silvicultural 6123
practices, including the proper planting, growing, protecting, 6124
harvesting, and managing of trees for such purposes as watershed 6125
and soil protection, timber production and utilization, 6126
recreation, aesthetics, wildlife habitat development, and urban 6127
enhancement and for all benefits that forests provide. 6128

The chief may do any or all of the following: 6129

(A) Provide rural forestry assistance to nonindustrial 6130
private forest landowners, including advice in tree planting, 6131
forest improvement, harvesting, and all aspects of conservation; 6132

(B) Provide urban forestry assistance to individuals, 6133
nonprofit organizations, and political subdivisions to manage 6134
their urban forest resource and develop comprehensive tree care 6135
programs; 6136

(C) Provide wood utilization, marketing, and rural forestry 6137
development assistance to forest industries, political 6138
subdivisions and agencies thereof, and state and federal agencies 6139
for the purpose of establishing and maintaining a viable, 6140
economically sound wood-based industry while expanding the forest 6141
resource of this state; 6142

(D) Provide forest pest protection assistance to forest 6143
landowners, political subdivisions and agencies thereof, and state 6144
and federal agencies on assessing and evaluating the health and 6145
vigor of the forest resource; 6146

(E) Provide technical assistance to landowners in developing 6147
forest windbreaks, filter strips, and other forest management 6148
practices that provide conservation benefits; 6149

(F) Provide awareness of and education concerning the 6150
programs provided for under divisions (A) to (E) of this section; 6151

(G) Enter into agreements with political subdivisions and 6152

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agencies thereof, state and federal agencies, firefighting 6153
agencies and private fire companies, as those terms are defined in 6154
section 9.60 of the Revised Code, nonprofit organizations, and 6155
individuals to meet the needs of forestry assistance in this state 6156
and, in accordance with ~~sections~~ section 1503.01 and ~~1503.35~~ of 6157
the Revised Code, develop and administer grant programs for any of 6158
those entities requesting assistance. The chief shall adopt, and 6159
may amend and rescind, rules in accordance with Chapter 119. of 6160
the Revised Code establishing such requirements and procedures as 6161
are necessary to implement this division. 6162

As used in this section, "nonprofit organization" has the 6163
same meaning as in section 4141.01 of the Revised Code. 6164

Sec. 1507.01. There is hereby created in the department of 6165
natural resources the division of engineering to be administered 6166
by the chief engineer of the department, who shall be a 6167
professional engineer registered under Chapter 4733. of the 6168
Revised Code. The chief engineer shall do all of the following: 6169

(A) Administer this chapter; 6170

(B) Provide engineering, architectural, land surveying, and 6171
related administrative and maintenance support services to the 6172
other divisions in the department; 6173

(C) Upon request of the director of natural resources, 6174
implement the department's capital improvement program and 6175
facility maintenance projects, including all associated 6176
engineering, architectural, design, contracting, surveying, 6177
inspection, and management responsibilities and requirements; 6178

(D) With the approval of the director, act as contracting 6179
officer in departmental engineering, architectural, surveying, and 6180
construction matters regarding capital improvements except for 6181
those matters otherwise specifically provided for in law; 6182

~~(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;~~ 6183
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~~(F)~~ Provide engineering support for the coastal management program established under Chapter 1506. of the Revised Code; 6187
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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; 6189
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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;~~ 6193
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~~(I)~~(G) Coordinate the department's projects, programs, policies, procedures, and activities with the United States army corps of engineers; 6196
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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. 6199
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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 6207
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bond filed to ensure compliance with those sections and rules 6213
forfeited in the amount set by rule of the chief. The chief 6214
thereupon shall certify the total forfeiture to the attorney 6215
general, who shall proceed to collect the amount of the 6216
forfeiture. 6217

In lieu of total forfeiture, the surety, at its option, may 6218
cause the well to be properly plugged and abandoned and the area 6219
properly restored or pay to the treasurer of state the cost of 6220
plugging and abandonment. 6221

(B) All moneys collected because of forfeitures of bonds as 6222
provided in this section shall be deposited in the state treasury 6223
to the credit of the oil and gas well fund created in section 6224
1509.02 of the Revised Code. The fund shall be expended by the 6225
chief for the following purposes in addition to the other purposes 6226
specified in that section: 6227

(1) In accordance with division (D) of this section, to plug 6228
wells or to restore the land surface properly as required in 6229
section 1509.072 of the Revised Code for which the bonds have been 6230
forfeited, for abandoned wells for which no funds are available to 6231
plug the wells in accordance with this chapter, or to use 6232
abandoned wells for the injection of oil or gas production wastes; 6233

(2) In accordance with division (E) of this section, to 6234
correct conditions that the chief reasonably has determined are 6235
causing imminent health or safety risks. 6236

Expenditures from the fund shall be made only for lawful 6237
purposes. 6238

(C)(1) Upon determining that the owner of a well has failed 6239
to properly plug and abandon it or to properly restore the land 6240
surface at the well site in compliance with the applicable 6241
requirements of this chapter and applicable rules adopted and 6242
orders issued under it or that a well is an abandoned well for 6243

which no funds are available to plug the well in accordance with 6244
this chapter, the chief shall do all of the following: 6245

(a) Determine from the records in the office of the county 6246
recorder of the county in which the well is located the identity 6247
of the owner of the land on which the well is located, the 6248
identity of the owner of the oil or gas lease under which the well 6249
was drilled or the identity of each person owning an interest in 6250
the lease, and the identities of the persons having legal title 6251
to, or a lien upon, any of the equipment appurtenant to the well; 6252

(b) Mail notice to the owner of the land on which the well is 6253
located informing the landowner that the well is to be plugged. If 6254
the owner of the oil or gas lease under which the well was drilled 6255
is different from the owner of the well or if any persons other 6256
than the owner of the well own interests in the lease, the chief 6257
also shall mail notice that the well is to be plugged to the owner 6258
of the lease or to each person owning an interest in the lease, as 6259
appropriate. 6260

(c) Mail notice to each person having legal title to, or a 6261
lien upon, any equipment appurtenant to the well, informing the 6262
person that the well is to be plugged and offering the person the 6263
opportunity to plug the well and restore the land surface at the 6264
well site at the person's own expense in order to avoid forfeiture 6265
of the equipment to this state. 6266

(2) If none of the persons described in division (C)(1)(c) of 6267
this section plugs the well within sixty days after the mailing of 6268
the notice required by that division, all equipment appurtenant to 6269
the well is hereby declared to be forfeited to this state without 6270
compensation and without the necessity for any action by the state 6271
for use to defray the cost of plugging and abandoning the well and 6272
restoring the land surface at the well site. 6273

(D) Expenditures from the fund for the purpose of division 6274

(B)(1) of this section shall be made in accordance with either of
the following:

(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 township as or in a township adjacent to the excavations and workings of a mine and the owner or lessee of that mine has provided written notice identifying those townships to the chief at any time during the immediately preceding three years, the owner or lessee of the mine.

~~The chief periodically shall submit project proposals under division (D)(1) of this section to the controlling board, together with benefit and cost data and other pertinent information. Expenditures from the fund for the purpose of division (D)(1) of this section may be made only for restoration, plugging, or injection projects that are approved by the controlling board, and expenditures for a particular project may not exceed any limits set by the board.~~

(2)(a) The owner of the land on which a well is located who has received notice under division (C)(1)(b) of this section may

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plug the well and be reimbursed by the division for the reasonable
cost of plugging the well. In order to plug the well, the
landowner shall submit an application to the chief on a form
prescribed by the chief and approved by the technical advisory
council on oil and gas created in section 1509.38 of the Revised
Code. The application, at a minimum, shall require the landowner
to provide the same information as is required to be included in
the application for a permit to plug and abandon under section
1509.13 of the Revised Code. The application shall be accompanied
by a copy of a proposed contract to plug the well prepared by a
contractor regularly engaged in the business of plugging oil and
gas wells. The proposed contract shall require the contractor to
furnish all of the materials, equipment, work, and labor necessary
to plug the well properly and shall specify the price for doing
the work, including a credit for the equipment appurtenant to the
well that was forfeited to the state through the operation of
division (C)(2) of this section. The application also shall be
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. 6339
Upon approval of the application and proposed contract, the chief 6340
shall transfer ownership of the equipment appurtenant to the well 6341
to the landowner. The chief may disapprove an application 6342
submitted under division (D)(2)(a) of this section if the chief 6343
determines that the proposed plugging would not comply with the 6344
applicable requirements of this chapter and applicable rules 6345
adopted and orders issued under it, that the cost of the plugging 6346
under the proposed contract is unreasonable, or that the proposed 6347
contract is not a bona fide, arms length contract. 6348

(c) After receiving the chief's notice of the approval of the 6349
application and permit to plug and abandon a well under division 6350
(D)(2)(b) of this section, the landowner shall enter into the 6351
proposed contract to plug the well. The plugging shall be 6352
completed within one hundred eight days after the landowner 6353
receives the notice of approval and permit. 6354

(d) Upon determining that the plugging has been completed 6355
within the time required by division (D)(2)(c) of this section and 6356
has been completed in compliance with the applicable requirements 6357
of this chapter and applicable rules adopted and orders issued 6358
under it, the chief shall reimburse the landowner for the cost of 6359
the plugging as set forth in the proposed contract approved by the 6360
chief. The reimbursement shall be paid from the oil and gas well 6361
fund. If the chief determines that the plugging was not completed 6362
within the required time or was not completed in accordance with 6363
the applicable requirements, the chief shall not reimburse the 6364
landowner for the cost of the plugging, and the landowner or the 6365
contractor, as applicable, promptly shall transfer back to this 6366
state title to and possession of the equipment appurtenant to the 6367
well that previously was transferred to the landowner under 6368
division (D)(2)(b) of this section. If any such equipment was 6369
removed from the well during the plugging and sold, the landowner 6370

shall pay to the chief the proceeds from the sale of the 6371
equipment, and the chief promptly shall pay the moneys so received 6372
to the treasurer of state for deposit into the oil and gas well 6373
fund. 6374

The chief may establish an annual limit on the number of 6375
wells that may be plugged under division (D)(2) of this section or 6376
an annual limit on the expenditures to be made under that 6377
division. 6378

As used in division (D)(2) of this section, "plug" and 6379
"plugging" include the plugging of the well and the restoration of 6380
the land surface disturbed by the plugging. 6381

(E) Expenditures from the oil and gas well fund for the 6382
purpose of division (B)(2) of this section may be made pursuant to 6383
contracts entered into by the chief with persons who agree to 6384
furnish all of the materials, equipment, work, and labor as 6385
specified and provided in such a contract. The competitive bidding 6386
requirements of Chapter 153. of the Revised Code do not apply if 6387
the chief reasonably determines that correction of the applicable 6388
health or safety risk requires immediate action. The chief, 6389
designated representatives of the chief, and agents or employees 6390
of persons contracting with the chief under this division may 6391
enter upon any land, public or private, for the purpose of 6392
performing the work. 6393

(F) Contracts entered into by the chief under this section 6394
are not subject to either of the following: 6395

(1) Chapter 4115. of the Revised Code; 6396

(2) Section 153.54 of the Revised Code, except that the 6397
contractor shall obtain and provide to the chief as a bid guaranty 6398
a surety bond or letter of credit in an amount equal to ten per 6399
cent of the amount of the contract. 6400

(G) The owner of land on which a well is located who has 6401

received notice under division (C)(1)(b) of this section, in lieu 6402
of plugging the well in accordance with division (D)(2) of this 6403
section, may cause ownership of the well to be transferred to an 6404
owner who is lawfully doing business in this state and who has met 6405
the financial responsibility requirements established under 6406
section 1509.07 of the Revised Code, subject to the approval of 6407
the chief. The transfer of ownership also shall be subject to the 6408
landowner's filing the appropriate forms required under this 6409
chapter and providing to the chief sufficient information to 6410
demonstrate the landowner's or owner's right to produce a 6411
formation or formations. That information may include a deed, a 6412
lease, or other documentation of ownership or property rights. 6413

The chief shall approve or disapprove the transfer of 6414
ownership of the well. If the chief approves the transfer, the 6415
owner is responsible for operating the well in accordance with 6416
this chapter and rules adopted under it, including, without 6417
limitation, all of the following: 6418

(1) Filing an application with the chief under section 6419
1509.06 of the Revised Code if the owner intends to drill deeper 6420
or produce a formation that is not listed in the records of the 6421
division for that well; 6422

(2) Taking title to and possession of the equipment 6423
appurtenant to the well that has been identified by the chief as 6424
having been abandoned by the former owner; 6425

(3) Complying with all applicable requirements that are 6426
necessary to drill deeper, plug the well, or plug back the well. 6427

Sec. 1513.10. If, at the end of a coal mining operation's 6428
permit or renewal period, the number of acres of land affected by 6429
the operation proves to be smaller than the number of acres of 6430
land for which the operator paid a permit fee for the operation 6431
under section 1513.07 of the Revised Code, the operator is 6432

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.

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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.

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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
amounts to be expended for the mine safety and first aid classes.

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For purposes of this section, the chief shall expend moneys in the 6465
fund in accordance with the procedures and requirements 6466
established in section 1514.06 of the Revised Code and may enter 6467
into contracts and perform work in accordance with that section. 6468

Fees collected under sections 1514.02 and 1514.03 of the 6469
Revised Code, one-half of the moneys collected from the severance 6470
taxes levied under divisions (A)(3) and (4) of section 5749.02 of 6471
the Revised Code, and all of the moneys collected from the 6472
severance tax levied under division (A)(7) of section 5749.02 of 6473
the Revised Code shall be credited to the fund in accordance with 6474
those sections. Notwithstanding any section of the Revised Code 6475
relating to the distribution or crediting of fines for violations 6476
of the Revised Code, all fines imposed under section 1514.99 of 6477
the Revised Code shall be credited to the fund. 6478

Sec. 1521.04. The chief of the division of water, with the 6479
approval of the director of natural resources, may make loans and 6480
grants from the water management fund created in section 1501.32 6481
of the Revised Code to governmental agencies for water management, 6482
water supply improvements, and planning and may administer grants 6483
from the federal government and from other public or private 6484
sources for carrying out those functions and for the performance 6485
of any acts that may be required by the United States or by any 6486
agency or department thereof as a condition for the participation 6487
by any governmental agency in any federal financial or technical 6488
assistance program. Direct and indirect costs of administration 6489
may be paid from the water management fund. 6490

The chief may use the water management fund to acquire, 6491
construct, reconstruct, improve, equip, maintain, operate, and 6492
dispose of water management improvements. The chief may fix, 6493
alter, charge, and collect rates, fees, rentals, and other charges 6494
to be paid into the water management fund by governmental agencies 6495
and persons who are supplied with water by facilities constructed 6496

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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
 represented on the group by the chief of the division of water and

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the chief of the division of soil and water conservation. The 6529
chairperson of the council shall appoint a leader of the state 6530
agency coordinating group. The group shall provide assistance to 6531
and perform duties on behalf of the council as directed by the 6532
council. 6533

(C) The advisory group shall consist of not more than twenty 6534
members, each representing an organization or entity with an 6535
interest in water resource issues. The council shall appoint the 6536
members of the advisory group. Of the initial appointments, not 6537
more than ten members shall be appointed for one-year terms, and 6538
not more than ten members shall be appointed for two-year terms. 6539
Thereafter, all advisory group members shall serve two-year terms. 6540
Members may be reappointed. Each member shall hold office from the 6541
date of the member's appointment until the end of the member's 6542
term. A member shall continue in office subsequent to the 6543
expiration date of the member's term until the member's successor 6544
takes office or until a period of sixty days has elapsed, 6545
whichever occurs first. The council may remove a member for 6546
misfeasance, nonfeasance, or malfeasance in office. The council 6547
shall appoint members to fill any vacancies on the group. A member 6548
appointed to fill a vacancy shall hold office for the remainder of 6549
the term for which that member was appointed. 6550

The chairperson of the council shall appoint a chairperson of 6551
the advisory group. The advisory group shall advise the council on 6552
water resources issues addressed by the council. 6553

(D) There is hereby created in the state treasury the Ohio 6554
water resources council fund. The department of natural resources 6555
shall serve as the fiscal agent for the fund. The departments of 6556
agriculture, development, environmental protection, health, 6557
natural resources, and transportation shall transfer moneys to the 6558
fund in equal amounts via intrastate transfer voucher. The public 6559
utilities commission of Ohio, Ohio public works commission, state 6560

and local government commission of Ohio, and Ohio water 6561
development authority may transfer moneys to the fund. If a 6562
voluntary transfer of moneys is made to the fund, the portion that 6563
is required to be transferred by the departments of agriculture, 6564
development, environmental protection, health, natural resources, 6565
and transportation may be equally reduced. Moneys in the fund 6566
shall be used to pay the operating expenses of the Ohio water 6567
resources council, including those specified in division (E) of 6568
this section. 6569

(E) The Ohio water resources council may hire staff to 6570
support its activities. The council may enter into contracts and 6571
agreements with state agencies, political subdivisions, and 6572
private entities to assist in accomplishing its objectives. 6573
Advisory group members shall be reimbursed for expenses 6574
necessarily incurred in the performance of their duties pursuant 6575
to section 126.31 of the Revised Code and any applicable rules 6576
pertaining to travel reimbursement adopted by the office of budget 6577
and management. 6578

Sec. 1531.35. The wildlife boater angler fund is hereby 6579
created in the state treasury. The fund shall consist of money 6580
credited to the fund pursuant to section 5735.051 of the Revised 6581
Code and other money contributed to the division of wildlife for 6582
the purposes of the fund. The fund ~~may~~ shall be used for boating 6583
access construction, capital improvements, grant programs for 6584
boating and fishing access, maintenance, and development on lakes 6585
on which the operation of gasoline-powered watercraft is 6586
permissible. 6587

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 6588
stamps, deer and wild turkey permits, and fur taker permits shall 6589
be issued by the clerk of the court of common pleas, village and 6590
township clerks, and other authorized agents designated by the 6591

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chief of the division of wildlife. When required by the chief, a 6592
clerk or agent shall give bond in the manner provided by the 6593
chief. All bonds, reports, except records prescribed by the 6594
auditor of state, and moneys received by those persons shall be 6595
handled under rules adopted by the director of natural resources. 6596

~~The premium of any fidelity bond prescribed under section~~ 6597
~~9.832 of the Revised Code or~~ of any bond prescribed by the chief 6598
under this section may be paid by the chief. Any person who is 6599
designated and authorized by the chief to issue licenses, stamps, 6600
and permits as provided in this section, except the clerk of the 6601
court of common pleas and the village and township clerks, shall 6602
pay to the chief a premium in an amount that represents the 6603
person's portion of the premium paid by the chief under this 6604
section, which amount shall be established by the chief and 6605
approved by the wildlife council created under section 1531.03 of 6606
the Revised Code. The chief shall pay all moneys that the chief 6607
receives as premiums under this section into the state treasury to 6608
the credit of the wildlife fund created under section 1531.17 of 6609
the Revised Code. 6610

Every authorized agent, for the purpose of issuing hunting 6611
and fishing licenses, deer and wild turkey permits, and fur taker 6612
permits, may administer oaths to and take affidavits from 6613
applicants for the licenses or permits when required. An 6614
authorized agent may appoint deputies to perform any acts that the 6615
agent is authorized to perform, consistent with division rules. 6616

Every applicant for a hunting or fishing license, deer or 6617
wild turkey permit, or fur taker permit, unless otherwise provided 6618
by division rule, shall make and subscribe an affidavit setting 6619
forth the applicant's name, age, weight, height, occupation, place 6620
of residence, personal description, and citizenship. The clerk or 6621
other agent authorized to issue licenses and permits shall charge 6622
each applicant a fee of one dollar for taking the affidavit and 6623

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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
of assisting political subdivisions, conservancy districts, and

state departments to establish or maintain and operate a marine 6655
patrol for the purpose of enforcing this chapter and Chapter 1548. 6656
of the Revised Code and rules adopted under them and to provide 6657
emergency response to boating accidents on the water, such funds 6658
as are appropriated by the general assembly for that purpose and, 6659
in addition, such moneys from the waterways safety fund 6660
established in section 1547.75 of the Revised Code as determined 6661
to be necessary by the division not to exceed ten per cent of all 6662
moneys accruing to the fund. In no case shall the grant to a 6663
political subdivision, conservancy district, or state department, 6664
not including the department of natural resources, total more than 6665
thirty thirty-five thousand dollars in a calendar year. Moneys so 6666
allocated may be used for the purchase, maintenance, and operation 6667
of vessels and marine equipment, educational materials, and 6668
personnel salaries that are necessary for enforcement of this 6669
chapter and Chapter 1548. of the Revised Code and rules adopted 6670
under them and to provide emergency response to boating accidents 6671
on the water. 6672

The division shall disburse the moneys as provided in this 6673
section in accordance with its determination of need in the 6674
enforcement of this chapter and Chapter 1548. of the Revised Code 6675
and rules adopted under them and shall disburse those moneys only 6676
on a cost share basis to supplement funds allocated by a political 6677
subdivision, conservancy district, or state department for that 6678
purpose. A grantee shall provide at least twenty-five per cent of 6679
the total program cost. 6680

Sec. 1561.26. (A) As used in this section, "EMT-basic," 6681
"EMT-I," and "paramedic" have the same meanings as in section 6682
4765.01 of the Revised Code. 6683

(B) The superintendent of rescue stations, with the approval 6684
of the chief of the division of mineral resources management, 6685
shall, at each rescue station provided for in section 1561.25 of 6686

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the Revised Code, train and employ rescue crews of six members
each, one of whom shall hold a mine foreperson or fire boss
certificate and be designated captain, and train and employ any
number of such rescue crews as the superintendent believes
necessary. One member of a rescue crew shall be certified as an
EMT-basic, EMT-I, or paramedic. Each member of a rescue crew shall
devote the time specified by the chief each month for training
purposes and shall be available at all times to assist in rescue
work at explosions, mine fires, and other emergencies.

A captain of mine rescue crews shall receive for service as
captain the sum of twenty-four dollars per month, and each member
shall receive the sum of twenty dollars per month, all payable on
requisition approved by the chief. When engaged in rescue work at
explosions, mine fires, or other emergencies away from their
station, the members of the rescue crews and captains of the same
shall be paid the sum of six dollars per hour for work on the
surface, which includes the time consumed by ~~such~~ those members in
traveling to and from the scene of ~~such~~ the emergency when ~~such~~
the scene is away from the station of ~~such~~ the members, and the
sum of seven dollars per hour for all work underground at ~~such~~ the
emergency, and in addition thereto, the necessary living expenses
of ~~such~~ the members when ~~such~~ the emergency is away from their
home station, all payable on requisition approved by the chief.

Each member of a mine rescue crew shall undergo an annual
medical examination by a doctor designated by the chief. In
designating ~~such~~ the doctor, the chief shall choose one near the
station of the member of ~~such~~ the rescue crews. ~~Such~~ The doctor
shall report the doctor's findings to the chief and if, in the
opinion of the chief, ~~such~~ the report indicates that ~~such~~ the
member is physically unfit for further services, the chief shall
relieve the member from further duty. The fee charged by ~~such~~ the
doctor for ~~such~~ the examination shall be paid in the same manner

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as fees are paid to doctors employed by the industrial commission 6719
for special medical examinations. 6720

The chief may remove any member of a rescue crew for any 6721
reason. Such crews shall be subject to the orders of the chief, 6722
the superintendent, and the deputy mine inspectors when engaged in 6723
actual mine rescue work. Mine rescue crews shall, in case of death 6724
or injury when engaged in rescue work, wherever the same may 6725
occur, be paid compensation, or their dependents shall be paid 6726
death benefits, from the workers' compensation fund, in the same 6727
manner as other employees of the state. 6728

(C) In addition to the training of rescue crews, each 6729
assistant superintendent of rescue stations, with the approval of 6730
the superintendent, shall provide for and conduct safety, first 6731
aid, and rescue classes at any mine or for any group of miners who 6732
make application for the conducting of such classes. The chief may 6733
assess a fee for safety and first aid classes for the purpose of 6734
covering the costs associated with providing those classes. The 6735
chief shall establish a fee schedule for safety and first aid 6736
classes by rule adopted in accordance with Chapter 119. of the 6737
Revised Code. Fees collected under this section shall be deposited 6738
in the surface mining fund created in section 1514.06 of the 6739
Revised Code. 6740

The superintendent shall prescribe and provide for a uniform 6741
schedule of conducting such safety and rescue classes as will 6742
provide a competent knowledge of modern safety and rescue methods 6743
in, at, and about mines. 6744

Sec. 1701.05. (A) Except as provided in this section, and in 6745
sections 1701.75, 1701.78, and 1701.82 of the Revised Code, which 6746
sections relate to the reorganization, merger, and consolidation 6747
of corporations, the corporate name of a domestic corporation 6748
shall comply with all of the following: 6749

(1) It shall end with or include the word or abbreviation 6750
"company," "co.," "corporation," "corp.," "incorporated," or 6751
"inc." 6752

(2) It shall be distinguishable upon the records in the 6753
office of the secretary of state from all of the following: 6754

(a) The name of any other corporation, whether nonprofit or 6755
for profit and whether that of a domestic or of a foreign 6756
corporation authorized to do business in this state; 6757

(b) The name of any limited liability company registered in 6758
the office of the secretary of state pursuant to Chapter 1705. of 6759
the Revised Code, whether domestic or foreign; 6760

(c) The name of any limited liability partnership registered 6761
in the office of the secretary of state pursuant to Chapter 1775. 6762
of the Revised Code, whether domestic or foreign; 6763

(d) The name of any limited partnership registered in the 6764
office of the secretary of state pursuant to Chapter 1782. of the 6765
Revised Code, whether domestic or foreign; 6766

(e) Any trade name the exclusive right to which is at the 6767
time in question registered in the office of the secretary of 6768
state pursuant to Chapter 1329. of the Revised Code. 6769

(3) It shall not contain any language that indicates or 6770
implies that the corporation is connected with a government agency 6771
of this state, another state, or the United States. 6772

(B) The secretary of state shall determine for purposes of 6773
this section whether a name is "distinguishable" from another name 6774
upon the secretary of state's records. Without excluding other 6775
names that may not constitute distinguishable names in this state, 6776
a name is not considered distinguishable from another name for 6777
purposes of this section solely because it differs from the other 6778
name in only one or more of the following manners: 6779

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- (1) The use of the word "corporation," "company," 6780
"incorporated," "limited," or any abbreviation of any of those 6781
words; 6782
- (2) The use of any article, conjunction, contraction, 6783
abbreviation, or punctuation; 6784
- (3) The use of a different tense or number of the same word. 6785
- (C) A corporation may apply to the secretary of state for 6786
authorization to use a name that is not distinguishable upon the 6787
secretary of state's records from the name of any other 6788
corporation, limited liability company, limited liability 6789
partnership, or limited partnership, or from a registered trade 6790
name, if there also is filed in the office of the secretary of 6791
state, on a form prescribed by the secretary of state, the consent 6792
of the other entity or, in the case of a registered trade name, 6793
the person in whose name is registered the exclusive right to use 6794
the name, which consent is evidenced in a writing signed by any 6795
authorized officer or any authorized representative of the other 6796
entity or person. 6797
- (D) In case of judicial sale or judicial transfer, by sale or 6798
transfer of good will or otherwise, of the right to use the name 6799
of a corporation, whether nonprofit or for profit, and whether 6800
that of a domestic corporation or of a foreign corporation 6801
authorized to exercise its corporate privileges in this state or 6802
to do business in this state, the secretary of state, at the 6803
instance of the purchaser or transferee of such right, shall 6804
accept for filing articles of a corporation with a name the same 6805
as or similar to the name of such other corporation, if there also 6806
is filed in the office of the secretary of state a certified copy 6807
of the decree or order of court confirming or otherwise evidencing 6808
the purchase or transfer. 6809
- (E) Any person who wishes to reserve a name for a proposed 6810

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new corporation, or any corporation intending to change its name, 6811
may submit to the secretary of state a written application, on a 6812
form prescribed by the secretary of state, for the exclusive right 6813
to use a specified name as the name of a corporation. If the 6814
secretary of state finds that, under this section, the specified 6815
name is available for such use, the secretary of state shall file 6816
the application and, from the date of the filing, the applicant 6817
shall have the exclusive right for ~~sixty~~ one hundred eighty days 6818
to use the specified name as the name of a corporation, counting 6819
the date of such filing as the first of ~~sixty~~ one hundred eighty 6820
days. The right so obtained may be transferred by the applicant or 6821
other holder thereof by the filing in the office of the secretary 6822
of state of a written transfer, on a form prescribed by the 6823
secretary of state, stating the name and address of the 6824
transferee. 6825

~~(F) For filing under this section any application or other 6826
document, other than articles or a consent to the use of a name, 6827
the secretary of state shall charge and collect a fee of five 6828
dollars. 6829~~

Sec. 1701.07. (A) Every corporation shall have and maintain 6830
an agent, sometimes referred to as the "statutory agent," upon 6831
whom any process, notice, or demand required or permitted by 6832
statute to be served upon a corporation may be served. The agent 6833
may be a natural person who is a resident of this state or may be 6834
a domestic corporation or a foreign corporation holding a license 6835
as such under the laws of this state, that is authorized by its 6836
articles of incorporation to act as such agent and that has a 6837
business address in this state. 6838

(B) The secretary of state shall not accept original articles 6839
for filing unless there is filed with the articles a written 6840
appointment of an agent that is signed by the incorporators of the 6841

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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
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

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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 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 6906
in the secretary of state's office and at any different address 6907
shown on its last franchise tax report filed in this state, or to 6908
the corporation at any different address set forth in the above 6909
mentioned affidavit, and shall forward to the corporation at said 6910
addresses, by certified mail, with request for return receipt, a 6911
copy of the process, notice, or demand; and thereupon service upon 6912
the corporation shall be deemed to have been made. 6913

(I) The secretary of state shall keep a record of each 6914
process, notice, and demand delivered to the secretary of state or 6915
at the secretary of state's office under this section or any other 6916
law of this state that authorizes service upon the secretary of 6917
state, and shall record the time of the delivery and the action 6918
thereafter with respect thereto. 6919

(J) This section does not limit or affect the right to serve 6920
any process, notice, or demand upon a corporation in any other 6921
manner permitted by law. 6922

(K) Every corporation shall state in each annual report filed 6923
by it with the department of taxation the name and address of its 6924
statutory agent. 6925

(L) Except when an original appointment of an agent is filed 6926
with the original articles, a written appointment of an agent or a 6927
written statement filed by a corporation with the secretary of 6928
state shall be signed by any authorized officer of the corporation 6929
or by the incorporators of the corporation or a majority of them 6930
if no directors have been elected. 6931

(M) For filing a written appointment of an agent other than 6932
one filed with original articles, and for filing a statement of 6933
change of address of an agent, the secretary of state shall charge 6934
and collect a the fee specified in division (R) of three dollars 6935
section 111.16 of the Revised Code. 6936

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(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 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

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representative of each constituent corporation, partnership, or 6968
other entity. The certificate shall be on a form prescribed by the 6969
secretary of state and shall set forth only the information 6970
required by this section. 6971

(B)(1) The certificate of merger or consolidation shall set 6972
forth all of the following: 6973

(a) The name and the form of entity of each constituent 6974
entity and the state under the laws of which each constituent 6975
entity exists; 6976

(b) A statement that each constituent entity has complied 6977
with all of the laws under which it exists and that the laws 6978
permit the merger or consolidation; 6979

(c) The name and mailing address of the person or entity that 6980
is to provide, in response to any written request made by a 6981
shareholder, partner, or other equity holder of a constituent 6982
entity, a copy of the agreement of merger or consolidation; 6983

(d) The effective date of the merger or consolidation, which 6984
date may be on or after the date of the filing of the certificate; 6985

(e) The signature of each representative authorized to sign 6986
the certificate on behalf of each constituent entity and the 6987
office held or the capacity in which the representative is acting; 6988

(f) A statement that the agreement of merger or consolidation 6989
is authorized on behalf of each constituent entity and that each 6990
person who signed the certificate on behalf of each entity is 6991
authorized to do so; 6992

(g) In the case of a merger, a statement that one or more 6993
specified constituent entities will be merged into a specified 6994
surviving entity or, in the case of a consolidation, a statement 6995
that the constituent entities will be consolidated into a new 6996
entity; 6997

(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;

(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.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(8), (9), or (10) of section 1701.791 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 of the

Revised Code, with respect to each domestic constituent 7029
corporation, and by the affidavits, receipts, certificates, or 7030
other evidence required by division (C) or (D) of section 1703.17 7031
of the Revised Code, with respect to each foreign constituent 7032
corporation licensed to transact business in this state. 7033
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(C) If any constituent entity in a merger or consolidation is 7035
organized or formed under the laws of a state other than this 7036
state or under any chapter of the Revised Code other than this 7037
chapter, there also shall be filed in the proper office all 7038
documents that are required to be filed in connection with the 7039
merger or consolidation by the laws of that state or by that 7040
chapter. 7041

(D) Upon the filing of a certificate of merger or 7042
consolidation and other filings as described in division (C) of 7043
this section or at such later date as the certificate of merger or 7044
consolidation specifies, the merger or consolidation is effective. 7045

(E) The secretary of state shall furnish, upon request and 7046
payment of ~~a~~ the fee specified in division (D) of ten dollars 7047
section 111.16 of the Revised Code, the secretary of state's 7048
certificate setting forth the name and the form of entity of each 7049
constituent entity and the states under the laws of which each 7050
constituent entity existed prior to the merger or consolidation, 7051
the name and the form of entity of the surviving or new entity and 7052
the state under the laws of which the surviving entity exists or 7053
the new entity is to exist, the date of filing of the certificate 7054
of merger or consolidation with the secretary of state, and the 7055
effective date of the merger or consolidation. The certificate of 7056
the secretary of state, or a copy of the certificate of merger or 7057
consolidation certified by the secretary of state, may be filed 7058
for record in the office of the recorder of any county in this 7059
state and, if filed, shall be recorded in the records of deeds for 7060

that county. For that recording, the county recorder shall charge 7061
and collect the same fee as in the case of deeds. 7062

Sec. 1702.05. (A) Except as provided in this section and in 7063
sections 1702.41 and 1702.45 of the Revised Code, the secretary of 7064
state shall not accept for filing in the secretary of state's 7065
office any articles if the corporate name set forth in the 7066
articles is not distinguishable upon the secretary of state's 7067
records from any of the following: 7068

(1) The name of any other corporation, whether a nonprofit 7069
corporation or a business corporation and whether that of a 7070
domestic or of a foreign corporation authorized to do business in 7071
this state; 7072

(2) The name of any limited liability company registered in 7073
the office of the secretary of state pursuant to Chapter 1705. of 7074
the Revised Code, whether domestic or foreign; 7075

(3) The name of any limited liability partnership registered 7076
in the office of the secretary of state pursuant to Chapter 1775. 7077
of the Revised Code, whether domestic or foreign; 7078

(4) The name of any limited partnership registered in the 7079
office of the secretary of state pursuant to Chapter 1782. of the 7080
Revised Code, whether domestic or foreign; 7081

(5) Any trade name, the exclusive right to which is at the 7082
time in question registered in the office of the secretary of 7083
state pursuant to Chapter 1329. of the Revised Code. 7084

(B) The secretary of state shall determine for purposes of 7085
this section whether a name is "distinguishable" from another name 7086
upon the secretary of state's records. Without excluding other 7087
names that may not constitute distinguishable names in this state, 7088
a name is not considered distinguishable from another name for 7089
purposes of this section solely because it differs from the other 7090

name in only one or more of the following manners: 7091

(1) The use of the word "corporation," "company," 7092
"incorporated," "limited," or any abbreviation of any of those 7093
words; 7094

(2) The use of any article, conjunction, contraction, 7095
abbreviation, or punctuation; 7096

(3) The use of a different tense or number of the same word. 7097

(C) A corporation may apply to the secretary of state for 7098
authorization to use a name that is not distinguishable upon the 7099
secretary of state's records from the name of any other 7100
corporation, any limited liability company, limited liability 7101
partnership, or limited partnership, or from a registered trade 7102
name, if there also is filed in the office of the secretary of 7103
state, on a form prescribed by the secretary of state, the consent 7104
of the other entity, or, in the case of a registered trade name, 7105
the person in whose name is registered the exclusive right to use 7106
the name, which consent is evidenced in a writing signed by any 7107
authorized officer or authorized representative of the other 7108
entity or person. 7109

(D) In case of judicial sale or judicial transfer, by sale or 7110
transfer of good will or otherwise, of the right to use the name 7111
of a nonprofit corporation or business corporation, whether that 7112
of a domestic corporation or of a foreign corporation authorized 7113
to exercise its corporate privileges in this state or to do 7114
business in this state, the secretary of state, at the instance of 7115
the purchaser or transferee of such right, shall accept for filing 7116
articles of a corporation with a name the same as or similar to 7117
the name of such other corporation, if there also is filed in the 7118
office of the secretary of state a certified copy of the decree or 7119
order of court confirming or otherwise evidencing the purchase or 7120
transfer. 7121

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(E) Any person who wishes to reserve a name for a proposed new corporation, or any corporation intending to change its name, may submit to the secretary of state a written application, on a form prescribed by the secretary of state, for the exclusive right to use a specified name as the name of a corporation. If the secretary of state finds that, under this section, the specified name is available for such use, the secretary of state shall file such application, and, from the date of such filing, such 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 the ~~sixty~~ one hundred eighty days. The right so obtained may be transferred by the applicant or other holder of the right 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. 1702.06. (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 or foreign business 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

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appointment of an agent signed by the incorporators of the corporation or a majority of them and a written acceptance of the appointment 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 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.

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(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.

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(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.

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(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.

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(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

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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
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 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

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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.

(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 such delivery and the
secretary of state's 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) 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.

(L) 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.

(M) Upon the failure of any 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
resignation or on the most recent statement of continued existence

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filed in this state by the corporation. Unless the failure is
cured within thirty days after the mailing by the secretary of
state of the notice or within any further period the secretary of
state grants, upon the expiration of that period, 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 (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;	7279
(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;	7280 7281 7282
(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 or other person, a copy of the agreement of merger or consolidation;	7283 7284 7285 7286
(d) The effective date of the merger or consolidation, which date may be on or after the date of the filing of the certificate;	7287 7288
(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;	7289 7290 7291 7292
(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;	7293 7294 7295 7296
(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;	7297 7298 7299 7300 7301
(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;	7302 7303 7304 7305
(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.	7306 7307 7308

(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.

(3) In the case of a merger into a domestic corporation, the certificate of merger shall be accompanied by a copy of any amendments to the articles of incorporation of the surviving domestic corporation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, the certificate of merger or consolidation shall contain a statement to that effect and a statement with respect to the appointment of the statutory agent and with respect to the consent to service of any process, notice, or demand upon that statutory agent or the secretary of state, as required when a foreign corporation applies for a certificate authorizing it to transact business in this state.

(5) If a domestic or foreign corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a domestic or foreign corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (G) of section 1702.47 of the Revised Code, with respect to each domestic corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

(B) 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 7341
documents that are required to be filed in connection with the 7342
merger or consolidation by the laws of that state or by that 7343
chapter. 7344

(C) Upon the filing of a certificate of merger or 7345
consolidation and other filings as described in division (B) of 7346
this section, or at such later date as the certificate of merger 7347
or consolidation specifies, the merger or consolidation shall 7348
become effective. 7349

(D) The secretary of state shall furnish, upon request and 7350
payment of ~~a~~ the fee specified in division (D) of ten dollars 7351
section 111.16 of the Revised Code, a certificate setting forth 7352
the name of each constituent entity and the state under whose laws 7353
each constituent entity existed prior to the merger or 7354
consolidation, the name of the surviving or new entity and the 7355
state under whose laws the surviving entity exists or the new 7356
entity is to exist, the date of filing of the certificate of 7357
merger or consolidation with the secretary of state, and the 7358
effective date of the merger or consolidation. The certificate of 7359
the secretary of state or a copy of the merger or consolidation 7360
certified by the secretary of state may be filed for record in the 7361
office of the recorder of any county in this state and, if filed, 7362
shall be recorded in the records of deeds for that county. For 7363
that recording, the county recorder shall charge and collect the 7364
same fee as in the case of deeds. 7365

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 7366
under the general corporation laws of this state, or previous 7367
laws, or under special provisions of the Revised Code, or created 7368
before September 1, 1851, which corporation has expressly or 7369
impliedly elected to be governed by the laws passed since that 7370
date, and whose articles or other documents are filed with the 7371

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secretary of state, shall file with the secretary of state a 7372
verified statement of continued existence, signed by a director, 7373
officer, or three members in good standing, setting forth the 7374
corporate name, the place where the principal office of the 7375
corporation is located, the date of incorporation, the fact that 7376
the corporation is still actively engaged in exercising its 7377
corporate privileges, and the name and address of its agent 7378
appointed pursuant to section 1702.06 of the Revised Code. 7379

(B) Each corporation required to file a statement of 7380
continued existence shall file it with the secretary of state 7381
within each five years after the date of incorporation or of the 7382
last corporate filing. ~~For filing such statements of continued 7383
existence, the secretary of state shall charge and collect a fee 7384
of five dollars.~~ 7385

(C) Corporations specifically exempted by division (N) of 7386
section 1702.06 of the Revised Code, or whose activities are 7387
regulated or supervised by another state official, agency, bureau, 7388
department, or commission are exempted from this section. 7389

(D) The secretary of state shall give notice in writing and 7390
provide a form for compliance with this section to each 7391
corporation required by this section to file the statement of 7392
continued existence, such notice and form to be mailed to the last 7393
known address of the corporation as it appears on the records of 7394
the secretary of state or which the secretary of state may 7395
ascertain upon a reasonable search. 7396

(E) ~~In the event~~ If any nonprofit corporation required by 7397
this section to file a statement of continued existence fails to 7398
file the statement required every fifth year, then the secretary 7399
of state shall cancel the articles of such corporation, make a 7400
notation of the cancellation on the records, and mail to the 7401
corporation a certificate of the action so taken. 7402

(F) A corporation whose articles have been canceled may be 7403

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reinstated by filing an application for reinstatement and paying 7404
to the secretary of state a the fee specified in division (Q) of 7405
ten dollars section 111.16 of the Revised Code. The name of a 7406
corporation whose articles have been canceled shall be reserved 7407
for a period of one year after the date of cancellation. If the 7408
reinstatement is not made within one year from the date of the 7409
cancellation of its articles of incorporation and it appears that 7410
a corporate name, limited liability company name, limited 7411
liability partnership name, limited partnership name, or trade 7412
name has been filed, the name of which is not distinguishable upon 7413
the record as provided in section 1702.06 of the Revised Code, the 7414
applicant for reinstatement shall be required by the secretary of 7415
state, as a condition prerequisite to such reinstatement, to amend 7416
its articles by changing its name. A certificate of reinstatement 7417
may be filed in the recorder's office of any county in the state, 7418
for which the recorder shall charge and collect a fee of one 7419
dollar. The rights, privileges, and franchises of a corporation 7420
whose articles have been reinstated are subject to section 1702.60 7421
of the Revised Code. 7422

(G) The secretary of state shall furnish the tax commissioner 7423
a list of all corporations failing to file the required statement 7424
of continued existence. 7425

Sec. 1703.04. (A) To procure a license to transact business 7426
in this state, a foreign corporation for profit shall file with 7427
the secretary of state a certificate of good standing or 7428
subsistence, dated not earlier than ninety days prior to the 7429
filing of the application, under the seal of the secretary of 7430
state, or other proper official, of the state under the laws of 7431
which said corporation was incorporated, setting forth: 7432

(1) The exact corporate title; 7433

(2) The date of incorporation; 7434

(3) The fact that the corporation is in good standing or is a subsisting corporation. 7435
7436

(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: 7437
7438
7439
7440
7441

(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; 7442
7443
7444

(2) The name of the state under the laws of which it was incorporated; 7445
7446

(3) The location and complete address of its principal office; 7447
7448

(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; 7449
7450
7451

(5) The appointment of a designated agent and the complete address of such agent; 7452
7453

(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; 7454
7455
7456
7457

(7) A brief summary of the corporate purposes to be exercised within this state. 7458
7459

~~(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.~~ 7460
7461
7462
7463

~~(D)~~(1) No such application for a license shall be accepted 7464

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for filing if it appears that the name of the foreign corporation 7465
is prohibited by law or is not distinguishable upon the records in 7466
the office of the secretary of state from the name of any other 7467
corporation, whether nonprofit or for profit and whether that of a 7468
domestic corporation or of a foreign corporation authorized to 7469
transact business in this state, the name of a limited liability 7470
company registered in the office of the secretary of state 7471
pursuant to Chapter 1705. of the Revised Code, whether domestic or 7472
foreign, the name of any limited liability partnership registered 7473
in the office of the secretary of state pursuant to Chapter 1775. 7474
of the Revised Code, whether domestic or foreign, the name of any 7475
limited partnership registered in the office of the secretary of 7476
state pursuant to Chapter 1782. of the Revised Code, whether 7477
domestic or foreign, or a trade name to which the exclusive right 7478
at the time in question is registered in the manner provided in 7479
Chapter 1329. of the Revised Code, unless there also is filed with 7480
the secretary of state, on a form prescribed by the secretary of 7481
state, the consent of the other entity or person to the use of the 7482
name, evidenced in a writing signed by any authorized officer of 7483
the other entity or authorized representative of the other person 7484
owning the exclusive right to the registered trade name. 7485

(2) Notwithstanding division ~~(D)~~(C)(1) of this section, if an 7486
application for a license is not acceptable for filing solely 7487
because the name of the foreign corporation is not distinguishable 7488
from the name of another entity or registered trade name, the 7489
foreign corporation may be authorized to transact business in this 7490
state by filing with the secretary of state, in addition to those 7491
items otherwise prescribed by this section, a statement signed by 7492
an authorized officer directing the foreign corporation to make 7493
application for a license to transact business in this state under 7494
an assumed business name or names that comply with the 7495
requirements of this division and stating that the foreign 7496
corporation will transact business in this state only under the 7497

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assumed name or names. The application for a license shall be on a form prescribed by the secretary of state.

Sec. 1703.041. (A) Every foreign corporation for profit that is licensed to transact business in this state, and every foreign nonprofit corporation that is licensed to exercise its corporate privileges in this state, shall have and maintain an agent, sometimes referred to as the "designated agent," upon whom process against the corporation may be served within this state. The agent may be a natural person who is a resident of this state, or may be a domestic corporation for profit or a foreign corporation for profit holding a license under the laws of this state that is authorized by its articles of incorporation to act as an agent and that has a business address in this state.

(B) The written appointment of a designated agent shall set forth the name and address 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 such foreign corporations and the names and addresses of their respective agents.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state ~~an amendment to the corporation's application for a foreign license indicating the name and address, on a form prescribed by the secretary of state, a written appointment~~ of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state ~~an amendment to the corporation's application for a foreign license~~

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~~setting forth the new address unless the change is reported on the~~ 7529
~~annual report filed with the department of taxation, on a form~~ 7530
~~prescribed by the secretary of state, a written statement setting~~ 7531
~~forth the agent's new address.~~ 7532

(E) A designated agent may resign by filing with the 7533
secretary of state, on a form prescribed by the secretary of 7534
state, a signed statement to that effect. The secretary of state 7535
shall forthwith mail a copy of ~~such~~ the statement to the foreign 7536
corporation at its principal office as shown by the record in the 7537
secretary of state's office. Upon the expiration of sixty days 7538
after the filing, the authority of the agent shall terminate. 7539

(F) A foreign corporation may revoke the appointment of a 7540
designated agent by filing with the secretary of state ~~an~~ 7541
~~amendment to its application for a foreign license appointing~~ 7542
~~another agent that includes, on a form prescribed by the secretary~~ 7543
~~of state, a written appointment of another agent and~~ a statement 7544
that the appointment of the former agent is revoked. 7545

(G) Process may be served upon a foreign corporation by 7546
delivering a copy of it to its designated agent, if a natural 7547
person, or by delivering a copy of it at the address of its agent 7548
in this state, as the address appears upon the record in the 7549
office of the secretary of state. 7550

(H) This section does not limit or affect the right to serve 7551
process upon a foreign corporation in any other manner permitted 7552
by law. 7553

(I) Every foreign corporation for profit shall state in each 7554
annual report filed by it with the department of taxation the name 7555
and address of its designated agent in this state. 7556

Sec. 1703.15. No foreign corporation shall transact in this 7557
state any business that could not be lawfully transacted by a 7558
domestic corporation. Whenever the secretary of state finds that a 7559

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foreign corporation licensed to transact business in this state is 7560
transacting in this state a business that a domestic corporation 7561
could not lawfully transact, is transacting business in this state 7562
in a corporate name that is not readily distinguishable from the 7563
name of every other corporation, limited liability company, 7564
limited liability partnership, or limited partnership, domestic or 7565
foreign, or every trade name, registered in the office of the 7566
secretary of state, theretofore authorized to transact business in 7567
this state, without the consent of the other corporation, limited 7568
liability company, limited liability partnership, limited 7569
partnership, or trade name registrant, evidenced in writing filed 7570
with the secretary of state pursuant to section 1703.04 of the 7571
Revised Code, or has failed, after the death or resignation of its 7572
designated agent or the designated agent's removal from this 7573
state, to designate another agent as required by section 1703.041 7574
of the Revised Code, the secretary of state shall give notice 7575
thereof by certified mail to the corporation. Unless that failure 7576
is cured within thirty days after the mailing by the secretary of 7577
state of the notice or within such further period as the secretary 7578
of state grants, the secretary of state, upon the expiration of 7579
such period, shall cancel the license of the foreign corporation 7580
to transact business in this state, give notice of the 7581
cancellation to the corporation by mail, and make a notation of 7582
the cancellation on the secretary of state's records. 7583

7584
A foreign corporation whose license has been canceled may be 7585
reinstated upon its filing with the secretary of state, on a form 7586
prescribed by the secretary of state, an application for 7587
reinstatement accompanied by ~~a~~ the fee specified in division (O) 7588
of ten dollars section 111.16 of the Revised Code. If the 7589
application for reinstatement is submitted in a tax year or 7590
calendar year other than that in which the cancellation occurred, 7591
the application also shall be accompanied by a certificate of 7592

reinstatement issued by the department of taxation. The name of a 7593
corporation whose license has been canceled pursuant to this 7594
section shall be reserved for a period of one year after the date 7595
of cancellation. If the reinstatement is not made within one year 7596
after the date of cancellation of the foreign license and it 7597
appears that a corporate name, limited liability company name, 7598
limited liability partnership name, limited partnership name, or 7599
trade name has been filed, the name of which is not 7600
distinguishable upon the record as provided in division (D) of 7601
section 1703.04 of the Revised Code, the secretary of state shall 7602
require the applicant for the reinstatement, as a condition 7603
prerequisite to such reinstatement, to apply for authorization to 7604
transact business in this state under an assumed name. 7605

Sec. 1703.17. (A) A foreign corporation may surrender its 7606
license to transact business in this state in the manner provided 7607
in this section. 7608

(B) A certificate of surrender signed by any authorized 7609
officer, or by the receiver, trustee in bankruptcy, or other 7610
liquidator of such corporation, shall be filed with the secretary 7611
of state, on a form prescribed by the secretary of state, setting 7612
forth: 7613

(1) The name of the corporation and of the state under the 7614
laws of which it is incorporated; 7615

(2) That it surrenders its license; 7616

(3) The address to which the secretary of state may mail any 7617
process against such corporation that may be served upon the 7618
secretary of state, and may mail any other notices, certificates, 7619
or statements. 7620

(C) A certificate of surrender, filed with the secretary of 7621
state, on a form prescribed by the secretary of state, shall be 7622
accompanied by: 7623

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(1) A receipt, certificate, or other evidence showing the 7624
payment of all franchise, sales, use, and highway use taxes 7625
accruing up to the date of such filing, or that such payment has 7626
been adequately guaranteed; 7627

(2) A receipt, certificate, or other evidence showing the 7628
payment of all personal property taxes accruing up to the date of 7629
such filing; 7630

(3) A receipt, certificate, or other evidence from the 7631
director of job and family services showing that all contributions 7632
due from the corporation as an employer have been paid, or that 7633
such payment has been adequately guaranteed, or that the 7634
corporation is not subject to such contributions; 7635

(4) An affidavit of the officer, or other person permitted by 7636
law, executing the certificate of surrender, containing a 7637
statement of the counties, if any, in this state in which the 7638
corporation has personal property or a statement that the 7639
corporation is of a type required to pay personal property taxes 7640
to state authorities only. 7641

(D) In lieu of the receipt, certificate, or other evidence 7642
described in divisions (C)(1), (2), and (3) of this section, a 7643
certificate of surrender may be accompanied by an affidavit of the 7644
person executing the certificate of surrender, or of an officer of 7645
the corporation, that contains a statement of the date upon which 7646
the particular department, agency, or authority was advised in 7647
writing of the scheduled date of filing the certificate of 7648
surrender and was advised in writing of the acknowledgement by the 7649
corporation that the surrender of its license does not relieve it 7650
of liability, if any, for payment of the taxes and contributions 7651
described in divisions (C)(1), (2), and (3) of this section. 7652

(E) In lieu of filing such certificate of surrender there may 7653
be filed a certificate of the secretary of state, or other proper 7654

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official, of the state under the laws of which the corporation is
incorporated, certifying that said corporation has been dissolved
or its corporate existence otherwise terminated, or a certified
copy of an order of court terminating the existence of such
corporation; but such certificate or certified copy shall be
accompanied by the information required by division (B)(3) of this
section.

(F) ~~For~~ After the payment of the fee specified in division
(N)(2) of section 111.16 of the Revised Code and the filing of any
such certificate or certified copy under this section, ~~there shall~~
~~be paid to the secretary of state a filing fee of twenty-five~~
~~dollars.~~ The secretary of state shall ~~thereupon~~ cancel the
license of such corporation, make a notation of such cancellation
upon the secretary of state's records, and mail to the corporation
a certificate of the action so taken.

(G) The mere retirement from business of a foreign
corporation without filing a certificate of surrender shall not
exempt such corporation from the requirements of filing the
reports and paying the fees required by sections 1703.01 to
1703.31 of the Revised Code, or from making reports and paying
excise or franchise fees or taxes.

Sec. 1703.27. No foreign nonprofit corporation shall exercise
its corporate privileges in this state in a continual course of
transactions until it has first procured from the secretary of
state a certificate authorizing it to do so.

Before issuing such certificate, the secretary of state shall
require such foreign corporation to file in the secretary of
state's office a certificate of good standing or subsistence,
setting forth the exact corporate title, the date of
incorporation, and the fact that the corporation is in good
standing or is a subsisting corporation, certified by the

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secretary of state, or other proper official, of the state under 7686
the laws of which the corporation was incorporated, and a 7687
statement, on a form prescribed by the secretary of state, 7688
verified by the oath of one of its officers, setting forth, but 7689
not limited to, the following: 7690

(A) The name of the corporation; 7691

(B) The state under the laws of which it is incorporated; 7692

(C) The location of its principal office; 7693

(D) The corporate privileges it proposes to exercise in this 7694
state; 7695

(E) The location of its principal office in this state; 7696

(F) The appointment of a designated agent and the complete 7697
address of such agent; 7698

(G) Its irrevocable consent to service of process on such 7699
agent so long as the authority of the agent continues and to 7700
service of process upon the secretary of state in the events 7701
provided for in section 1703.19 of the Revised Code. 7702

For the filing of ~~such that~~ statement, the secretary of state 7703
shall charge and collect ~~a~~ the fee specified in division (I)(1) of 7704
~~thirty-five dollars~~ section 111.16 of the Revised Code. 7705

A foreign nonprofit corporation shall file an amendment with 7706
the secretary of state if there is a modification of any of the 7707
information required to be included in its statement, except for 7708
changes in information required by division (F) of this section, 7709
which shall be corrected in the same manner as described in 7710
section 1702.06 of the Revised Code. For the filing of ~~such~~ 7711
~~amendment~~ those amendments and corrections, the secretary of state 7712
shall charge and collect ~~a~~ the fee specified in division (B) or 7713
(R) of fifty dollars section 111.16 of the Revised Code. 7714

Sections 1703.01 to 1703.31 of the Revised Code, governing 7715

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foreign corporations for profit in respect to exemption from 7716
attachment, change of location of principal office, change of its 7717
designated agent or of the designated agent's address, service on 7718
the secretary of state, license certificate as prima-facie 7719
evidence, proof of due incorporation, filing of amendments 7720
evidencing changes of corporate name, merger, or consolidation, 7721
filing of certificate of surrender, service on retired 7722
corporation, and penalties or forfeitures for transacting business 7723
without license, for false reports, and for failure to comply with 7724
other applicable provisions of such sections, shall also apply to 7725
foreign nonprofit corporations. 7726

The secretary of state may require further reports, 7727
certificates, or information from a foreign nonprofit corporation, 7728
including verification of the continued existence of the 7729
corporation. Upon the failure of any corporation to provide the 7730
information, the secretary of state shall give notice of the 7731
failure by certified mail and, if the report is not filed within 7732
thirty days after the mailing of the notice, the license of the 7733
corporation to exercise its corporate privileges in this state 7734
shall expire and the secretary of state shall make a notation to 7735
that effect on the secretary of state's records. 7736

Sec. 1703.31. (A) Any foreign corporation may register its 7737
corporate name, if its corporate name is available for use under 7738
division (D) of section 1703.04 of the Revised Code, by filing in 7739
the office of the secretary of state an application, on a form 7740
prescribed by the secretary of state, that contains the following 7741
information: 7742

(1) The exact corporate name to be registered; 7743

(2) The complete address of the principal office of the 7744
corporation; 7745

(3) The jurisdiction of its incorporation; 7746

(4) The date of its incorporation;	7747
(5) A statement that it is carrying on or doing business;	7748
(6) The general nature of the business in which it is engaged;	7749 7750
(7) Any other information required by the secretary of state.	7751 7752
The application shall be signed and verified by an officer of the applicant.	7753 7754
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.	7755 7756 7757 7758 7759 7760
A <u>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</u> shall accompany the application.	7761 7762 7763
(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.	7764 7765 7766 7767 7768 7769 7770 7771 7772
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	7773 7774 7775 7776

current registration in effect. 7777

A The renewal fee specified in division (S)(3) of ~~twenty-five~~ 7778
dollars section 111.16 of the Revised Code, payable to the 7779
secretary of state, shall accompany the application for renewal of 7780
the registration. 7781

Sec. 1705.05. (A) The name of a limited liability company 7782
shall include the words, "limited liability company," without 7783
abbreviation or shall include one of the following abbreviations: 7784
"LLC," "L.L.C.," "limited," "ltd.," or "ltd". 7785

(B)(1) Except as provided in this section and in sections 7786
1701.75, 1701.78, 1701.82, 1705.36, and 1705.37 of the Revised 7787
Code, the secretary of state shall not accept for filing in the 7788
secretary of state's office the articles of organization of a 7789
limited liability company if the company name set forth in the 7790
articles is not distinguishable on the records of the secretary of 7791
state from the name of any of the following: 7792

(a) Any other limited liability company, whether the name is 7793
of a domestic limited liability company or of a foreign limited 7794
liability company registered as a foreign limited liability 7795
company under this chapter; 7796

(b) Any corporation, whether the name is of a domestic 7797
corporation or of a foreign corporation holding a license as a 7798
foreign corporation under the laws of this state pursuant to 7799
Chapter 1701., 1702., or 1703. of the Revised Code; 7800

(c) Any limited liability partnership, whether the name is of 7801
a domestic limited liability partnership or a foreign limited 7802
liability partnership registered pursuant to Chapter 1775. of the 7803
Revised Code; 7804

(d) Any limited partnership, whether the name is of a 7805
domestic limited partnership or a foreign limited partnership 7806

registered pursuant to Chapter 1782. of the Revised Code; 7807

(e) Any trade name to which the exclusive right, at the time 7808
in question, is registered in the office of the secretary of state 7809
pursuant to Chapter 1329. of the Revised Code. 7810

(2) The secretary of state may accept for filing in the 7811
secretary of state's office the articles of organization of a 7812
limited liability company whose name set forth in the articles is 7813
not distinguishable on the records of the secretary of state from 7814
any trade name or the name of another limited liability company, 7815
corporation, limited liability partnership, or limited partnership 7816
if there also is filed in the secretary of state's office the 7817
consent of the other entity or, in the case of a registered trade 7818
name, the person in whose name is registered the exclusive right 7819
to the use of the particular name. 7820

(C) A consent given by an entity or person in whose name is 7821
registered the exclusive right to use a trade name, to the use of 7822
a name by a limited liability company, shall be in the form of an 7823
instrument, prescribed by the secretary of state, that is signed 7824
by an authorized officer or other authorized representative of the 7825
consenting entity or person in whose name the trade name is 7826
registered. 7827

(D) If a judicial sale or a judicial transfer by sale, 7828
transfer of good will, or otherwise involves the right to use the 7829
name of a domestic limited liability company or of a foreign 7830
limited liability company registered as a foreign limited 7831
liability company under this chapter, then, at the request of the 7832
purchaser or transferee of that right, the secretary of state 7833
shall accept for filing articles of organization of a limited 7834
liability company with a name that is the same as or similar to 7835
the name of the other limited liability company if there also is 7836
filed in the secretary of state's office a certified copy of the 7837
court order or decree that confirms or otherwise evidences the 7838

purchase or transfer. 7839

(E) Any person that wishes to reserve a name for a proposed 7840
new limited liability company or any limited liability company 7841
that intends to change its name may submit to the secretary of 7842
state, on a form prescribed by the secretary of state, a written 7843
application for the exclusive right to use a specified name as the 7844
name of the company. If the secretary of state finds, consistent 7845
with this section, that the specified name is available for use, 7846
the secretary of state shall file the application. From the date 7847
of the filing, the applicant has the exclusive right for ~~sixty one~~ 7848
hundred eighty days to use the specified name as the name of the 7849
limited liability company, counting the date of the filing as the 7850
first of the ~~sixty one hundred eighty~~ days. The right so obtained 7851
may be transferred by the applicant or other holder of the right 7852
by filing in the office of the secretary of state a written 7853
transfer, on a form prescribed by the secretary of state, that 7854
states the name and address of the transferee. 7855

~~(F) The secretary of state shall charge and collect a fee of 7856
five dollars for filing under this section any application or 7857
document other than articles of organization or a consent to the 7858
use of a name. 7859~~

Sec. 1705.06. (A) Each limited liability company shall 7860
maintain continuously in this state an agent for service of 7861
process on the company. The agent shall be an individual who is a 7862
resident of this state, a domestic corporation, or a foreign 7863
corporation holding a license as a foreign corporation under the 7864
laws of this state. 7865

(B)(1) The secretary of state shall not accept original 7866
articles of organization of a limited liability company for filing 7867
unless the articles are accompanied by both of the following: 7868

(a) A written appointment of an agent as described in 7869

division (A) of this section that is signed by an authorized
member, manager, or other representative of the limited liability
company;

(b) A written acceptance of the appointment that is signed by
the designated agent on a form prescribed by the secretary of
state.

(2) In cases not covered by division (B)(1) of this section,
the limited liability company shall appoint the agent described in
division (A) of this section and shall file with the secretary of
state, on a form prescribed by the secretary of state, a written
appointment of that agent that is signed as described in division
(K) of this section and a written acceptance of the appointment
that is signed by the designated agent.

(3) For purposes of divisions (B)(1) and (2) of this section,
the filed written acceptance of an agent's appointment shall be a
signed original document or a photocopy, facsimile, or similar
reproduction of a signed original document.

(C) The written appointment of an agent described in division
(A) of this section shall set forth the name of the agent and the
agent's address in this state, including the street and number or
other particular description of that address. It otherwise shall
be in the form that the secretary of state prescribes. The
secretary of state shall keep a record of the names of limited
liability companies and the names and addresses of their agents.

(D) If any agent described in division (A) of this section
dies, resigns, or moves outside of this state, the limited
liability company shall appoint forthwith another agent and file
with the secretary of state, on a form prescribed by the secretary
of state, a written appointment of the agent and acceptance of
appointment as described in division (B)(2) of this section.

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(E) If the agent described in division (A) of this section changes the agent's address from the address stated in the records of the secretary of state, the agent or the limited liability company shall file forthwith 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 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:

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(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.

(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
any process, notice, or demand upon a limited liability company in
any other manner permitted by law.

(K) The written appointment of an agent or a written
statement filed by the company with the secretary of state shall
be signed by an authorized member, manager, or other
representative of the company.

~~(L) For filing a written appointment of an agent described in
division (A) of this section that is not filed with the original
articles of organization of a limited liability company and for
filing a statement of change of address of an agent, the secretary
of state shall charge and collect a fee of three dollars.~~

Sec. 1705.38. (A) Upon the adoption by each constituent
entity of an agreement of merger or consolidation pursuant to
section 1705.36 or 1705.37 of the Revised Code, a certificate of
merger or consolidation shall be filed with the secretary of state
that is signed by a manager of each constituent limited liability
company in which the management is not reserved to its members, by
at least one member of each other constituent limited liability
company, by at least one general partner of each constituent
partnership, and by an authorized representative of each other
constituent 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.

(B)(1) The certificate of merger or consolidation shall set

forth all of the following:	7996
(a) The name and the form of entity of each constituent	7997
entity and the state under the laws of which each constituent	7998
entity exists;	7999
(b) A statement that each constituent entity has complied	8000
with all of the laws under which it exists and that the laws	8001
permit the merger or consolidation;	8002
(c) The name and mailing address of the person or entity that	8003
is to provide, in response to any written request made by a	8004
shareholder, partner, or other equity holder of a constituent	8005
entity, a copy of the agreement of merger or consolidation;	8006
(d) The effective date of the merger or consolidation, which	8007
date may be on or after the date of the filing of the certificate;	8008
(e) The signature of the representative or representatives	8009
authorized to sign the certificate on behalf of each constituent	8010
entity and the office held or the capacity in which the	8011
representative is acting;	8012
(f) A statement that the agreement of merger or consolidation	8013
is authorized on behalf of each constituent entity and that the	8014
persons who signed the certificate on behalf of each entity are	8015
authorized to do so;	8016
(g) In the case of a merger, a statement that one or more	8017
specified constituent entities will be merged into a specified	8018
surviving entity or, in the case of a consolidation, a statement	8019
that the constituent entities will be consolidated into a new	8020
entity;	8021
(h) In the case of a merger, if the surviving entity is a	8022
foreign entity not licensed to transact business in this state,	8023
the name and address of the statutory agent upon whom any process,	8024
notice, or demand may be served;	8025

(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.

(2) In the case of a consolidation into a new domestic corporation, limited liability company, or limited partnership, the articles of incorporation, the articles of organization, or the certificate of limited partnership of the new domestic entity shall be filed with the certificate of merger or consolidation.

(3) In the case of a merger into a domestic corporation, limited liability company, or limited partnership, any amendments to the articles of incorporation, articles of organization, or certificate of limited partnership of the surviving domestic entity shall be filed with the certificate of merger or consolidation.

(4) If the surviving or new entity is a foreign entity that desires to transact business in this state as a foreign corporation, limited liability company, or limited partnership, the certificate of merger or consolidation shall be accompanied by the information required by division (B)(8), (9), or (10) of section 1705.37 of the Revised Code.

(5) If a foreign or domestic corporation licensed to transact business in this state is a constituent entity and the surviving or new entity resulting from the merger or consolidation is not a foreign or domestic corporation that is to be licensed to transact business in this state, the certificate of merger or consolidation shall be accompanied by the affidavits, receipts, certificates, or other evidence required by division (H) of section 1701.86 of the Revised Code, with respect to each domestic constituent corporation, and by the affidavits, receipts, certificates, or other evidence required by division (C) or (D) of section 1703.17 of the Revised Code, with respect to each foreign constituent corporation licensed to transact business in this state.

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(C) If any constituent entity in a merger or consolidation is 8059
organized or formed under the laws of a state other than this 8060
state or under any chapter of the Revised Code other than this 8061
chapter, there also shall be filed in the proper office all 8062
documents that are required to be filed in connection with the 8063
merger or consolidation by the laws of that state or by that 8064
chapter. 8065

(D) Upon the filing of a certificate of merger or 8066
consolidation and other filings as described in division (C) of 8067
this section or at any later date that the certificate of merger 8068
or consolidation specifies, the merger or consolidation is 8069
effective. 8070

(E)(1) Upon request and payment of a the fee specified in 8071
division (D) of ~~ten dollars~~ section 111.16 of the Revised Code, 8072
the secretary of state shall furnish the secretary of state's 8073
certificate setting forth all of the following: 8074

(a) The name and form of entity of each constituent entity 8075
and the states under the laws of which each constituent entity 8076
existed prior to a merger or consolidation; 8077

(b) The name and the form of entity of the surviving or new 8078
entity and the state under the laws of which the surviving entity 8079
exists or the new entity is to exist; 8080

(c) The date of the filing of the certificate of merger or 8081
consolidation in the secretary of state's office; 8082

(d) The effective date of the merger or consolidation. 8083

(2) The certificate of the secretary of state or a copy of a 8084
certificate of merger or consolidation that has been certified by 8085
the secretary of state may be filed for record in the office of 8086
the recorder of any county in this state and, if filed, shall be 8087
recorded in the record of deeds for that county. For that 8088

recording, the county recorder shall charge and collect the same 8089
fees as for recording a deed. 8090

Sec. 1705.55. (A) If any statement in an application for 8091
registration as a foreign limited liability company is materially 8092
false when made or if any facts described in the application have 8093
changed making it inaccurate in any material respect, the foreign 8094
limited liability company shall file promptly with the secretary 8095
of state a certificate correcting the application that shall be on 8096
a form that is prescribed by the secretary of state and be signed 8097
by an authorized representative of the company. ~~If~~ 8098

(B) ~~If~~ the application for registration or a subsequent 8099
certificate of correction becomes inaccurate because the 8100
designated agent resigns or changes the agent's address from that 8101
appearing in the registration application or any subsequent 8102
certificate of correction of the registration application, the 8103
foreign limited liability company, or the designated agent on its 8104
behalf, shall file a notice of that resignation or change promptly 8105
with the secretary of state ~~a new certificate of correction~~ 8106
~~setting forth the new address.~~ 8107

(C) A foreign limited liability company may revoke the 8108
appointment of its designated agent described in division (A) of 8109
section 1705.54 of the Revised Code by filing with the secretary 8110
of state, on a form prescribed by the secretary of state, a 8111
written appointment of another agent and an acceptance of 8112
appointment in the manner described in division (B)(2) of section 8113
1705.06 of the Revised Code and a statement indicating that the 8114
appointment of the former agent is revoked. 8115

(D) The fee specified in division (R) of section 111.16 of 8116
the Revised Code shall accompany a filing under division (B) or 8117
(C) of this section. 8118

Sec. 1746.04. (A) Except as set forth in section 1746.03 of 8119
the Revised Code, before transacting business in this state, a 8120
business trust shall file ~~a report~~ in the office of the secretary 8121
of state, on forms prescribed by the secretary of state, a report 8122
containing the following information: 8123

(1) A list of the names and addresses of its trustees; 8124

(2) The address of its principal office; 8125

(3) In the case of a foreign business trust, the address of 8126
its principal office within this state, if any; 8127

(4) The business names of the business trust, including any 8128
fictitious or assumed names; 8129

(5) The name and address within this state of a designated 8130
agent upon whom process against the business trust may be served; 8131

(6) The irrevocable consent of the business trust to service 8132
of process upon its designated agent and to service of process 8133
upon the secretary of state if, without the registration of 8134
another agent with the secretary of state, its designated agent 8135
has died, resigned, lost authority, dissolved, become 8136
disqualified, or has removed from this state, or if its designated 8137
agent cannot, with due diligence, be found. 8138

Such report shall have attached as an exhibit an executed 8139
copy of the trust instrument or a true and correct copy of it, 8140
certified to be such by a trustee before an official authorized to 8141
administer oaths or by a public official in another state in whose 8142
office an executed copy is on file. 8143

(B) Not more than ninety days after the occurrence of any 8144
event causing any filing, including exhibits, made pursuant to 8145
division (A) of this section, or any previous filing made pursuant 8146
to this division, to be inaccurate or incomplete, there shall be 8147
filed in the office of the secretary of state all information 8148

necessary to maintain the accuracy and completeness of such 8149
filing. 8150

(C) The secretary of state shall charge and collect ~~a fee~~ the 8151
fees specified in division (T) of ~~seventy-five dollars~~ section 8152
111.16 of the Revised Code for each filing made under division (A) 8153
~~of this section and fifteen dollars for each filing under division~~ 8154
or (B) of this section, except for filings under division (B) of 8155
this section pertaining solely to division (A)(5) of this section, 8156
for which the secretary of state shall charge and collect the fee 8157
specified in division (R) of section 111.16 of the Revised Code. 8158

(D) The trust instrument and other information filed in the 8159
office of the secretary of state are matters of public record, and 8160
persons dealing with a business trust are charged with 8161
constructive notice of the contents of any such instrument or 8162
information by reason of such filing. 8163

(E) A copy of a trust instrument or other information filed 8164
in the office of the secretary of state shall be accepted as 8165
prima-facie evidence of the existence of the instrument or other 8166
information and of its contents, and conclusive evidence of the 8167
existence of such record. 8168

Sec. 1746.06. (A) No business trust that has made a filing 8169
pursuant to section 1746.04 of the Revised Code may use the words 8170
"Incorporated," "Corporation," "Inc.," "Co.," "Partnership," 8171
"Ltd.," or derivatives thereof in its name. 8172

(B) No business trust formed after the effective date of this 8173
chapter that has made a filing pursuant to section 1746.04 of the 8174
Revised Code shall assume the name of any corporation established 8175
under the laws of this state, or of a corporation, firm, or 8176
association, or trust whether or not as defined in section 1746.01 8177
of the Revised Code, or of an individual, carrying on business in 8178
this state at the time when the business trust is created, or 8179

assume a name so similar thereto as to be likely to be mistaken 8180
for it, except with the written consent of such existing 8181
corporation, firm, association, or trust, or of such individual, 8182
previously or concurrently filed with the secretary of state. 8183

(C) The secretary of state shall refuse to receive for filing 8184
the trust instrument of a business trust if it appears to ~~him~~ the 8185
secretary of state to have violated any provision of this section. 8186
The courts of common pleas of this state shall have jurisdiction, 8187
upon the application of any person interested or affected, to 8188
enjoin a business trust from transacting business under any name 8189
in violation of any provision of this section, notwithstanding 8190
that the trust instrument of such business trust has been received 8191
for filing under section 1746.04 of the Revised Code. 8192

(D) Any person who wishes to reserve a name for a proposed 8194
new business trust, or any business trust intending to change its 8195
name, may submit to the secretary of state a written application 8196
for the exclusive right to use a specified name as the name of a 8197
business trust. If the secretary of state finds that, under this 8198
section, the specified name is available for such use, ~~he~~ the 8199
secretary of state shall indorse ~~his~~ the secretary of state's 8200
approval upon and file such application and, from the date of such 8201
indorsement, such applicant shall have the exclusive right for 8202
sixty one hundred eighty days to use the specified name as the 8203
name of a business trust, counting the date of such indorsement as 8204
the first of the sixty one hundred eighty days. The right so 8205
obtained may be transferred by the applicant or other holder 8206
thereof by the filing in the office of the secretary of state of a 8207
written transfer stating the name and address of the transferee. 8208
For filing any application for the exclusive right to use a 8209
specified name under this division, the secretary of state shall 8210
charge and collect a the fee specified in division (S)(1) of ~~five~~ 8211

~~dollars~~ section 111.16 of the Revised Code. For each filing of a 8212
transfer of the right to an exclusive name under this division, 8213
the secretary of state shall charge and collect the fee specified 8214
in division (S)(4) of section 111.16 of the Revised Code. 8215

(E) Any business trust that has not made the filings 8216
described under section 1746.04 of the Revised Code may submit to 8217
the secretary of state a written application for the exclusive 8218
right to use a specified name as the name of such business trust. 8219
If the secretary of state finds that, under this section, the 8220
specified name is available for such use, ~~he~~ the secretary of 8221
state shall indorse ~~his~~ the secretary of state's approval upon and 8222
file such application and, from the date of such indorsement, such 8223
applicant has the exclusive right to use the specified name for 8224
the period that it transacts business. The right so obtained may 8225
be transferred by the applicant or other holder thereof by the 8226
filing in the office of the secretary of state of a written 8227
transfer stating the name and address of the transferee. For 8228
filing ~~any~~ an application for the exclusive right to use a 8229
specified name under this division, the secretary of state shall 8230
charge and collect ~~a~~ the fee specified in division (S)(1) of five 8231
~~dollars~~ section 111.16 of the Revised Code. 8232

Sec. 1746.15. Any business trust that has made the filings 8233
described in section 1746.04 of the Revised Code may withdraw from 8234
this state at any time by filing in the office of the secretary of 8235
state a verified copy of a resolution duly adopted by its trustees 8236
declaring its intention to withdraw and surrender its authority, 8237
accompanied by ~~a~~ the fee of fifteen dollars specified in division 8238
(T) of section 111.16 of the Revised Code. 8239

Sec. 1747.03. (A) Before transacting real estate business in 8240
this state, a real estate investment trust shall file the 8241
following report in the office of the secretary of state, on forms 8242

prescribed by the secretary of state:	8243
(1) An executed copy of the trust instrument or a true and correct copy of it, certified to be such by a trustee before an official authorized to administer oaths or by a public official in another state in whose office an executed copy is on file;	8244 8245 8246 8247
(2) A list of the names and addresses of its trustees;	8248
(3) The address of its principal office;	8249
(4) In the case of a foreign real estate investment trust, the address of its principal office within this state, if any;	8250 8251
(5) The business name of the trust;	8252
(6) The name and address within this state of a designated agent upon whom process against the trust may be served;	8253 8254
(7) The irrevocable consent of the trust to service of process on its designated agent and to service of process upon the secretary of state if, without the registration of another agent with the secretary of state, its designated agent has died, resigned, lost authority, dissolved, become disqualified, or has removed from this state, or if its designated agent cannot, with due diligence, be found;	8255 8256 8257 8258 8259 8260 8261
(8) Not more than ninety days after the occurrence of any event causing any filing made pursuant to divisions (A)(2) to (6) of this section, or any previous filing made pursuant to this division, to be inaccurate or incomplete, all information necessary to maintain the accuracy and completeness of such filing.	8262 8263 8264 8265 8266 8267
(B) For filing <u>filings</u> under this section, the secretary of state shall charge and collect a <u>the fee specified in division (T)</u> of fifty dollars, except that for filing under division (A)(8) of this section, the secretary of state shall charge and collect a fee of ten dollars <u>section 111.16 of the Revised Code, except for</u>	8268 8269 8270 8271 8272

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filings under division (A)(8) of this section pertaining solely to 8273
division (A)(6) of this section, for which the secretary of state 8274
shall charge and collect the fee specified in division (R) of 8275
section 111.16 of the Revised Code. 8276

(C) All persons shall be given the opportunity to acquire 8277
knowledge of the contents of the trust instrument and other 8278
information filed in the office of the secretary of state, but no 8279
person dealing with a real estate investment trust shall be 8280
charged with constructive notice of the contents of any such 8281
instrument or information by reason of such filing. 8282

(D) A copy of a trust instrument or other information filed 8283
in the office of the secretary of state ~~shall be~~ is prima-facie 8284
evidence of the existence of the instrument or other information 8285
and of its contents, and ~~as~~ is conclusive evidence of the 8286
existence of such record. 8287

Sec. 1747.04. A trust instrument may be amended in the manner 8288
specified in it or in any manner that is valid under the common or 8289
statutory law applicable to the trust created ~~thereunder~~ under it. 8290
However, no amendment adopted subsequent to the initial filings 8291
required by section 1747.03 of the Revised Code is legally 8292
effective in this state until an executed or certified true and 8293
correct copy of the amendment has been filed in the office of the 8294
secretary of state accompanied by ~~a~~ the fee specified in division 8295
(T) of ~~twenty-five dollars~~ section 111.16 of the Revised Code. 8296

Sec. 1747.10. Any domestic or foreign real estate investment 8297
trust authorized to transact real estate business in this state 8298
may surrender its authority at any time by filing in the office of 8299
the secretary of state a verified copy of a resolution duly 8300
adopted by its trustees declaring its intention to withdraw, 8301
accompanied by ~~a~~ the fee specified in division (T) of ~~ten dollars~~ 8302
section 111.16 of the Revised Code. Such real estate investment 8303

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trust then ceases and is without authority to transact real estate 8304
business in this state, except as necessary for ~~the concluding~~ 8305
~~thereof~~ its conclusion. 8306

Sec. 1775.63. (A) A domestic limited liability partnership or 8307
foreign registered limited liability partnership shall, ~~annually~~ 8308
biennially during the month of July in odd-numbered years, file a 8309
report with the office of the secretary of state verifying and, if 8310
necessary, updating, as of the thirtieth day of June of that year, 8311
the information contained in the registration application required 8312
by division (A) of sections 1775.61 and 1775.64 of the Revised 8313
Code. The ~~annual~~ report shall be made on a form prescribed and 8314
furnished by the secretary of state and shall be signed by a 8315
majority in interest of the partners or by one or more partners 8316
authorized by the partnership to execute the report. 8317

(B) If a domestic limited liability partnership or foreign 8318
registered limited liability partnership fails to file the ~~annual~~ 8319
report in accordance with division (A) of this section, the 8320
secretary of state shall give notice of the failure by certified 8321
mail to the last known address of the partnership or its statutory 8322
agent. If the report is not filed within thirty days after the 8323
mailing of the notice, the secretary of state shall, upon the 8324
expiration of that period, cancel the registration of the 8325
partnership, give notice of the cancellation to the partnership by 8326
regular mail to the last known address of the partnership or its 8327
statutory agent, and make a notation of the cancellation on the 8328
secretary of state's records. 8329

(C) A domestic limited liability partnership or foreign 8330
registered limited liability partnership whose registration has 8331
been canceled pursuant to division (B) of this section may be 8332
reinstated by filing an application for reinstatement, together 8333
with the required ~~annual~~ report or reports, and by paying a ~~the~~ 8334
reinstatement fee specified in division (O) of ~~ten dollars~~ section 8335

111.16 of the Revised Code. The secretary of state shall inform 8336
the tax commissioner of all cancellations and reinstatements under 8337
this section. 8338

Sec. 1775.64. (A) Before transacting business in this state, 8339
a foreign limited liability partnership shall file a registration 8340
application with the secretary of state. The application shall be 8341
on a form prescribed by the secretary of state and shall set forth 8342
only the following information: 8343

(1) The name of the partnership; 8344

(2) The jurisdiction pursuant to the laws of which it was 8345
organized as a limited liability partnership; 8346

(3) The address of its principal office or, if the 8347
partnership's principal office is not located in this state, the 8348
address of a registered office; 8349

(4) The name and address of its agent for service of process 8350
in this state; 8351

(5) A brief statement of the business in which the 8352
partnership engages. 8353

(B) A registration application shall be accompanied by the 8354
application fee specified in division (F) of section 111.16 of the 8355
Revised Code. 8356

(C) A foreign limited liability partnership transacting 8357
business in this state shall comply with the name, correction, and 8358
annual reporting requirements set forth in division (G) of section 8359
1775.61, divisions (B) and (C) of section 1775.62, and section 8360
1775.63 of the Revised Code and shall comply with any statutory or 8361
administrative registration or filing requirements governing the 8362
specific type of business in which the partnership engages. 8363

(D) The secretary of state shall register as a foreign 8364
limited liability partnership, any foreign limited liability 8365

partnership that submits a completed registration application with the required fee. 8366
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(E) Registration as a foreign limited liability partnership ceases if ~~either of the following occurs:~~ 8368
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~~(1) The registration is voluntarily withdrawn by filing with the secretary of state, on a form prescribed by the secretary of state, a written withdrawal notice signed by one or more partners authorized by the partnership to execute a withdrawal notice.~~ 8370
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~~(2) The registration is canceled by the secretary of state pursuant to section 1775.63 of the Revised Code.~~ 8374
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Sec. 1782.04. (A) Each limited partnership shall maintain continuously in this state an agent for service of process on the limited partnership. The agent shall be a natural person who is a resident of this state, a domestic corporation, or a foreign corporation holding a license as such under the laws of this state. 8376
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(B) The secretary of state shall not accept a certificate of limited partnership for filing unless there is filed with the certificate a written appointment of an agent that is signed by the general partners of the limited partnership and a written acceptance of the appointment that is signed by the agent, or unless there is filed a written appointment of an agent that is signed by any authorized officer of the limited partnership 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. 8382
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In the discretion of the secretary of state, an original appointment of statutory agent may be submitted on the same form as the certificate of limited partnership but shall not be 8393
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considered a part of the certificate. 8396

(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 the form the secretary of state prescribes. The secretary of state shall keep a record of the names of limited partnerships, and the names and addresses of their respective agents. 8397
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(D) If any agent dies, removes from the state, or resigns, the limited partnership 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 new agent. 8403
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(E) If the agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the limited partnership or the agent forthwith shall file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the new address. 8407
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(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 limited partnership at its current or last known address or 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 limited partnership, 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 limited partnership's principal office, the resignation of the agent, and a statement that a copy of the notice has been sent to the limited partnership 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. 8412
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(G) A limited partnership may revoke the appointment of an 8426

agent by filing with the secretary of state, on a form prescribed 8427
by the secretary of state, a written appointment of another agent 8428
and a statement that the appointment of the former agent is 8429
revoked. 8430

(H) Except when an original appointment of an agent is filed 8431
with the certificate of limited partnership, a written appointment 8432
of an agent or a written statement filed by a limited partnership 8433
with the secretary of state shall be signed by any authorized 8434
officer of the limited partnership, or the general partners of the 8435
limited partnership, or a majority of them. 8436

Sec. 1782.08. (A) To form a limited partnership, a 8437
certificate of limited partnership shall be executed and filed 8438
with the secretary of state, as provided in section 1782.13 of the 8439
Revised Code. The certificate shall be on a form prescribed by the 8440
secretary of state and shall set forth all of the following: 8441

(1) The name of the limited partnership; 8442

(2) The address of the principal place of business of the 8443
limited partnership ~~and the name and address, including the street~~ 8444
~~and number or other particular description, of the agent for~~ 8445
~~service of process maintained pursuant to section 1782.04 of the~~ 8446
~~Revised Code;~~ 8447

(3) The name and business or residence address of each 8448
general partner; 8449

(4) Any other matters that the general partners determine to 8450
include in the certificate. 8451

(B) A written appointment of a statutory agent for the 8452
purpose set forth in section 1782.04 of the Revised Code shall be 8453
filed with the certificate of limited partnership. 8454

(C) A limited partnership is an entity formed at the time of 8455
filing the certificate of limited partnership pursuant to section 8456

1782.13 of the Revised Code or at any later time specified in the 8457
certificate if, in either case, there has been substantial 8458
compliance with the requirements of ~~division~~ divisions (A) and (B) 8459
of this section. 8460

Sec. 1782.09. (A) A certificate of limited partnership shall 8461
be amended by filing a certificate of amendment with the secretary 8462
of state. The certificate of amendment shall be on a form 8463
prescribed by the secretary of state and shall state all of the 8464
following: 8465

(1) The name of the limited partnership and the file number 8466
assigned to it by the secretary of state; 8467

(2) The date of the first filing of the certificate of 8468
limited partnership and, if different, the date of the first 8469
filing by the partnership with the secretary of state pursuant to 8470
section 1782.63 of the Revised Code; 8471

(3) The amendment to the certificate of limited partnership. 8472

(B) Within thirty days after the occurrence of any of the 8473
following events, an amendment to a certificate of limited 8474
partnership reflecting the occurrence of the event shall be filed 8475
pursuant to division (A) of this section: 8476

(1) A new general partner is admitted; 8477

(2) A general partner withdraws; 8478

(3) The business is continued pursuant to section 1782.44 of 8479
the Revised Code after an event of withdrawal of a general 8480
partner; 8481

(4) The address of the principal place of business of the 8482
limited partnership changes; 8483

~~(5) The name or identity of the statutory agent changes;~~ 8484

~~(6) The address of the statutory agent changes;~~ 8485

~~(7) The name of the limited partnership is changes.~~ 8486

(C) A general partner who becomes aware that any statement in 8487
the certificate of limited partnership was materially false when 8488
made or that any arrangements or other facts described have 8489
changed, thereby making the certificate materially inaccurate, 8490
promptly shall amend the certificate. 8491

~~If the certificate becomes inaccurate because the designated 8492
agent changes the agent's address from that appearing in the 8493
certificate of limited partnership or any subsequent amendment 8494
thereto, the limited partnership, or the designated agent on its 8495
behalf, shall file promptly with the secretary of state, on a form 8496
prescribed by the secretary of state, an amendment setting forth 8497
the new address. 8498~~

(D) A certificate of limited partnership may be amended at 8499
any time for any other proper purpose the general partners 8500
determine. 8501

(E) A person is not liable because an amendment to a 8502
certificate of limited partnership has not been filed to reflect 8503
the occurrence of an event referred to in division (B) of this 8504
section if the amendment is filed within the thirty-day period 8505
specified in that division. 8506

(F) A certificate of limited partnership may be restated at 8507
any time by filing a restatement of the certificate of limited 8508
partnership with the secretary of state. 8509

Sec. 1782.433. (A) Upon the adoption by each constituent 8510
entity of an agreement of merger or consolidation pursuant to 8511
section 1782.431 or 1782.432 of the Revised Code, a certificate of 8512
merger or consolidation shall be filed with the secretary of state 8513
that is signed by an authorized representative of each constituent 8514
entity. The certificate shall be on a form prescribed by the 8515

secretary of state and shall set forth only the information 8516
required by this section. 8517

(B)(1) The certificate of merger or consolidation shall set 8518
forth all of the following: 8519

(a) The name and the form of entity of each constituent 8520
entity and the state under the laws of which each constituent 8521
entity exists; 8522

(b) A statement that each constituent entity has complied 8523
with all of the laws under which it exists and that the laws 8524
permit the merger or consolidation; 8525

(c) The name and mailing address of the person or entity that 8526
is to provide, in response to any written request made by a 8527
shareholder, partner, or other equity holder of a constituent 8528
entity, a copy of the agreement of merger or consolidation; 8529

(d) The effective date of the merger or consolidation, which 8530
date may be on or after the date of the filing of the certificate; 8531

(e) The signature of the representative or representatives 8532
authorized to sign the certificate on behalf of each constituent 8533
entity and the office held or the capacity in which the 8534
representative is acting; 8535

(f) A statement that the agreement of merger or consolidation 8536
is authorized on behalf of each constituent entity and that the 8537
persons who signed the certificate on behalf of each entity are 8538
authorized to do so; 8539

(g) In the case of a merger, a statement that one or more 8540
specified constituent entities will be merged into a specified 8541
surviving entity or, in the case of a consolidation, a statement 8542
that the constituent entities will be consolidated into a new 8543
entity; 8544

(h) In the case of a merger, if the surviving entity is a 8545

foreign entity not licensed to transact business in this state, 8546
the name and address of the statutory agent upon whom any process, 8547
notice, or demand may be served; 8548

(i) In the case of a consolidation, the name and address of 8549
the statutory agent upon whom any process, notice, or demand 8550
against any constituent entity or the new entity may be served. 8551

(2) In the case of a consolidation into a new domestic 8552
corporation, limited liability company, or limited partnership, 8553
the articles of incorporation, the articles of organization, or 8554
the certificate of limited partnership of the new domestic entity 8555
shall be filed with the certificate of merger or consolidation. 8556

(3) In the case of a merger into a domestic corporation, 8557
limited liability company, or limited partnership, any amendments 8558
to the articles of incorporation, articles of organization, or 8559
certificate of limited partnership of the surviving domestic 8560
entity shall be filed with the certificate of merger or 8561
consolidation. 8562

(4) If the surviving or new entity is a foreign entity that 8563
desires to transact business in this state as a foreign 8564
corporation, limited liability company, or limited partnership, 8565
the certificate of merger or consolidation shall be accompanied by 8566
the information required by division (B)(7), (8), or (9) of 8567
section 1782.432 of the Revised Code. 8568

(5) If a foreign or domestic corporation licensed to transact 8569
business in this state is a constituent entity and the surviving 8570
or new entity resulting from the merger or consolidation is not a 8571
foreign or domestic corporation that is to be licensed to transact 8572
business in this state, the certificate of merger or consolidation 8573
shall be accompanied by the affidavits, receipts, certificates, or 8574
other evidence required by division (H) of section 1701.86 of the 8575
Revised Code, with respect to each domestic constituent 8576

corporation, and by the affidavits, receipts, certificates, or
other evidence required by division (C) or (D) of section 1703.17
of the Revised Code, with respect to each foreign constituent
corporation licensed to transact business in this state.

(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.

(D) Upon the filing of a certificate of merger or
consolidation and other filings as described in division (C) of
this section or at any later date that the certificate of merger
or consolidation specifies, the merger or consolidation is
effective.

(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 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

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that county. For that recording, the county recorder shall charge 8609
and collect the same fee as in the case of deeds. 8610

Sec. 1785.06. A professional association, within thirty days 8611
after the thirtieth day of June in each year, shall furnish a 8612
statement to the secretary of state showing the names and 8613
post-office addresses of all of the shareholders in the 8614
association and certifying that all of the shareholders are duly 8615
licensed, certificated, or otherwise legally authorized to render 8616
within this state the same professional service for which the 8617
association was organized or, in the case of a combination of 8618
professional services described in division (B) of section 1785.01 8619
of the Revised Code, to render within this state any of the 8620
applicable types of professional services for which the 8621
association was organized. This statement shall be made on a form 8622
that the secretary of state shall prescribe, shall be signed by an 8623
officer of the association, and shall be filed in the office of 8624
the secretary of state. 8625

If any professional association fails to file the annual 8626
statement within the time required by this section, the secretary 8627
of state shall give notice of the failure by certified mail, 8628
return receipt requested, to the last known address of the 8629
association or its agent. If the annual statement is not filed 8630
within thirty days after the mailing of the notice, the secretary 8631
of state, upon the expiration of that period, shall cancel the 8632
association's articles of incorporation, give notice of the 8633
cancellation to the association by mail sent to the last known 8634
address of the association or its agent, and make a notation of 8635
the cancellation on the records of the secretary of state. 8636

A professional association whose articles have been canceled 8637
pursuant to this section may be reinstated by filing an 8638
application for reinstatement and the required annual statement or 8639
statements and by paying a the reinstatement fee specified in 8640

division (Q) of ~~ten dollars~~ section 111.16 of the Revised Code. 8641
The rights, privileges, and franchises of a professional 8642
association whose articles have been reinstated are subject to 8643
section 1701.922 of the Revised Code. The secretary of state shall 8644
inform the tax commissioner of all cancellations and 8645
reinstatements under this section. 8646

Sec. 1901.26. (A) Subject to division (E) of this section, 8647
costs in a municipal court shall be fixed and taxed as follows: 8648

(1) The municipal court shall require an advance deposit for 8649
the filing of any new civil action or proceeding when required by 8650
division (A)(9) of this section, and in all other cases, by rule, 8651
shall establish a schedule of fees and costs to be taxed in any 8652
civil or criminal action or proceeding. 8653

(2) The municipal court, by rule, may require an advance 8654
deposit for the filing of any civil action or proceeding and 8655
publication fees as provided in section 2701.09 of the Revised 8656
Code. The court may waive the requirement for advance deposit upon 8657
affidavit or other evidence that a party is unable to make the 8658
required deposit. 8659

(3) When a jury trial is demanded in any civil action or 8660
proceeding, the party making the demand may be required to make an 8661
advance deposit as fixed by rule of court, unless, upon affidavit 8662
or other evidence, the court concludes that the party is unable to 8663
make the required deposit. If a jury is called, the fees of a jury 8664
shall be taxed as costs. 8665

(4) In any civil or criminal action or proceeding, witnesses' 8666
fees shall be fixed in accordance with sections 2335.06 and 8667
2335.08 of the Revised Code. 8668

(5) A reasonable charge for driving, towing, carting, 8669
storing, keeping, and preserving motor vehicles and other personal 8670
property recovered or seized in any proceeding may be taxed as 8671

part of the costs in a trial of the cause, in an amount that shall
be fixed by rule of court.

(6) Chattel property seized under any writ or process issued
by the court shall be preserved pending final disposition for the
benefit of all persons interested and may be placed in storage
when necessary or proper for that preservation. The custodian of
any chattel property so stored shall not be required to part with
the possession of the property until a reasonable charge, to be
fixed by the court, is paid.

(7) The municipal court, as it determines, may refund all
deposits and advance payments of fees and costs, including those
for jurors and summoning jurors, when they have been paid by the
losing party.

(8) Charges for the publication of legal notices required by
statute or order of court may be taxed as part of the costs, as
provided by section 7.13 of the Revised Code.

(B)(1) The municipal court may determine that, for the
efficient operation of the court, additional funds are necessary
to acquire and pay for special projects of the court including,
but not limited to, the acquisition of additional facilities or
the rehabilitation of existing facilities, the acquisition of
equipment, the hiring and training of staff, community service
programs, mediation or dispute resolution services, the employment
of magistrates, the training and education of judges, acting
judges, and magistrates, and other related services. Upon that
determination, the court by rule may charge a fee, in addition to
all other court costs, on the filing of each criminal cause, civil
action or proceeding, or judgment by confession.

If the municipal court offers a special program or service in
cases of a specific type, the municipal court by rule may assess
an additional charge in a case of that type, over and above court

costs, to cover the special program or service. The municipal
court shall adjust the special assessment periodically, but not
retroactively, so that the amount assessed in those cases does not
exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall
be paid to the county treasurer if the court is a county-operated
municipal court or to the city treasurer if the court is not a
county-operated municipal court for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (B) of this section, the municipal court may order
that moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or
subsection of the same statute or ordinance, unless each charge is
filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation
that must be determined by judgment entry.

~~(C) Prior to January 1, 1993, and on and after January 1,
2003, the municipal court shall collect the sum of four dollars as~~

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~~additional filing fees in each new civil action or proceeding for~~ 8734
~~the charitable public purpose of providing financial assistance to~~ 8735
~~legal aid societies that operate within the state. From January 1,~~ 8736
~~1993, through December 31, 2002, the~~ The municipal court shall 8737
collect in all its divisions except the small claims division the 8738
sum of fifteen dollars as additional filing fees in each new civil 8739
action or proceeding for the charitable public purpose of 8740
providing financial assistance to legal aid societies that operate 8741
within the state. ~~From January 1, 1993, through December 31, 2002,~~ 8742
~~the~~ The municipal court shall collect in its small claims division 8743
the sum of seven dollars as additional filing fees in each new 8744
civil action or proceeding for the charitable public purpose of 8745
providing financial assistance to legal aid societies that operate 8746
within the state. This division does not apply to any execution on 8747
a judgment, proceeding in aid of execution, or other post-judgment 8748
proceeding arising out of a civil action. The filing fees required 8749
to be collected under this division shall be in addition to any 8750
other court costs imposed in the action or proceeding and shall be 8751
collected at the time of the filing of the action or proceeding. 8752
The court shall not waive the payment of the additional filing 8753
fees in a new civil action or proceeding unless the court waives 8754
the advanced payment of all filing fees in the action or 8755
proceeding. All such moneys shall be transmitted on the first 8756
business day of each month by the clerk of the court to the 8757
treasurer of state. The moneys then shall be deposited by the 8758
treasurer of state to the credit of the legal aid fund established 8759
under section 120.52 of the Revised Code. 8760

The court may retain up to one per cent of the moneys it 8761
collects under this division to cover administrative costs, 8762
including the hiring of any additional personnel necessary to 8763
implement this division. 8764

(D) In the Cleveland municipal court, reasonable charges for 8765

investigating titles of real estate to be sold or disposed of 8766
under any writ or process of the court may be taxed as part of the 8767
costs. 8768

(E) Under the circumstances described in sections 2969.21 to 8769
2969.27 of the Revised Code, the clerk of the municipal court 8770
shall charge the fees and perform the other duties specified in 8771
those sections. 8772

Sec. 1907.24. (A) Subject to division (C) of this section, a 8773
county court shall fix and tax fees and costs as follows: 8774

(1) The county court shall require an advance deposit for the 8775
filing of any new civil action or proceeding when required by 8776
division (C) of this section and, in all other cases, shall 8777
establish a schedule of fees and costs to be taxed in any civil or 8778
criminal action or proceeding. 8779

(2) The county court by rule may require an advance deposit 8780
for the filing of a civil action or proceeding and publication 8781
fees as provided in section 2701.09 of the Revised Code. The court 8782
may waive an advance deposit requirement upon the presentation of 8783
an affidavit or other evidence that establishes that a party is 8784
unable to make the requisite deposit. 8785

(3) When a party demands a jury trial in a civil action or 8786
proceeding, the county court may require the party to make an 8787
advance deposit as fixed by rule of court, unless the court 8788
concludes, on the basis of an affidavit or other evidence 8789
presented by the party, that the party is unable to make the 8790
requisite deposit. If a jury is called, the county court shall tax 8791
the fees of a jury as costs. 8792

(4) In a civil or criminal action or proceeding, the county 8793
court shall fix the fees of witnesses in accordance with sections 8794
2335.06 and 2335.08 of the Revised Code. 8795

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(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

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If the county court offers a special program or service in cases of a specific type, the county court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The county court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (B) of this section, the county court may order that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(C) Subject to division (E) of this section, ~~prior to January~~

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~~1, 1993, and on and after January 1, 2003, the county court shall~~ 8858
~~collect the sum of four dollars as additional filing fees in each~~ 8859
~~new civil action or proceeding for the charitable public purpose~~ 8860
~~of providing financial assistance to legal aid societies that~~ 8861
~~operate within the state. Subject to division (E) of this section,~~ 8862
~~from January 1, 1993, through December 31, 2002, the county court~~ 8863
shall collect in all its divisions except the small claims 8864
division the sum of fifteen dollars as additional filing fees in 8865
each new civil action or proceeding for the charitable public 8866
purpose of providing financial assistance to legal aid societies 8867
that operate within the state. Subject to division (E) of this 8868
section, ~~from January 1, 1993, through December 31, 2002, the~~ 8869
county court shall collect in its small claims division the sum of 8870
seven dollars as additional filing fees in each new civil action 8871
or proceeding for the charitable public purpose of providing 8872
financial assistance to legal aid societies that operate within 8873
the state. This division does not apply to any execution on a 8874
judgment, proceeding in aid of execution, or other post-judgment 8875
proceeding arising out of a civil action. The filing fees required 8876
to be collected under this division shall be in addition to any 8877
other court costs imposed in the action or proceeding and shall be 8878
collected at the time of the filing of the action or proceeding. 8879
The court shall not waive the payment of the additional filing 8880
fees in a new civil action or proceeding unless the court waives 8881
the advanced payment of all filing fees in the action or 8882
proceeding. All such moneys collected during a month shall be 8883
transmitted on or before the twentieth day of the following month 8884
by the clerk of the court to the treasurer of state. The moneys 8885
then shall be deposited by the treasurer of state to the credit of 8886
the legal aid fund established under section 120.52 of the Revised 8887
Code. 8888

The court may retain up to one per cent of the moneys it 8889
collects under this division to cover administrative costs, 8890

including the hiring of any additional personnel necessary to 8891
implement this division. 8892

(D) The county court shall establish by rule a schedule of 8893
fees for miscellaneous services performed by the county court or 8894
any of its judges in accordance with law. If judges of the court 8895
of common pleas perform similar services, the fees prescribed in 8896
the schedule shall not exceed the fees for those services 8897
prescribed by the court of common pleas. 8898

(E) Under the circumstances described in sections 2969.21 to 8899
2969.27 of the Revised Code, the clerk of the county court shall 8900
charge the fees and perform the other duties specified in those 8901
sections. 8902

Sec. 2151.34. A child who is alleged to be or adjudicated a 8903
delinquent child may be confined in a place of juvenile detention 8904
for a period not to exceed ninety days, during which time a social 8905
history may be prepared to include court record, family history, 8906
personal history, school and attendance records, and any other 8907
pertinent studies and material that will be of assistance to the 8908
juvenile court in its disposition of the charges against that 8909
juvenile offender. 8910

Upon the advice and recommendation of the judge, the board of 8911
county commissioners shall provide, by purchase, lease, 8912
construction, or otherwise, a place to be known as a detention 8913
home that shall be within a convenient distance of the juvenile 8914
court and shall not be used for the confinement of adults charged 8915
with criminal offenses and in which delinquent children may be 8916
detained until final disposition. Upon the joint advice and 8917
recommendation of the juvenile judges of two or more adjoining or 8918
neighboring counties, the boards of county commissioners of the 8919
counties shall form themselves into a joint board and proceed to 8920
organize a district for the establishment and support of a 8921

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detention home for the use of the juvenile courts of those 8922
counties, in which delinquent children may be detained until final 8923
disposition, by using a site or buildings already established in 8924
one of the counties or by providing for the purchase of a site and 8925
the erection of the necessary buildings on the site. 8926

A child who is adjudicated to be a juvenile traffic offender 8927
for having committed a violation of division (A) of section 8928
4511.19 of the Revised Code or of a municipal ordinance that is 8929
substantially comparable to that division may be confined in a 8930
detention home or district detention home pursuant to division 8931
(A)(6) of section 2151.356 of the Revised Code, provided the child 8932
is kept separate and apart from alleged delinquent children. 8933

The county or district detention home shall be maintained as 8934
provided in sections 2151.01 to 2151.54 of the Revised Code. In 8935
any county in which there is no detention home or that is not 8936
served by a district detention home, the board of county 8937
commissioners shall provide funds for the boarding of such 8938
children temporarily in private homes. Children who are alleged to 8939
be or have been adjudicated delinquent children may be detained 8940
after a complaint is filed in the detention home until final 8941
disposition of their cases or in certified foster homes or in any 8942
other home approved by the court, if any are available, for a 8943
period not exceeding sixty days or until final disposition of 8944
their cases, whichever comes first. The court also may arrange 8945
with any public children services agency or private child placing 8946
agency to receive, or private noncustodial agency for temporary 8947
care of, the children within the jurisdiction of the court. A 8948
~~district detention home approved for such purpose by the~~ 8949
~~department of youth services under section 5139.281 of the Revised~~ 8950
~~Code may receive children committed to its temporary custody under~~ 8951
~~section 2151.355 of the Revised Code and provide the care,~~ 8952
~~treatment, and training required.~~ 8953

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If a detention home is established as an agency of the court 8954
or a district detention home is established by the courts of 8955
several counties as provided in this section, it shall be 8956
furnished and carried on, as far as possible, as a family home in 8957
charge of a superintendent or matron in a nonpunitive neutral 8958
atmosphere. The judge, or the directing board of a district 8959
detention home, may appoint a superintendent, a matron, and other 8960
necessary employees for the home and fix their salaries. During 8961
the school year, when possible, a comparable educational program 8962
with competent and trained staff shall be provided for those 8963
children of school age. A sufficient number of trained 8964
recreational personnel shall be included among the staff to assure 8965
wholesome and profitable leisure-time activities. Medical and 8966
mental health services shall be made available to ensure the 8967
courts all possible treatment facilities shall be given to those 8968
children placed under their care. In the case of a county 8969
detention home, the salaries shall be paid in the same manner as 8970
is provided by section 2151.13 of the Revised Code for other 8971
employees of the court, and the necessary expenses incurred in 8972
maintaining the detention home shall be paid by the county. In the 8973
case of a district detention home, the salaries and the necessary 8974
expenses incurred in maintaining the district detention home shall 8975
be paid as provided in sections 2151.341 to 2151.3415 of the 8976
Revised Code. 8977

If the court arranges for the board of children temporarily 8978
detained in certified foster homes or arranges for the board of 8979
those children through any private child placing agency, a 8980
reasonable sum to be fixed by the court for the board of those 8981
children shall be paid by the county. In order to have certified 8982
foster homes available for service, an agreed monthly subsidy may 8983
be paid and a fixed rate per day for care of children actually 8984
residing in the certified foster home. 8985

Sec. 2303.201. (A)(1) The court of common pleas of any county 8986
may determine that for the efficient operation of the court 8987
additional funds are required to computerize the court, to make 8988
available computerized legal research services, or to do both. 8989
Upon making a determination that additional funds are required for 8990
either or both of those purposes, the court shall authorize and 8991
direct the clerk of the court of common pleas to charge one 8992
additional fee, not to exceed three dollars, on the filing of each 8993
cause of action or appeal under divisions (A), (Q), and (U) of 8994
section 2303.20 of the Revised Code. 8995

(2) All fees collected under division (A)(1) of this section 8996
shall be paid to the county treasurer. The treasurer shall place 8997
the funds from the fees in a separate fund to be disbursed, upon 8998
an order of the court, in an amount not greater than the actual 8999
cost to the court of procuring and maintaining computerization of 9000
the court, computerized legal research services, or both. 9001

(3) If the court determines that the funds in the fund 9002
described in division (A)(2) of this section are more than 9003
sufficient to satisfy the purpose for which the additional fee 9004
described in division (A)(1) of this section was imposed, the 9005
court may declare a surplus in the fund and expend those surplus 9006
funds for other appropriate technological expenses of the court. 9007

(B)(1) The court of common pleas of any county may determine 9008
that, for the efficient operation of the court, additional funds 9009
are required to computerize the office of the clerk of the court 9010
of common pleas and, upon that determination, authorize and direct 9011
the clerk of the court of common pleas to charge an additional 9012
fee, not to exceed ten dollars, on the filing of each cause of 9013
action or appeal, on the filing, docketing, and endorsing of each 9014
certificate of judgment, or on the docketing and indexing of each 9015
aid in execution or petition to vacate, revive, or modify a 9016

judgment under divisions (A), (P), (Q), (T), and (U) of section 9017
2303.20 of the Revised Code. Subject to division (B)(2) of this 9018
section, all moneys collected under division (B)(1) of this 9019
section shall be paid to the county treasurer to be disbursed, 9020
upon an order of the court of common pleas and subject to 9021
appropriation by the board of county commissioners, in an amount 9022
no greater than the actual cost to the court of procuring and 9023
maintaining computer systems for the office of the clerk of the 9024
court of common pleas. 9025

(2) If the court of common pleas of a county makes the 9026
determination described in division (B)(1) of this section, the 9027
board of county commissioners of that county may issue one or more 9028
general obligation bonds for the purpose of procuring and 9029
maintaining the computer systems for the office of the clerk of 9030
the court of common pleas. In addition to the purposes stated in 9031
division (B)(1) of this section for which the moneys collected 9032
under that division may be expended, the moneys additionally may 9033
be expended to pay debt charges on and financing costs related to 9034
any general obligation bonds issued pursuant to division (B)(2) of 9035
this section as they become due. General obligation bonds issued 9036
pursuant to division (B)(2) of this section are Chapter 133. 9037
securities. 9038

~~(C) Prior to January 1, 1993, and on and after January 1,~~ 9039
~~2003, the court of common pleas shall collect the sum of four~~ 9040
~~dollars as additional filing fees in each new civil action or~~ 9041
~~proceeding for the charitable public purpose of providing~~ 9042
~~financial assistance to legal aid societies that operate within~~ 9043
~~the state. From January 1, 1993, through December 31, 2002, the~~ 9044
The court of common pleas shall collect the sum of fifteen dollars 9045
as additional filing fees in each new civil action or proceeding 9046
for the charitable public purpose of providing financial 9047
assistance to legal aid societies that operate within the state. 9048

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This division does not apply to proceedings concerning annulments, 9049
dissolutions of marriage, divorces, legal separation, spousal 9050
support, marital property or separate property distribution, 9051
support, or other domestic relations matters; to a juvenile 9052
division of a court of common pleas; to a probate division of a 9053
court of common pleas, except that the additional filing fees 9054
shall apply to name change, guardianship, and adoption 9055
proceedings; or to an execution on a judgment, proceeding in aid 9056
of execution, or other post-judgment proceeding arising out of a 9057
civil action. The filing fees required to be collected under this 9058
division shall be in addition to any other filing fees imposed in 9059
the action or proceeding and shall be collected at the time of the 9060
filing of the action or proceeding. The court shall not waive the 9061
payment of the additional filing fees in a new civil action or 9062
proceeding unless the court waives the advanced payment of all 9063
filing fees in the action or proceeding. All such moneys collected 9064
during a month shall be transmitted on or before the twentieth day 9065
of the following month by the clerk of the court to the treasurer 9066
of state. The moneys then shall be deposited by the treasurer of 9067
state to the credit of the legal aid fund established under 9068
section 120.52 of the Revised Code. 9069

The court may retain up to one per cent of the moneys it 9070
collects under this division to cover administrative costs, 9071
including the hiring of any additional personnel necessary to 9072
implement this division. 9073

(D) On and after the thirtieth day after December 9, 1994, 9074
the court of common pleas shall collect the sum of thirty-two 9075
dollars as additional filing fees in each new action or proceeding 9076
for annulment, divorce, or dissolution of marriage for the purpose 9077
of funding shelters for victims of domestic violence pursuant to 9078
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 9079
required to be collected under this division shall be in addition 9080

to any other filing fees imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new action or proceeding for annulment, divorce, or dissolution of marriage unless the court waives the advanced payment of all filing fees in the action or proceeding. On or before the twentieth day of each month, all moneys collected during the immediately preceding month pursuant to this division shall be deposited by the clerk of the court into the county treasury in the special fund used for deposit of additional marriage license fees as described in section 3113.34 of the Revised Code. Upon their deposit into the fund, the moneys shall be retained in the fund and expended only as described in section 3113.34 of the Revised Code.

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers a special program or service in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the

actual cost of providing the service or program. 9113

All moneys collected under division (E) of this section shall 9114
be paid to the county treasurer for deposit into either a general 9115
special projects fund or a fund established for a specific special 9116
project. Moneys from a fund of that nature shall be disbursed upon 9117
an order of the court in an amount no greater than the actual cost 9118
to the court of a project. If a specific fund is terminated 9119
because of the discontinuance of a program or service established 9120
under division (E) of this section, the court may order that 9121
moneys remaining in the fund be transferred to an account 9122
established under this division for a similar purpose. 9123

(2) As used in division (E) of this section: 9124

(a) "Criminal cause" means a charge alleging the violation of 9125
a statute or ordinance, or subsection of a statute or ordinance, 9126
that requires a separate finding of fact or a separate plea before 9127
disposition and of which the defendant may be found guilty, 9128
whether filed as part of a multiple charge on a single summons, 9129
citation, or complaint or as a separate charge on a single 9130
summons, citation, or complaint. "Criminal cause" does not include 9131
separate violations of the same statute or ordinance, or 9132
subsection of the same statute or ordinance, unless each charge is 9133
filed on a separate summons, citation, or complaint. 9134

(b) "Civil action or proceeding" means any civil litigation 9135
that must be determined by judgment entry. 9136

Sec. 2317.02. The following persons shall not testify in 9137
certain respects: 9138

(A) An attorney, concerning a communication made to the 9139
attorney by a client in that relation or the attorney's advice to 9140
a client, except that the attorney may testify by express consent 9141
of the client or, if the client is deceased, by the express 9142

consent of the surviving spouse or the executor or administrator 9143
of the estate of the deceased client and except that, if the 9144
client voluntarily testifies or is deemed by section 2151.421 of 9145
the Revised Code to have waived any testimonial privilege under 9146
this division, the attorney may be compelled to testify on the 9147
same subject; 9148

(B)(1) A physician or a dentist concerning a communication 9149
made to the physician or dentist by a patient in that relation or 9150
the physician's or dentist's advice to a patient, except as 9151
otherwise provided in this division, division (B)(2), and division 9152
(B)(3) of this section, and except that, if the patient is deemed 9153
by section 2151.421 of the Revised Code to have waived any 9154
testimonial privilege under this division, the physician may be 9155
compelled to testify on the same subject. 9156

The testimonial privilege established under this division 9157
does not apply, and a physician or dentist may testify or may be 9158
compelled to testify, in any of the following circumstances: 9159

(a) In any civil action, in accordance with the discovery 9160
provisions of the Rules of Civil Procedure in connection with a 9161
civil action, or in connection with a claim under Chapter 4123. of 9162
the Revised Code, under any of the following circumstances: 9163

(i) If the patient or the guardian or other legal 9164
representative of the patient gives express consent; 9165

(ii) If the patient is deceased, the spouse of the patient or 9166
the executor or administrator of the patient's estate gives 9167
express consent; 9168

(iii) If a medical claim, dental claim, chiropractic claim, 9169
or optometric claim, as defined in section 2305.11 of the Revised 9170
Code, an action for wrongful death, any other type of civil 9171
action, or a claim under Chapter 4123. of the Revised Code is 9172
filed by the patient, the personal representative of the estate of 9173

the patient if deceased, or the patient's guardian or other legal representative. 9174
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(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code. 9176
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(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the patient's blood, breath, urine, or other bodily substance at any time relevant to the criminal offense in question. 9183
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(d) In any criminal action against a physician or dentist. In such an action, the testimonial privilege established under this division does not prohibit the admission into evidence, in accordance with the Rules of Evidence, of a patient's medical or dental records or other communications between a patient and the physician or dentist that are related to the action and obtained by subpoena, search warrant, or other lawful means. A court that permits or compels a physician or dentist to testify in such an action or permits the introduction into evidence of patient records or other communications in such an action shall require that appropriate measures be taken to ensure that the confidentiality of any patient named or otherwise identified in the records is maintained. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records. 9188
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(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or 9203
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that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, or alcohol and a drug of abuse in the person's blood, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy of any of the requested records the provider possesses. If the health care provider does not possess any of the requested records, the provider shall give the officer a written statement that indicates that the provider does not possess any of the requested records.

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the person in question at any time relevant to the criminal offense in question, in lieu of personally testifying as to the results of the test in question, the custodian of the records may submit a certified copy of the records, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of records submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test to which the records pertain, the person under whose supervision the test was administered, the custodian of the records, the person who made the records, or the person under whose supervision the records were made.

(3)(a) If the testimonial privilege described in division 9237

(B)(1) of this section does not apply as provided in division 9238
(B)(1)(a)(iii) of this section, a physician or dentist may be 9239
compelled to testify or to submit to discovery under the Rules of 9240
Civil Procedure only as to a communication made to the physician 9241
or dentist by the patient in question in that relation, or the 9242
physician's or dentist's advice to the patient in question, that 9243
related causally or historically to physical or mental injuries 9244
that are relevant to issues in the medical claim, dental claim, 9245
chiropractic claim, or optometric claim, action for wrongful 9246
death, other civil action, or claim under Chapter 4123. of the 9247
Revised Code. 9248

(b) If the testimonial privilege described in division (B)(1) 9249
of this section does not apply to a physician or dentist as 9250
provided in division (B)(1)(c) of this section, the physician or 9251
dentist, in lieu of personally testifying as to the results of the 9252
test in question, may submit a certified copy of those results, 9253
and, upon its submission, the certified copy is qualified as 9254
authentic evidence and may be admitted as evidence in accordance 9255
with the Rules of Evidence. Division (A) of section 2317.422 of 9256
the Revised Code does not apply to any certified copy of results 9257
submitted in accordance with this division. Nothing in this 9258
division shall be construed to limit the right of any party to 9259
call as a witness the person who administered the test in 9260
question, the person under whose supervision the test was 9261
administered, the custodian of the results of the test, the person 9262
who compiled the results, or the person under whose supervision 9263
the results were compiled. 9264

(4) The testimonial privilege described in division (B)(1) of 9265
this section is not waived when a communication is made by a 9266
physician to a pharmacist or when there is communication between a 9267
patient and a pharmacist in furtherance of the physician-patient 9268
relation. 9269

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(5)(a) As used in divisions (B)(1) to (4) of this section, 9270
"communication" means acquiring, recording, or transmitting any 9271
information, in any manner, concerning any facts, opinions, or 9272
statements necessary to enable a physician or dentist to diagnose, 9273
treat, prescribe, or act for a patient. A "communication" may 9274
include, but is not limited to, any medical or dental, office, or 9275
hospital communication such as a record, chart, letter, 9276
memorandum, laboratory test and results, x-ray, photograph, 9277
financial statement, diagnosis, or prognosis. 9278

(b) As used in division (B)(2) of this section, "health care 9279
provider" ~~has the same meaning as in section 3729.01 of the~~ 9280
~~Revised Code means a hospital, ambulatory care facility, long-term~~ 9281
~~care facility, pharmacy, emergency facility, or health care~~ 9282
~~practitioner.~~ 9283

(c) As used in division (B)(5)(b) of this section: 9284

(i) "Ambulatory care facility" means a facility that provides 9285
medical, diagnostic, or surgical treatment to patients who do not 9286
require hospitalization, including a dialysis center, ambulatory 9287
surgical facility, cardiac catheterization facility, diagnostic 9288
imaging center, extracorporeal shock wave lithotripsy center, home 9289
health agency, inpatient hospice, birthing center, radiation 9290
therapy center, emergency facility, and an urgent care center. 9291
"Ambulatory health care facility" does not include the private 9292
office of a physician or dentist, whether the office is for an 9293
individual or group practice. 9294

(ii) "Emergency facility" means a hospital emergency 9295
department or any other facility that provides emergency medical 9296
services. 9297

(iii) "Health care practitioner" has the same meaning as in 9298
section 4769.01 of the Revised Code. 9299

(iv) "Hospital" has the same meaning as in section 3727.01 of 9300

the Revised Code. 9301

(v) "Long-term care facility" means a nursing home, 9302
residential care facility, or home for the aging, as those terms 9303
are defined in section 3721.01 of the Revised Code; an adult care 9304
facility, as defined in section 3722.01 of the Revised Code; a 9305
nursing facility or intermediate care facility for the mentally 9306
retarded, as those terms are defined in section 5111.20 of the 9307
Revised Code; a facility or portion of a facility certified as a 9308
skilled nursing facility under Title XVIII of the "Social Security 9309
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 9310

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 9311
the Revised Code. 9312

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 9313
apply to doctors of medicine, doctors of osteopathic medicine, 9314
doctors of podiatry, and dentists. 9315

(7) Nothing in divisions (B)(1) to (6) of this section 9316
affects, or shall be construed as affecting, the immunity from 9317
civil liability conferred by section 307.628 or 2305.33 of the 9318
Revised Code upon physicians who report an employee's use of a 9319
drug of abuse, or a condition of an employee other than one 9320
involving the use of a drug of abuse, to the employer of the 9321
employee in accordance with division (B) of that section. As used 9322
in division (B)(7) of this section, "employee," "employer," and 9323
"physician" have the same meanings as in section 2305.33 of the 9324
Revised Code. 9325

(C) A member of the clergy, rabbi, priest, or regularly 9326
ordained, accredited, or licensed minister of an established and 9327
legally cognizable church, denomination, or sect, when the member 9328
of the clergy, rabbi, priest, or minister remains accountable to 9329
the authority of that church, denomination, or sect, concerning a 9330
confession made, or any information confidentially communicated, 9331

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to the member of the clergy, rabbi, priest, or minister for a 9332
religious counseling purpose in the member of the clergy's, 9333
rabbi's, priest's, or minister's professional character; however, 9334
the member of the clergy, rabbi, priest, or minister may testify 9335
by express consent of the person making the communication, except 9336
when the disclosure of the information is in violation of a sacred 9337
trust; 9338

(D) Husband or wife, concerning any communication made by one 9339
to the other, or an act done by either in the presence of the 9340
other, during coverture, unless the communication was made, or act 9341
done, in the known presence or hearing of a third person competent 9342
to be a witness; and such rule is the same if the marital relation 9343
has ceased to exist; 9344

(E) A person who assigns a claim or interest, concerning any 9345
matter in respect to which the person would not, if a party, be 9346
permitted to testify; 9347

(F) A person who, if a party, would be restricted under 9348
section 2317.03 of the Revised Code, when the property or thing is 9349
sold or transferred by an executor, administrator, guardian, 9350
trustee, heir, devisee, or legatee, shall be restricted in the 9351
same manner in any action or proceeding concerning the property or 9352
thing. 9353

(G)(1) A school guidance counselor who holds a valid educator 9354
license from the state board of education as provided for in 9355
section 3319.22 of the Revised Code, a person licensed under 9356
Chapter 4757. of the Revised Code as a professional clinical 9357
counselor, professional counselor, social worker, or independent 9358
social worker, or registered under Chapter 4757. of the Revised 9359
Code as a social work assistant concerning a confidential 9360
communication received from a client in that relation or the 9361
person's advice to a client unless any of the following applies: 9362

(a) The communication or advice indicates clear and present danger to the client or other persons. For the purposes of this division, cases in which there are indications of present or past child abuse or neglect of the client constitute a clear and present danger.

(b) The client gives express consent to the testimony.

(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.

(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client or social worker-client relationship.

(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.

(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under ~~chapter~~ Chapter 2151. of the Revised Code.

(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section

2151.421 of the Revised Code. 9394

(H) A mediator acting under a mediation order issued under 9395
division (A) of section 3109.052 of the Revised Code or otherwise 9396
issued in any proceeding for divorce, dissolution, legal 9397
separation, annulment, or the allocation of parental rights and 9398
responsibilities for the care of children, in any action or 9399
proceeding, other than a criminal, delinquency, child abuse, child 9400
neglect, or dependent child action or proceeding, that is brought 9401
by or against either parent who takes part in mediation in 9402
accordance with the order and that pertains to the mediation 9403
process, to any information discussed or presented in the 9404
mediation process, to the allocation of parental rights and 9405
responsibilities for the care of the parents' children, or to the 9406
awarding of parenting time rights in relation to their children; 9407

(I) A communications assistant, acting within the scope of 9408
the communication assistant's authority, when providing 9409
telecommunications relay service pursuant to section 4931.35 of 9410
the Revised Code or Title II of the "Communications Act of 1934," 9411
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 9412
made through a telecommunications relay service. Nothing in this 9413
section shall limit the obligation of a communications assistant 9414
to divulge information or testify when mandated by federal law or 9415
regulation or pursuant to subpoena in a criminal proceeding. 9416

Nothing in this section shall limit any immunity or privilege 9417
granted under federal law or regulation. 9418

(J)(1) A chiropractor in a civil proceeding concerning a 9419
communication made to the chiropractor by a patient in that 9420
relation or the chiropractor's advice to a patient, except as 9421
otherwise provided in this division. The testimonial privilege 9422
established under this division does not apply, and a chiropractor 9423
may testify or may be compelled to testify, in any civil action, 9424
in accordance with the discovery provisions of the Rules of Civil 9425

Procedure in connection with a civil action, or in connection with
a claim under Chapter 4123. of the Revised Code, under any of the
following circumstances:

(a) If the patient or the guardian or other legal
representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or
the executor or administrator of the patient's estate gives
express consent.

(c) If a medical claim, dental claim, chiropractic claim, or
optometric claim, as defined in section 2305.11 of the Revised
Code, an action for wrongful death, any other type of civil
action, or a claim under Chapter 4123. of the Revised Code is
filed by the patient, the personal representative of the estate of
the patient if deceased, or the patient's guardian or other legal
representative.

(2) If the testimonial privilege described in division (J)(1)
of this section does not apply as provided in division (J)(1)(c)
of this section, a chiropractor may be compelled to testify or to
submit to discovery under the Rules of Civil Procedure only as to
a communication made to the chiropractor by the patient in
question in that relation, or the chiropractor's advice to the
patient in question, that related causally or historically to
physical or mental injuries that are relevant to issues in the
medical claim, dental claim, chiropractic claim, or optometric
claim, action for wrongful death, other civil action, or claim
under Chapter 4123. of the Revised Code.

(3) The testimonial privilege established under this division
does not apply, and a chiropractor may testify or be compelled to
testify, in any criminal action or administrative proceeding.

(4) As used in this division, "communication" means

acquiring, recording, or transmitting any information, in any 9457
manner, concerning any facts, opinions, or statements necessary to 9458
enable a chiropractor to diagnosis, treat, or act for a patient. A 9459
communication may include, but is not limited to, any 9460
chiropractic, office, or hospital communication such as a record, 9461
chart, letter, memorandum, laboratory test and results, x-ray, 9462
photograph, financial statement, diagnosis, or prognosis. 9463

Sec. 2317.022. (A) As used in this section, "health care 9464
provider" has the same meaning as in section ~~3729.01~~ 2317.02 of 9465
the Revised Code. 9466

(B) If an official criminal investigation has begun regarding 9467
a person or if a criminal action or proceeding is commenced 9468
against a person, any law enforcement officer who wishes to obtain 9469
from any health care provider a copy of any records the provider 9470
possesses that pertain to any test or the result of any test 9471
administered to the person to determine the presence or 9472
concentration of alcohol, a drug of abuse, or alcohol and a drug 9473
of abuse in the person's blood, breath, or urine at any time 9474
relevant to the criminal offense in question shall submit to the 9475
health care facility a written statement in the following form: 9476

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 9477

To: (insert name of the health care 9478
provider in question). 9479

I hereby state that an official criminal investigation has 9480
begun regarding, or a criminal action or proceeding has been 9481
commenced against, (insert the name of the 9482
person in question), and that I believe that one or more tests has 9483
been administered to ~~him~~ that person by this health care provider 9484
to determine the presence or concentration of alcohol, a drug of 9485
abuse, or alcohol and a drug of abuse in ~~his~~ that person's blood, 9486
breath, or urine at a time relevant to the criminal offense in 9487

question. Therefore, I hereby request that, pursuant to division 9488
(B)(2) of section 2317.02 of the Revised Code, this health care 9489
provider supply me with copies of any records the provider 9490
possesses that pertain to any test or the results of any test 9491
administered to the person specified above to determine the 9492
presence or concentration of alcohol, a drug of abuse, or alcohol 9493
and a drug of abuse in ~~his~~ that person's blood, breath, or urine 9494
at any time relevant to the criminal offense in question. 9495

..... 9496

(Name of officer) 9497

..... 9498

(Officer's title) 9499

..... 9500

(Officer's employing agency) 9501

..... 9502

(Officer's telephone number) 9503

..... 9504

..... 9505

..... 9506

(Agency's address) 9507

..... 9508

(Date written statement submitted)" 9509

(C) A health care provider that receives a written statement 9510
of the type described in division (B) of this section shall comply 9511
with division (B)(2) of section 2317.02 of the Revised Code 9512
relative to the written statement. 9513

Sec. 2329.66. (A) Every person who is domiciled in this state 9514
may hold property exempt from execution, garnishment, attachment, 9515

or sale to satisfy a judgment or order, as follows: 9516

(1)(a) In the case of a judgment or order regarding money 9517
owed for health care services rendered or health care supplies 9518
provided to the person or a dependent of the person, one parcel or 9519
item of real or personal property that the person or a dependent 9520
of the person uses as a residence. Division (A)(1)(a) of this 9521
section does not preclude, affect, or invalidate the creation 9522
under this chapter of a judgment lien upon the exempted property 9523
but only delays the enforcement of the lien until the property is 9524
sold or otherwise transferred by the owner or in accordance with 9525
other applicable laws to a person or entity other than the 9526
surviving spouse or surviving minor children of the judgment 9527
debtor. Every person who is domiciled in this state may hold 9528
exempt from a judgment lien created pursuant to division (A)(1)(a) 9529
of this section the person's interest, not to exceed five thousand 9530
dollars, in the exempted property. 9531

(b) In the case of all other judgments and orders, the 9532
person's interest, not to exceed five thousand dollars, in one 9533
parcel or item of real or personal property that the person or a 9534
dependent of the person uses as a residence. 9535

(2) The person's interest, not to exceed one thousand 9536
dollars, in one motor vehicle; 9537

(3) The person's interest, not to exceed two hundred dollars 9538
in any particular item, in wearing apparel, beds, and bedding, and 9539
the person's interest, not to exceed three hundred dollars in each 9540
item, in one cooking unit and one refrigerator or other food 9541
preservation unit; 9542

(4)(a) The person's interest, not to exceed four hundred 9543
dollars, in cash on hand, money due and payable, money to become 9544
due within ninety days, tax refunds, and money on deposit with a 9545
bank, savings and loan association, credit union, public utility, 9546
landlord, or other person. Division (A)(4)(a) of this section 9547

applies only in bankruptcy proceedings. This exemption may include 9548
the portion of personal earnings that is not exempt under division 9549
(A)(13) of this section. 9550

(b) Subject to division (A)(4)(d) of this section, the 9551
person's interest, not to exceed two hundred dollars in any 9552
particular item, in household furnishings, household goods, 9553
appliances, books, animals, crops, musical instruments, firearms, 9554
and hunting and fishing equipment, that are held primarily for the 9555
personal, family, or household use of the person; 9556

(c) Subject to division (A)(4)(d) of this section, the 9557
person's interest in one or more items of jewelry, not to exceed 9558
four hundred dollars in one item of jewelry and not to exceed two 9559
hundred dollars in every other item of jewelry; 9560

(d) Divisions (A)(4)(b) and (c) of this section do not 9561
include items of personal property listed in division (A)(3) of 9562
this section. 9563

If the person does not claim an exemption under division 9564
(A)(1) of this section, the total exemption claimed under division 9565
(A)(4)(b) of this section shall be added to the total exemption 9566
claimed under division (A)(4)(c) of this section, and the total 9567
shall not exceed two thousand dollars. If the person claims an 9568
exemption under division (A)(1) of this section, the total 9569
exemption claimed under division (A)(4)(b) of this section shall 9570
be added to the total exemption claimed under division (A)(4)(c) 9571
of this section, and the total shall not exceed one thousand five 9572
hundred dollars. 9573

(5) The person's interest, not to exceed an aggregate of 9574
seven hundred fifty dollars, in all implements, professional 9575
books, or tools of the person's profession, trade, or business, 9576
including agriculture; 9577

(6)(a) The person's interest in a beneficiary fund set apart, 9578

appropriated, or paid by a benevolent association or society, as	9579
exempted by section 2329.63 of the Revised Code;	9580
(b) The person's interest in contracts of life or endowment	9581
insurance or annuities, as exempted by section 3911.10 of the	9582
Revised Code;	9583
(c) The person's interest in a policy of group insurance or	9584
the proceeds of a policy of group insurance, as exempted by	9585
section 3917.05 of the Revised Code;	9586
(d) The person's interest in money, benefits, charity,	9587
relief, or aid to be paid, provided, or rendered by a fraternal	9588
benefit society, as exempted by section 3921.18 of the Revised	9589
Code;	9590
(e) The person's interest in the portion of benefits under	9591
policies of sickness and accident insurance and in lump-sum <u>lump</u>	9592
<u>sum</u> payments for dismemberment and other losses insured under	9593
those policies, as exempted by section 3923.19 of the Revised	9594
Code.	9595
(7) The person's professionally prescribed or medically	9596
necessary health aids;	9597
(8) The person's interest in a burial lot, including, but not	9598
limited to, exemptions under section 517.09 or 1721.07 of the	9599
Revised Code;	9600
(9) The person's interest in the following:	9601
(a) Moneys paid or payable for living maintenance or rights,	9602
as exempted by section 3304.19 of the Revised Code;	9603
(b) Workers' compensation, as exempted by section 4123.67 of	9604
the Revised Code;	9605
(c) Unemployment compensation benefits, as exempted by	9606
section 4141.32 of the Revised Code;	9607

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(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 9608
9609

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 9610
9611
9612

(f) Disability assistance payments, as exempted by section 5115.07 of the Revised Code. 9613
9614

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund; 9615
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(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the person and any of the person's dependents, 9632
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except if all the following apply: 9640

(i) The plan or contract was established by or under the 9641
auspices of an insider that employed the person at the time the 9642
person's rights under the plan or contract arose. 9643

(ii) The payment is on account of age or length of service. 9644

(iii) The plan or contract is not qualified under the 9645
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 9646
amended. 9647

(c) Except for any portion of the assets that were deposited 9648
for the purpose of evading the payment of any debt and except as 9649
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 9650
3123.06 of the Revised Code, the person's right in the assets held 9651
in, or to receive any payment under, any individual retirement 9652
account, individual retirement annuity, "Roth IRA," or education 9653
individual retirement account that provides benefits by reason of 9654
illness, disability, death, or age, to the extent that the assets, 9655
payments, or benefits described in division (A)(10)(c) of this 9656
section are attributable to any of the following: 9657

(i) Contributions of the person that were less than or equal 9658
to the applicable limits on deductible contributions to an 9659
individual retirement account or individual retirement annuity in 9660
the year that the contributions were made, whether or not the 9661
person was eligible to deduct the contributions on the person's 9662
federal tax return for the year in which the contributions were 9663
made; 9664

(ii) Contributions of the person that were less than or equal 9665
to the applicable limits on contributions to a Roth IRA or 9666
education individual retirement account in the year that the 9667
contributions were made; 9668

(iii) Contributions of the person that are within the 9669
applicable limits on rollover contributions under subsections 219, 9670

402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 9671
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 9672
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 9673

(d) Except for any portion of the assets that were deposited 9674
for the purpose of evading the payment of any debt and except as 9675
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 9676
3123.06 of the Revised Code, the person's right in the assets held 9677
in, or to receive any payment under, any Keogh or "H.R. 10" plan 9678
that provides benefits by reason of illness, disability, death, or 9679
age, to the extent reasonably necessary for the support of the 9680
person and any of the person's dependents. 9681

(11) The person's right to receive spousal support, child 9682
support, an allowance, or other maintenance to the extent 9683
reasonably necessary for the support of the person and any of the 9684
person's dependents; 9685

(12) The person's right to receive, or moneys received during 9686
the preceding twelve calendar months from, any of the following: 9687
9688

(a) An award of reparations under sections 2743.51 to 2743.72 9689
of the Revised Code, to the extent exempted by division (D) of 9690
section 2743.66 of the Revised Code; 9691

(b) A payment on account of the wrongful death of an 9692
individual of whom the person was a dependent on the date of the 9693
individual's death, to the extent reasonably necessary for the 9694
support of the person and any of the person's dependents; 9695

(c) Except in cases in which the person who receives the 9696
payment is an inmate, as defined in section 2969.21 of the Revised 9697
Code, and in which the payment resulted from a civil action or 9698
appeal against a government entity or employee, as defined in 9699
section 2969.21 of the Revised Code, a payment, not to exceed five 9700
thousand dollars, on account of personal bodily injury, not 9701

including pain and suffering or compensation for actual pecuniary 9702
loss, of the person or an individual for whom the person is a 9703
dependent; 9704

(d) A payment in compensation for loss of future earnings of 9705
the person or an individual of whom the person is or was a 9706
dependent, to the extent reasonably necessary for the support of 9707
the debtor and any of the debtor's dependents. 9708

(13) Except as provided in sections 3119.80, 3119.81, 9709
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 9710
earnings of the person owed to the person for services in an 9711
amount equal to the greater of the following amounts: 9712

(a) If paid weekly, thirty times the current federal minimum 9713
hourly wage; if paid biweekly, sixty times the current federal 9714
minimum hourly wage; if paid semimonthly, sixty-five times the 9715
current federal minimum hourly wage; or if paid monthly, one 9716
hundred thirty times the current federal minimum hourly wage that 9717
is in effect at the time the earnings are payable, as prescribed 9718
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 9719
U.S.C. 206(a)(1), as amended; 9720

(b) Seventy-five per cent of the disposable earnings owed to 9721
the person. 9722

(14) The person's right in specific partnership property, as 9723
exempted by division (B)(3) of section 1775.24 of the Revised 9724
Code; 9725

(15) A seal and official register of a notary public, as 9726
exempted by section 147.04 of the Revised Code; 9727

(16) The person's interest in a tuition credit or a payment 9728
under section 3334.09 of the Revised Code pursuant to a tuition 9729
credit contract, as exempted by section 3334.15 of the Revised 9730
Code; 9731

(17) Any other property that is specifically exempted from 9732
execution, attachment, garnishment, or sale by federal statutes 9733
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 9734
U.S.C.A. 101, as amended; 9735

(18) The person's interest, not to exceed four hundred 9736
dollars, in any property, except that division (A)(18) of this 9737
section applies only in bankruptcy proceedings. 9738

(B) As used in this section: 9739

(1) "Disposable earnings" means net earnings after the 9740
garnishee has made deductions required by law, excluding the 9741
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 9742
3121.03, or 3123.06 of the Revised Code. 9743

(2) "Insider" means: 9744

(a) If the person who claims an exemption is an individual, a 9745
relative of the individual, a relative of a general partner of the 9746
individual, a partnership in which the individual is a general 9747
partner, a general partner of the individual, or a corporation of 9748
which the individual is a director, officer, or in control; 9749

(b) If the person who claims an exemption is a corporation, a 9750
director or officer of the corporation; a person in control of the 9751
corporation; a partnership in which the corporation is a general 9752
partner; a general partner of the corporation; or a relative of a 9753
general partner, director, officer, or person in control of the 9754
corporation; 9755

(c) If the person who claims an exemption is a partnership, a 9756
general partner in the partnership; a general partner of the 9757
partnership; a person in control of the partnership; a partnership 9758
in which the partnership is a general partner; or a relative in, a 9759
general partner of, or a person in control of the partnership; 9760

(d) An entity or person to which or whom any of the following 9761

applies:	9762
(i) The entity directly or indirectly owns, controls, or holds with power to vote, twenty per cent or more of the outstanding voting securities of the person who claims an exemption, unless the entity holds the securities in a fiduciary or agency capacity without sole discretionary power to vote the securities or holds the securities solely to secure to debt and the entity has not in fact exercised the power to vote.	9763 9764 9765 9766 9767 9768 9769
(ii) The entity is a corporation, twenty per cent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the person who claims an exemption or by an entity to which division (B)(2)(d)(i) of this section applies.	9770 9771 9772 9773 9774
(iii) A person whose business is operated under a lease or operating agreement by the person who claims an exemption, or a person substantially all of whose business is operated under an operating agreement with the person who claims an exemption.	9775 9776 9777 9778
(iv) The entity operates the business or all or substantially all of the property of the person who claims an exemption under a lease or operating agreement.	9779 9780 9781
(e) An insider, as otherwise defined in this section, of a person or entity to which division (B)(2)(d)(i), (ii), (iii), or (iv) of this section applies, as if the person or entity were a person who claims an exemption;	9782 9783 9784 9785
(f) A managing agent of the person who claims an exemption.	9786
(3) "Participant account" has the same meaning as in section 148.01 of the Revised Code.	9787 9788
(4) "Government unit" has the same meaning as in section 148.06 of the Revised Code.	9789 9790
(C) For purposes of this section, "interest" shall be	9791

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(1) Workers' compensation benefits;	9822
(2) Unemployment compensation payments;	9823
(3) Cash assistance payments under the Ohio works first program;	9824 9825
(4) <u>Benefits and services under the prevention, retention, and contingency program;</u>	9826 9827
<u>(5)</u> Disability assistance administered by the Ohio department of job and family services;	9828 9829
(5) <u>(6)</u> Social security benefits;	9830
(6) <u>(7)</u> Supplemental security income (S.S.I.);	9831
(7) <u>(8)</u> Veteran's benefits;	9832
(8) <u>(9)</u> Black lung benefits;	9833
(9) <u>(10)</u> Certain pensions.	9834
Additionally, your wages never can be taken to pay a debt	9835
until a judgment has been obtained against you. There may be other	9836
benefits not included in this list that apply in your case.	9837
If you dispute the plaintiff's claim and believe that you are	9838
entitled to retain possession of the property because it is exempt	9839
or for any other reason, you may request a hearing before this	9840
court by disputing the claim in the request for hearing form	9841
appearing below, or in a substantially similar form, and	9842
delivering the request for the hearing to this court, at the	9843
office of the clerk of this court, not later than the end of the	9844
fifth business day after you receive this notice. You may state	9845
your reasons for disputing the claim in the space provided on the	9846
form, but you are not required to do so. If you do state your	9847
reasons for disputing the claim in the space provided on the form,	9848
you are not prohibited from stating any other reasons at the	9849
hearing, and if you do not state your reasons, it will not be held	9850

against you by the court and you can state your reasons at the hearing. 9851
9852

If you request a hearing, it will be conducted in 9853
..... courtroom, (address of court), at 9854
.....m. on, 9855

You may avoid having a hearing but retain possession of the 9856
property until the entry of final judgment in the action by filing 9857
with the court, at the office of the clerk of this court, not 9858
later than the end of the fifth business day after you receive 9859
this notice, a bond executed by an acceptable surety in the amount 9860
of \$..... 9861

If you do not request a hearing or file a bond on or before 9862
the end of the fifth business day after you receive this notice, 9863
the court, without further notice to you, may order a law 9864
enforcement officer or bailiff to take possession of the property. 9865
Notice of the dates, times, places, and purposes of any subsequent 9866
hearings and of the date, time, and place of the trial of the 9867
action will be sent to you. 9868

..... 9869
Clerk of Court 9870
Date: " 9871

(B) Along with the notice required by division (A) of this 9872
section, the clerk of the court also shall deliver to the 9873
defendant, in accordance with division (C) of this section, a 9874
request for hearing form together with a postage-paid, 9875
self-addressed envelope or a request for hearing form on a 9876
postage-paid, self-addressed postcard. The request for hearing 9877
shall be in substantially the following form: 9878

"(Name and Address of Court) 9879
Case Number Date 9880

REQUEST FOR HEARING 9881

I dispute the claim for the attachment of property in the 9882
above case and request that a hearing in this matter be held at 9883
the time and place set forth in the notice that I previously 9884
received. 9885

I dispute the claim for the following reasons: 9886

..... 9887

(Optional) 9888

..... 9889

..... 9890

..... 9891

(Name of Defendant) 9892

..... 9893

(Signature) 9894

..... 9895

(Date) 9896

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 9897
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 9898
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 9899
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 9900
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 9901

(C) The notice required by division (A) of this section shall 9902
be served on the defendant in duplicate not less than seven 9903
business days prior to the date on which the hearing is scheduled, 9904
together with a copy of the complaint and summons, if not 9905
previously served, and a copy of the motion for the attachment of 9906
property and the affidavit attached to the motion, in the same 9907
manner as provided in the Rules of Civil Procedure for the service 9908
of process. Service may be effected by publication as provided in 9909
the Rules of Civil Procedure except that the number of weeks for 9910
publication may be reduced by the court to the extent appropriate. 9911