

As Introduced

124th General Assembly
Regular Session
2001-2002

S. B. No. 262

SENATOR Mumper

A B I L L

To amend sections 4707.05, 4707.07, 4707.072, 4707.09,
and 4707.19, to enact new section 4707.11 and
sections 4707.25 to 4707.30, and to repeal section
4707.11 of the Revised Code and to amend Section 17
of Am. Sub. H.B. 94 of the 124th General Assembly
as amended by Am. Sub. H.B. 3 of the 124th General
Assembly to create the Auction Recovery Fund, to
establish criteria and procedures for using it to
reimburse persons who obtained a court judgment
against an auctioneer who violated the Auctioneers
Law and has not paid the judgment, and to make an
appropriation.

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

Section 1. That sections 4707.05, 4707.07, 4707.072, 4707.09,
and 4707.19 be amended and new section 4707.11 and sections
4707.25, 4707.26, 4707.27, 4707.28, 4707.29, and 4707.30 of the
Revised Code be enacted to read as follows:

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Sec. 4707.05. All Except as otherwise provided in section
4707.25 of the Revised Code, all fees and charges collected by the
department of agriculture pursuant to this chapter shall be paid
into the state treasury to the credit of the auctioneers fund,

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

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

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

Sec. 4707.07. (A) The department of agriculture may grant
auctioneers' licenses to those persons deemed qualified by the
department. Each person who applies for an auctioneer's license
shall furnish to the department, on forms provided by the
department, satisfactory proof that the applicant:

- (1) Has a good reputation;
- (2) Is of trustworthy character;
- (3) Has attained the age of at least eighteen years;
- (4) Has done one of the following:

(a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;	51 52
(b) Met the requirements of section 4707.12 of the Revised Code.	53 54
(5) Has a general knowledge of the following:	55
(a) The requirements of the Revised Code relative to auctioneers;	56 57
(b) The auction profession;	58
(c) The principles involved in conducting an auction.	59
<u>(6) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code.</u>	60 61
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.08 of the Revised Code.	62 63 64 65
(C) The department may issue an auctioneer's license to a partnership, association, or corporation if all the partners, members, or officers thereof who are authorized to perform the functions of an auctioneer as agents of the applicant are themselves licensed as auctioneers under this chapter.	66 67 68 69 70
An application for an auctioneer's license filed by a partnership or association shall contain a listing of the names of all of the licensed partners, members, or other persons who are authorized to perform the functions of an auctioneer as agents of the applicant. An application filed by a corporation shall contain the names of its president and of each of its licensed officers and any other person who is authorized to perform the functions of an auctioneer as an agent of the applicant.	71 72 73 74 75 76 77 78
(D) A licensee may do business under more than one registered name if the names have been approved by the department. The	79 80

department may reject the application of any person seeking
licensure under this chapter if the name or names to be used by
the applicant are likely to mislead the public, or if the name or
names do not distinguish the applicant from the name or names of
any existing person licensed under this chapter. If an applicant
applies to the department to do business under more than two
names, the department may charge a fee of ten dollars for the
third name and each additional name.

Sec. 4707.072. The department of agriculture may grant
one-auction licenses to any nonresident person deemed qualified by
the department. Any person who applies for a one-auction license
shall attest, on forms provided by the department, and furnish to
the department, satisfactory proof that the license applicant or
any auctioneer affiliated with the applicant meets the following
requirements:

(A) Has a good reputation;

(B) Is of trustworthy character;

(C) Has attained the age of at least eighteen years;

(D) Has a general knowledge of the requirements of the
Revised Code relative to auctioneers, the auction profession, and
the principles involved in conducting an auction;

(E) Has two years of professional auctioneering experience
immediately preceding the date of application and the experience
includes the personal conduct by the applicant of at least twelve
auction sales in any state, or has met the requirements of section
4707.12 of the Revised Code;

(F) Has paid a fee of one hundred dollars, which shall be
credited to the auctioneers fund;

(G) Has provided proof of ~~the bond~~ financial responsibility
as required under section 4707.11 of the Revised Code.

Sec. 4707.09. The department of agriculture may grant 111
apprentice auctioneers' licenses to those persons deemed qualified 112
by the department. Every applicant for an apprentice auctioneer's 113
license ~~must~~ shall pass an examination relating to the skills, 114
knowledge, and statutes and ~~regulations~~ rules governing 115
auctioneers. Every applicant for an apprentice auctioneer's 116
license shall furnish to the department, on forms provided by the 117
department, satisfactory proof that the applicant: 118

(A) Has a good reputation; 119

(B) Is of trustworthy character; 120

(C) Has attained the age of at least eighteen years; 121

(D) Has obtained a written promise of a licensed auctioneer 122
to sponsor the applicant during the applicant's apprenticeship; 123

(E) Has satisfied the financial responsibility requirements 124
established under section 4707.11 of the Revised Code. 125

Before an apprentice may take the auctioneer's license 126
examination, the apprentice shall serve an apprenticeship of at 127
least twelve months, successfully complete a course of study in 128
auctioneering at an institution that is approved every three years 129
by the state auctioneers commission, and conduct, as a bid caller, 130
at least twelve auction sales under the direct supervision of the 131
sponsoring licensed auctioneer, which sales shall be certified by 132
the licensed auctioneer on the apprentice's application for an 133
auctioneer's license. 134

If an auctioneer intends to terminate sponsorship of an 135
apprentice auctioneer, the sponsoring auctioneer shall notify the 136
apprentice auctioneer of the sponsoring auctioneer's intention by 137
certified mail, return receipt requested, at least ten days prior 138
to the effective date of termination and, at the same time, shall 139
deliver or mail by certified mail to the department of agriculture 140

a copy of the termination notice and the license of the apprentice
auctioneer. No apprentice auctioneer shall perform any acts under
authority of the apprentice's license after the effective date of
the termination until the apprentice receives a new license
bearing the name and address of the apprentice's new sponsor. No
more than one license shall be issued to any apprentice auctioneer
for the same period of time.

No licensed auctioneer shall have under the licensed
auctioneer's sponsorship more than two apprentice auctioneers at
one time.

An apprentice auctioneer may terminate the apprentice's
sponsorship with an auctioneer by notifying the auctioneer of the
apprentice's intention by certified mail, return receipt
requested, at least ten days prior to the effective date of
termination. At the same time, the apprentice shall deliver or
mail by certified mail to the department of agriculture a copy of
the termination notice. Upon receiving the termination notice, the
sponsoring auctioneer shall promptly deliver or mail by certified
mail to the department the license of the apprentice auctioneer.

The termination of a sponsorship, regardless of who initiates
the termination, shall not be cause for an apprentice auctioneer
to lose credit for any certified sales the apprentice conducted or
apprenticeship time the apprentice served under the direct
supervision of the former sponsor.

Sec. 4707.11. Each application for a license issued under
this chapter shall be accompanied by proof of financial
responsibility in the form of an irrevocable letter of credit in
the amount of fifty thousand dollars. If an applicant is unable to
provide the irrevocable letter of credit, the applicant instead
may give either a cash bond or a surety bond in the amount of

twenty-five thousand dollars. If the applicant gives a surety
bond, the bond shall be executed by a surety company authorized to
do business in this state.

A bond shall be made to the department of agriculture and
shall be conditioned that the applicant shall comply with this
chapter and rules adopted under it, including refraining from
conduct described in section 4707.15 of the Revised Code. All
bonds shall be on a form approved by the director of agriculture.

A licensee shall maintain proof of financial responsibility
for three years following the date of licensure. After the
three-year period, a licensee who has not engaged in conduct
described in section 4707.15 of the Revised Code and has not
otherwise violated this chapter or rules adopted under it during
that period shall no longer be required to maintain proof of
financial responsibility except as otherwise provided in this
section.

A licensee whose license expires without being renewed under
section 4707.10 of the Revised Code or is suspended under section
4707.30 of the Revised Code shall give proof of financial
responsibility in accordance with this section in order to obtain
reinstatement or reactivation of the license.

Sec. 4707.19. The ~~department~~ director of agriculture may make
adopt reasonable rules necessary for the implementation of the
provisions of this chapter pursuant to in accordance with Chapter
119. of the Revised Code. In addition, the director shall adopt
rules in accordance with Chapter 119. of the Revised Code that
establish the portion of license fees collected under this chapter
that are to be deposited into the auction recovery fund under
section 4707.25 of the Revised Code. The department of agriculture
may hear testimony in matters relating to the duties imposed on
it, and any person authorized by the director of ~~agriculture~~ may

administer oaths. The department may require other proof of the
honesty, truthfulness, and good reputation of any person named in
the application for an auctioneer's, apprentice auctioneer's, or
special auctioneer's license before admitting the applicant to an
examination or issuing a license.

Sec. 4707.25. (A) The auction recovery fund is hereby created
in the state treasury. The fund shall be administered by the
director of agriculture. The treasurer of state shall credit all
of the following to the fund: any moneys transferred to it from
the auctioneers fund created under section 4707.05 of the Revised
Code; except as otherwise provided in this section, a portion, in
an amount specified in rules adopted under section 4707.19 of the
Revised Code, of license fees collected under this chapter; any
assessments levied under this section; repayments made to the
auction recovery fund under section 4707.30 of the Revised Code by
persons licensed under this chapter; and interest earned on the
assets of the fund.

Moneys credited to the fund shall be used to make payments to
persons who obtain a final judgment in a court of competent
jurisdiction against a person licensed under this chapter on the
grounds of conduct by the licensee that is described in section
4707.15 of the Revised Code or that otherwise violates this
chapter or rules adopted under it and that is associated with an
act or transaction that only a licensee lawfully may perform. The
amount of the payments shall be limited to any portion of the
final judgment that remains unpaid and that represents not more
than eighty per cent of the actual and direct loss sustained by
the person who obtained the judgment. The amount of the payments
also is subject to the dollar limitations established in section
4707.29 of the Revised Code.

(B) The director shall ascertain the balance of the fund on
the first day of July each year. If the balance of the fund is

greater than two million dollars, the director may utilize, during
the fiscal year beginning on that first day of July, the portion
of the fund that is greater than two million dollars to sponsor
educational programs or to underwrite research that is beneficial
to persons licensed under this chapter and to the public. If the
balance of the fund is at least four million dollars, the portion
of license fees collected under this chapter that otherwise would
be credited to the fund under this section shall be credited to
the auctioneers fund during the fiscal year beginning on that
first day of July.

If the balance of the fund is less than four hundred thousand
dollars, the director shall levy an assessment against each person
who holds a valid license issued under this chapter. The amount of
the assessment shall be determined by subtracting the balance of
the fund from five hundred thousand dollars and dividing the
resulting total by the number of persons recorded under section
4707.06 of the Revised Code as holding a valid license issued
under this chapter. All assessments that are collected shall be
credited to the fund.

(C) The director shall collect from the fund a service fee in
an amount equal to the interest rate specified in division (A) of
section 1343.03 of the Revised Code multiplied by the annual
interest earned on the assets of the fund to defray the expenses
incurred by the department of agriculture in the administration of
the fund.

Sec. 4707.26. A person who obtains a final judgment in a
court of competent jurisdiction against a person licensed under
this chapter, on the grounds of conduct by the licensee that is
described in section 4707.15 of the Revised Code or that otherwise
violates this chapter or rules adopted under it and that is
associated with an act or transaction that only a licensee

lawfully may perform, may file a verified application in a court
of common pleas for an order directing payment from the auction
recovery fund. The application may seek payment in an amount that
is equal to the portion of the judgment that remains unpaid and
that represents not more than eighty per cent of the actual and
direct loss sustained by the applicant.

The application shall specify the nature of the act or
transaction on which the underlying judgment was based, the
activities of the applicant in pursuit of remedies available under
the law for the collection of judgments, and the actual and direct
losses sustained by the applicant. The applicant shall attach to
the application a copy of each pleading and order in the
underlying court action. In addition, the application shall
include proof of the applicant's actual and direct loss in the
form of a receipt received from the licensee on the day of the
sale or consignment on which the underlying judgment was based.
The receipt shall state the item that was sold or consigned, the
price of the item, the estimated value of the item, and the names
of the consignee and purchaser of the item.

Whenever possible, the court shall require all applicants and
prospective applicants whose claims to the fund arose from an
underlying judgment against the same licensee to be joined in one
action under this section so that the rights of all applicants may
be equitably adjudicated and settled.

Sec. 4707.27. A person who applies to a court of common pleas
for an order directing payment from the auction recovery fund
shall file notice of the application with the director of
agriculture. The director may defend any such action on behalf of
the fund and shall have recourse to all appropriate means of
defense and review, including examination of witnesses,
verification of actual and direct losses, and challenges to the

underlying judgment obtained from a court of competent
jurisdiction to determine whether the underlying judgment is based
on activity that only a person holding a valid license issued
under this chapter is authorized to perform. The director may move
the court of common pleas at any time to dismiss the application
when it appears that there are no triable issues and the
application is without merit, provided that the director shall
give written notice to the applicant not fewer than ten days
before the motion is made. The motion may be supported by
affidavit of any person having knowledge of the facts and may be
made on the basis that the application, including the underlying
judgment referred to in it, does not form the basis for a
meritorious recovery claim. Subject to court approval, the
director may compromise a claim based on the application of the
aggrieved party. The director shall not be bound by any prior
compromise or stipulation of the licensee who is the judgment
debtor.

If a final judgment that could be the basis for an
application filed under section 4707.26 of the Revised Code
involves a violation of Chapter 4735. of the Revised Code, the
person who obtained the judgment shall file notice with the
superintendent of real estate and apply for an order directing
payment from the real estate recovery fund in accordance with
section 4735.12 of the Revised Code. Before the person files an
application under this section, the person first shall exhaust all
remedies involving the real estate recovery fund that are
available under that section. The total aggregate amount that is
paid to the person from both the real estate recovery fund and the
auction recovery fund shall not exceed the portion of the judgment
that remains unpaid and that represents the actual and direct loss
sustained by the person and is subject to the dollar limitations
established in section 4707.29 of the Revised Code.

Sec. 4707.28. (A) After receipt of an application that is 329
filed under section 4707.26 of the Revised Code and that satisfies 330
the requirements established under that section, a court of common 331
pleas shall issue an order directing the director of agriculture 332
to make payment from the auction recovery fund to an applicant who 333
satisfies the criteria established under this section. The payment 334
shall consist of an amount that is equal to the portion of the 335
final judgment that was obtained by the applicant against a person 336
licensed under this chapter and that remains unpaid, not to exceed 337
eighty per cent of the actual and direct loss sustained by the 338
applicant. The amount of the payment also is subject to the dollar 339
limitations established in section 4707.29 of the Revised Code. 340

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The court shall issue an order directing payment to the 342
applicant from the fund when the applicant has shown all of the 343
following: 344

(1) The applicant has obtained a judgment in a court of 345
competent jurisdiction against a person licensed under this 346
chapter on the grounds of conduct that is described in section 347
4707.15 of the Revised Code or that otherwise violates this 348
chapter or rules adopted under it and that is associated with an 349
act or transaction that only a licensee lawfully may perform. 350

(2) All appeals from the judgment have been exhausted, and 351
the applicant has filed notice with the director in accordance 352
with section 4707.27 of the Revised Code and has otherwise 353
complied with that section. 354

(3) The applicant is not either the spouse of the licensee 355
who is the judgment debtor or the personal representative of the 356
spouse. 357

(4) The applicant has diligently pursued the applicant's 358
remedies against all judgment debtors and all other persons who 359

are liable to the applicant in the underlying auction transaction
for which the applicant seeks recovery from the fund.

(5) The applicant filed the application not later than six
months following the termination of all proceedings, including
appeals, in connection with the judgment.

(6) If the judgment debtor gave bond in accordance with
section 4707.11 of the Revised Code, the applicant first
unsuccessfully sought recovery under the bond before applying for
payment from the fund.

(B) All of the following are prohibited from receiving
payment from the auction recovery fund:

(1) A bonding company that was not a party in the underlying
auction transaction;

(2) A person holding a valid license issued under either this
chapter or Chapter 4735. of the Revised Code;

(3) A person who, under division (B)(5) of section 4735.12 of
the Revised Code, would be ineligible to receive payment from the
real estate recovery fund;

(4) A person who obtained a final judgment that arose from an
act or transaction that only a licensed real estate broker or real
estate salesperson is authorized to perform under Chapter 4735. of
the Revised Code and that did not involve a violation of this
chapter or rules adopted under it.

(C) Punitive damages, attorney's fees, court costs, and
interest on a judgment are not recoverable from the auction
recovery fund.

Sec. 4707.29. The liability of the auction recovery fund
shall not exceed fifty thousand dollars for losses involving
violations committed by any one licensee, except that with respect

to any one licensee who provides a bond in order to maintain proof
of financial responsibility under section 4707.11 of the Revised
Code, the liability of the fund shall not exceed twenty-five
thousand dollars for losses involving violations committed by the
licensee. If a licensee's license is reactivated as provided in
section 4707.30 of the Revised Code, the liability of the fund for
the licensee shall again be fifty thousand dollars, or twenty-five
thousand dollars if applicable, but only for transactions that
occur subsequent to the time of reactivation.

If fifty thousand dollars, or twenty-five thousand dollars if
applicable, are insufficient to pay the valid claims of all
persons who have applied for payment from the fund with respect to
losses involving violations committed by the same licensee, the
money shall be distributed among the persons in the ratio that
their respective claims bear to the aggregate of valid claims or
in another manner that the court determines to be equitable.
Distribution of the money shall be among the persons entitled to
share in it without regard to the order of priority in which their
respective judgments may have been decided or their applications
for payment from the fund may have been filed.

Sec. 4707.30. (A) As used in this section:

(1) "Aggrieved party" means a person who obtains a final
judgment in a court of competent jurisdiction against a person
licensed under this chapter on the grounds of conduct by the
licensee that is described in section 4707.15 of the Revised Code
or that otherwise violates this chapter or rules adopted under it
and that is associated with an act or transaction that only a
licensee lawfully may perform.

(2) "Judgment debtor licensee" means a person licensed under
this chapter against whom an aggrieved party obtains a final
judgment in a court of competent jurisdiction and whose failure to

pay all or a portion of the judgment results in a payment to the
aggrieved party from the auction recovery fund.

(B) If the director of agriculture makes a payment from the
auction recovery fund to an aggrieved party and the license of the
judgment debtor licensee has not been suspended or revoked under
section 4707.15 of the Revised Code, the license automatically is
suspended on the date on which the payment is made. The director
shall not reactivate the suspended license until the judgment
debtor licensee has repaid in full, plus interest per annum at the
rate specified in division (A) of section 1343.01 of the Revised
Code, the amount paid from the fund to the aggrieved party. A
discharge in bankruptcy does not relieve a judgment debtor
licensee from the suspension provisions and requirements for
reactivation of a license that are established in this section.

When, upon the order of a court of common pleas, the director
has paid from the fund any sum to an aggrieved party, the director
shall be subrogated to all of the rights of the aggrieved party to
the extent of the amount of the payment that the aggrieved party
received from the fund. The aggrieved party shall assign all of
the aggrieved party's right, title, and interest in the judgment
to the director to the extent of the amount of the payment. The
director shall deposit into the fund any amount and interest
recovered by the director on the judgment.

With respect to the amount of a payment that the director has
paid to an aggrieved party from the fund and has not recovered,
the director shall have a priority lien in front of all other
interested creditors against the assets of a judgment debtor
licensee who files bankruptcy. The lien shall be deemed to have
taken effect on the date that the judgment debtor licensee entered
into a contract in accordance with section 4707.20 of the Revised
Code with respect to the auction transaction on which the
underlying judgment was based.

Disciplinary action taken under this section against a 452
judgment debtor licensee and the recovery of moneys from a 453
judgment debtor licensee for deposit into the fund shall not 454
excuse the judgment debtor licensee from any other disciplinary 455
action to which the judgment debtor licensee may be subject under 456
this chapter or any other provision of the Revised Code or rules 457
adopted under it. 458

Section 2. That existing sections 4707.05, 4707.07, 4707.072, 459
4707.09, and 4707.19 and section 4707.11 of the Revised Code are 460
hereby repealed. 461

Section 3. That Section 17 of Am. Sub. H.B. 94 of the 124th 462
General Assembly, as amended by Am. Sub. H.B. 3 of the 124th 463
General Assembly, be amended to read as follows: 464

Sec. 17. AGR DEPARTMENT OF AGRICULTURE 465

General Revenue Fund 466

GRF 700-321 Operating Expenses	\$	3,160,884	\$	3,334,073	467
GRF 700-401 Animal Disease Control	\$	4,340,887	\$	4,385,108	468
GRF 700-402 Amusement Ride Safety	\$	226,451	\$	230,769	469
GRF 700-403 Dairy Division	\$	1,569,097	\$	1,707,877	470
GRF 700-404 Ohio Proud	\$	222,856	\$	228,266	471
GRF 700-405 Animal Damage Control	\$	86,780	\$	84,358	472
GRF 700-406 Consumer Analytical	\$	889,058	\$	900,001	473

Lab

GRF 700-407 Food Safety	\$	1,422,998	\$	1,377,956	474
GRF 700-409 Farmland Preservation	\$	150,000	\$	320,000	475
GRF 700-410 Plant Industry	\$	1,517,969	\$	1,561,620	476
GRF 700-411 International Trade	\$	789,620	\$	598,062	477

and Market Development

GRF 700-412 Weights and Measures	\$	991,136	\$	996,634	478
GRF 700-413 Gypsy Moth Prevention	\$	633,214	\$	634,279	479

GRF 700-414	Concentrated Animal Feeding Facilities Advisory Committee	\$	23,275	\$	22,663	480
GRF 700-415	Poultry Inspection	\$	322,256	\$	320,960	481
GRF 700-418	Livestock Regulation Program	\$	1,357,487	\$	1,563,898	482
GRF 700-424	Livestock Testing and Inspections	\$	229,996	\$	228,438	483
GRF 700-499	Meat Inspection Program - State Share	\$	4,654,566	\$	4,977,168	484
GRF 700-501	County Agricultural Societies	\$	466,842	\$	466,842	485
GRF 700-503	Swine and Cattle Breeder Awards	\$	113,160	\$	107,076	486
TOTAL GRF	General Revenue Fund	\$	23,168,532	\$	24,046,048	487
Federal Special Revenue Fund Group						488
3J4 700-607	Indirect Cost	\$	1,380,026	\$	1,314,020	489
3R2 700-614	Federal Plant Industry	\$	1,607,887	\$	1,682,330	490
326 700-618	Meat Inspection Service - Federal Share	\$	4,401,707	\$	4,959,973	491
336 700-617	Ohio Farm Loan Revolving Fund	\$	181,774	\$	181,774	492
382 700-601	Cooperative Contracts	\$	1,027,692	\$	1,091,347	493
TOTAL FED	Federal Special Revenue Fund Group	\$	8,599,086	\$	9,229,444	494 495
State Special Revenue Fund Group						496
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$	909,033	\$	975,244	497
4D2 700-609	Auction Education	\$	30,476	\$	30,476	498
4E4 700-606	Utility Radiological Safety	\$	69,016	\$	73,059	499

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4P7	700-610	Food Safety Inspection	\$	559,611	\$	575,797	500
4R0	700-636	Ohio Proud Marketing	\$	125,297	\$	133,614	501
4R2	700-637	Dairy Inspection Fund	\$	1,183,358	\$	1,174,591	502
4T6	700-611	Poultry and Meat Inspection	\$	47,294	\$	47,294	503
4T7	700-613	International Trade and Market Development Rotary	\$	161,991	\$	166,356	504
4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097	505
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772	506
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867	507
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	508
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616	509
5B8	700-628	Auctioneers	\$	286,769	\$	365,390	510
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	511
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	512
<u>5U1</u>	<u>700-624</u>	<u>Auction Recovery Fund</u>	<u>\$</u>	<u>500,000</u>	<u>\$</u>	<u>0</u>	513
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	514
579	700-630	Scale Certification	\$	230,047	\$	230,047	515
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	516
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	517
TOTAL SSR State Special Revenue							518
Fund Group			\$	10,470,236	\$	10,831,974	519
				<u>10,970,236</u>			520
TOTAL ALL BUDGET FUND GROUPS			\$	42,238,354	\$	44,107,466	521
				<u>42,738,354</u>			522
ANIMAL DISEASE CONTROL							523

The funds in appropriation item 700-401, Animal Disease Control, may be used for the detection, prevention, and emergency management of, and the education of the public regarding, Foot and Mouth disease, Mad Cow disease, and West Nile virus.

REIMBURSEMENT TO THE GENERAL REVENUE FUND

(A) On or before June 30, 2003, the Director of Budget and Management shall determine the following:

(1) The total amount disbursed from the foregoing appropriation item, 700-409, Farmland Preservation, in the 2002-2003 biennium; and

(2) The amount of interest earnings that have been credited to the Clean Ohio Conservation Fund (Fund 056) that are in excess of what is needed for other purposes.

(B) If the Director determines under division (A)(2) of this section that there are excess interest earnings, the Director shall, on or before June 30, 2003, transfer them in an amount not to exceed \$60,000 less than the amount of disbursements determined under division (A)(1) of this section from the Clean Ohio Conservation Fund to the General Revenue Fund.

THE AUCTION FUND

On October 1, 2001, the Auction Education Fund (Fund 4D2) and the Auction Licensing Fund (Fund 5B8) shall be transferred from the Department of Commerce to the Department of Agriculture. At the request of the Director of Commerce, the Director of Budget and Management may cancel encumbrances in these funds from the Department of Commerce's appropriation item 800-605, Auctioneer Education, and appropriation item 800-628, Auctioneers, and reestablish such encumbrances or parts of encumbrances in fiscal year 2002 for the same purpose and to the same vendor in the Department of Agriculture's appropriation item 700-609, Auction Education, and appropriation item 700-628, Auctioneers. The

Director of Budget and Management shall reduce the appropriation
balances in fiscal year 2001 by the amount of the encumbrances
canceled in the funds. As determined by the Director of Budget and
Management, the appropriation authority necessary to reestablish
such encumbrances or parts of encumbrances in fiscal year 2002 for
the Department of Agriculture is hereby appropriated.

THE DAIRY INDUSTRY FUND

On July 1, 2001, or as soon thereafter as possible, the
Director of Budget and Management shall transfer the cash balance
in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund
4R2). The director shall cancel any existing encumbrances against
appropriation item 700-602, License Fees (Fund 4V0), and
reestablish them against appropriation item 700-637, Dairy
Inspection (Fund 4R2). The amounts of the reestablished
encumbrances are appropriated.

Section 4. That existing Section 17 of Am. Sub. H.B. 94 of
the 124th General Assembly, as amended by Am. Sub. H.B. 3 of the
124th General Assembly, is hereby repealed.

Section 5. As soon as possible prior to June 30, 2002, the
Director of Budget and Management shall make a one-time cash
transfer of \$500,000 from Fund 5B8, Auctioneers, to Fund 5U1,
Auction Recovery Fund. The Auction Recovery Fund is to be
administered by the Department of Agriculture under sections
4707.25 to 4707.30 of the Revised Code as enacted by this act.

Section 6. Sections 3 to 6 of this act are not subject to the
referendum. Therefore, under the Ohio Constitution, Article II,
Section 1d and section 1.471 of the Revised Code, Sections 3 to 6
of this act go into immediate effect when this act becomes law.