

As Passed by the Senate

124th General Assembly

Regular Session

2001-2002

Sub. S. B. No. 262

**SENATORS Mumper, White, Carnes, Harris, Armbruster, Randy Gardner,
Spada**

A B I L L

To amend sections 4707.05, 4707.07, 4707.072, 4707.09, 1
and 4707.19, to enact new section 4707.11 and 2
sections 4707.25 to 4707.30, and to repeal section 3
4707.11 of the Revised Code and to amend Section 17 4
of Am. Sub. H.B. 94 of the 124th General Assembly 5
as amended by Am. Sub. H.B. 3 of the 124th General 6
Assembly to create the Auction Recovery Fund, to 7
establish criteria and procedures for using it to 8
reimburse persons who obtained a court judgment 9
against an auctioneer who violated the Auctioneers 10
Law and has not paid the judgment, to delay the 11
effective date of specified provisions until July 12
1, 2003, and to make an appropriation. 13

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

Section 1. That sections 4707.05, 4707.07, 4707.072, 4707.09, 14
and 4707.19 be amended and new section 4707.11 and sections 15
4707.25, 4707.26, 4707.27, 4707.28, 4707.29, and 4707.30 of the 16
Revised Code be enacted to read as follows: 17

Sec. 4707.05. All Except as otherwise provided in section 18
4707.25 of the Revised Code, all fees and charges collected by the 19

department of agriculture pursuant to this chapter shall be paid 20
into the state treasury to the credit of the auctioneers fund, 21
which is hereby created. All expenses incurred by the department 22
in administering this chapter shall be paid out of the fund. The 23
total expenses incurred by the department in the administration of 24
this chapter shall not exceed the total fees, charges, fines, and 25
penalties imposed under sections 4707.08, 4707.10, and 4707.99 of 26
the Revised Code and paid to the treasurer of state. The 27
department may conduct education programs for the enlightenment 28
and benefit of all auctioneers who have paid fees pursuant to 29
sections 4707.08 and 4707.10 of the Revised Code. 30

Out of the moneys credited pursuant to this section, the fund 31
shall be assessed a proportionate share of the administrative 32
costs of the department in accordance with procedures prescribed 33
by the director of agriculture and approved by the director of 34
budget and management. The assessment shall be paid from the 35
auctioneers fund to the division of administration fund. 36

At the end of each fiscal year, if the balance of the fund is 37
greater than three hundred thousand dollars, the director of 38
agriculture shall request the director of budget and management 39
to, and the director of budget and management shall, transfer 40
twenty-five per cent of the balance to the auction recovery fund 41
created in section 4707.25 of the Revised Code. 42

Sec. 4707.07. (A) The department of agriculture may grant 43
auctioneers' licenses to those persons deemed qualified by the 44
department. Each person who applies for an auctioneer's license 45
shall furnish to the department, on forms provided by the 46
department, satisfactory proof that the applicant: 47

- (1) Has a good reputation; 48
- (2) Is of trustworthy character; 49
- (3) Has attained the age of at least eighteen years; 50

(4) Has done one of the following:	51
(a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;	52 53
(b) Met the requirements of section 4707.12 of the Revised Code.	54 55
(5) Has a general knowledge of the following:	56
(a) The requirements of the Revised Code relative to auctioneers;	57 58
(b) The auction profession;	59
(c) The principles involved in conducting an auction.	60
<u>(6) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.</u>	61 62 63
(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.	64 65 66 67
(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.	68 69 70 71 72
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.	73 74 75 76 77 78 79 80

(D) A licensee may do business under more than one registered name if the names have been approved by the department. The 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 111
as required under section 4707.11 of the Revised Code. 112

Sec. 4707.09. The department of agriculture may grant 113
apprentice auctioneers' licenses to those persons deemed qualified 114
by the department. Every applicant for an apprentice auctioneer's 115
license ~~must~~ shall pass an examination relating to the skills, 116
knowledge, and statutes and ~~regulations~~ rules governing 117
auctioneers. Every applicant for an apprentice auctioneer's 118
license shall furnish to the department, on forms provided by the 119
department, satisfactory proof that the applicant: 120

(A) Has a good reputation; 121

(B) Is of trustworthy character; 122

(C) Has attained the age of at least eighteen years; 123

(D) Has obtained a written promise of a licensed auctioneer 124
to sponsor the applicant during the applicant's apprenticeship; 125

(E) Has satisfied the financial responsibility requirements 126
established under section 4707.11 of the Revised Code if 127
applicable. 128

Before an apprentice may take the auctioneer's license 129
examination, the apprentice shall serve an apprenticeship of at 130
least twelve months, successfully complete a course of study in 131
auctioneering at an institution that is approved every three years 132
by the state auctioneers commission, and conduct, as a bid caller, 133
at least twelve auction sales under the direct supervision of the 134
sponsoring licensed auctioneer, which sales shall be certified by 135
the licensed auctioneer on the apprentice's application for an 136
auctioneer's license. 137

If an auctioneer intends to terminate sponsorship of an 138
apprentice auctioneer, the sponsoring auctioneer shall notify the 139
apprentice auctioneer of the sponsoring auctioneer's intention by 140

certified mail, return receipt requested, at least ten days prior 141
to the effective date of termination and, at the same time, shall 142
deliver or mail by certified mail to the department of agriculture 143
a copy of the termination notice and the license of the apprentice 144
auctioneer. No apprentice auctioneer shall perform any acts under 145
authority of the apprentice's license after the effective date of 146
the termination until the apprentice receives a new license 147
bearing the name and address of the apprentice's new sponsor. No 148
more than one license shall be issued to any apprentice auctioneer 149
for the same period of time. 150

No licensed auctioneer shall have under the licensed 151
auctioneer's sponsorship more than two apprentice auctioneers at 152
one time. 153

An apprentice auctioneer may terminate the apprentice's 154
sponsorship with an auctioneer by notifying the auctioneer of the 155
apprentice's intention by certified mail, return receipt 156
requested, at least ten days prior to the effective date of 157
termination. At the same time, the apprentice shall deliver or 158
mail by certified mail to the department of agriculture a copy of 159
the termination notice. Upon receiving the termination notice, the 160
sponsoring auctioneer shall promptly deliver or mail by certified 161
mail to the department the license of the apprentice auctioneer. 162

The termination of a sponsorship, regardless of who initiates 164
the termination, shall not be cause for an apprentice auctioneer 165
to lose credit for any certified sales the apprentice conducted or 166
apprenticeship time the apprentice served under the direct 167
supervision of the former sponsor. 168

Sec. 4707.11. (A) Except as provided in division (B) of this 169
section, each application for a license issued under this chapter 170
shall be accompanied by proof of financial responsibility in the 171

form of either an irrevocable letter of credit or 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.

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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.

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A licensee shall maintain proof of financial responsibility for three years following the date of initial 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.

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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.

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(B) Division (A) of this section does not apply to either of the following:

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(1) A licensee whose license was issued prior to July 1, 2003, provided that the license continues to be renewed under section 4707.10 of the Revised Code and is not suspended under section 4707.15 or 4707.30 of the Revised Code;

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(2) An apprentice auctioneer licensee whose license was issued under section 4707.09 of the Revised Code prior to July 1, 2003, and who applies for an auctioneer's license under section

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4707.07 of the Revised Code on or after July 1, 2003, provided
that the apprentice auctioneer's license is not suspended under
section 4707.15 or 4707.30 of the Revised Code, and, if necessary,
continues to be renewed under section 4707.10 of the Revised Code,
prior to the issuance of the auctioneer's license to the
applicant.

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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.

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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

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persons licensed under this chapter; and interest earned on the
assets of the fund.

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Moneys credited to the fund shall be used to make payments to
persons who obtain a final judgment in accordance with sections
4707.26 to 4707.30 of the Revised Code 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. The amount of the payments
also is subject to the dollar limitations established in section
4707.29 of the Revised Code.

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(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.

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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

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4707.06 of the Revised Code as holding a valid license issued 266
under this chapter. All assessments that are collected shall be 267
credited to the fund. 268

(C) The director shall collect from the fund a service fee in 269
an amount equal to the interest rate specified in division (A) of 270
section 1343.03 of the Revised Code multiplied by the annual 271
interest earned on the assets of the fund to defray the expenses 272
incurred by the department of agriculture in the administration of 273
the fund. 274

Sec. 4707.26. A person who obtains a final judgment in a 275
court of competent jurisdiction against a person licensed under 276
this chapter, on the grounds of conduct by the licensee that is 277
described in section 4707.15 of the Revised Code or that otherwise 278
violates this chapter or rules adopted under it and that is 279
associated with an act or transaction that only a licensee 280
lawfully may perform, may file a verified application in a court 281
of common pleas for an order directing payment from the auction 282
recovery fund. The application may seek payment in an amount that 283
is equal to the portion of the judgment that remains unpaid. 284

The application shall specify the nature of the act or 285
transaction on which the underlying judgment was based, the 286
activities of the applicant in pursuit of remedies available under 287
the law for the collection of judgments, and the actual and direct 288
losses sustained by the applicant. The applicant shall attach to 289
the application a copy of each pleading and order in the 290
underlying court action. In addition, the application shall 291
include proof of the applicant's actual and direct loss in the 292
form of a receipt received from the licensee on the day of the 293
sale or consignment on which the underlying judgment was based. 294
The receipt shall state the item that was sold or consigned, the 295
price of the item, the estimated value of the item, and the names 296

of the consignee and purchaser of the item.

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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.

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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.

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If a final judgment that could be the basis for an

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application filed under section 4707.26 of the Revised Code 328
involves a violation of Chapter 4735. of the Revised Code, the 329
person who obtained the judgment shall file notice with the 330
superintendent of real estate and apply for an order directing 331
payment from the real estate recovery fund in accordance with 332
section 4735.12 of the Revised Code. Before the person files an 333
application under this section, the person first shall exhaust all 334
remedies involving the real estate recovery fund that are 335
available under that section. The total aggregate amount that is 336
paid to the person from both the real estate recovery fund and the 337
auction recovery fund shall not exceed the portion of the judgment 338
that remains unpaid and that represents the actual and direct loss 339
sustained by the person and is subject to the dollar limitations 340
established in section 4707.29 of the Revised Code. 341

Sec. 4707.28. (A) After receipt of an application that is 342
filed under section 4707.26 of the Revised Code and that satisfies 343
the requirements established under that section, a court of common 344
pleas shall issue an order directing the director of agriculture 345
to make payment from the auction recovery fund to an applicant who 346
satisfies the criteria established under this section. The payment 347
shall consist of an amount that is equal to the portion of the 348
final judgment that was obtained by the applicant against a person 349
licensed under this chapter and that remains unpaid. The amount of 350
the payment is subject to the dollar limitations established in 351
section 4707.29 of the Revised Code. 352

The court shall issue an order directing payment to the 353
applicant from the fund when the applicant has shown all of the 354
following: 355

(1) The applicant has obtained a judgment in a court of 356
competent jurisdiction against a person licensed under this 357
chapter on the grounds of conduct that is described in section 358

4707.15 of the Revised Code or that otherwise violates this 359
chapter or rules adopted under it and that is associated with an 360
act or transaction that only a licensee lawfully may perform. 361

(2) All appeals from the judgment have been exhausted, and 362
the applicant has filed notice with the director in accordance 363
with section 4707.27 of the Revised Code and has otherwise 364
complied with that section. 365

(3) The applicant is not either the spouse of the licensee 366
who is the judgment debtor or the personal representative of the 367
spouse. 368

(4) The applicant has diligently pursued the applicant's 369
remedies against all judgment debtors and all other persons who 370
are liable to the applicant in the underlying auction transaction 371
for which the applicant seeks recovery from the fund. 372

(5) The applicant filed the application not later than six 373
months following the termination of all proceedings, including 374
appeals, in connection with the judgment. 375

(6) If the judgment debtor either provided an irrevocable 376
letter of credit or gave bond in accordance with section 4707.11 377
of the Revised Code, the applicant first sought recovery under the 378
irrevocable letter of credit or the bond before applying for 379
payment from the fund. 380

(B) All of the following are prohibited from receiving 381
payment from the auction recovery fund: 382

(1) A bonding company that was not a party in the underlying 383
auction transaction; 384

(2) A person holding a valid license issued under either this 385
chapter or Chapter 4735. of the Revised Code; 386

(3) A person who, under division (B)(5) of section 4735.12 of 387
the Revised Code, would be ineligible to receive payment from the 388

real estate recovery fund; 389

(4) A person who obtained a final judgment that arose from an 390
act or transaction that only a licensed real estate broker or real 391
estate salesperson is authorized to perform under Chapter 4735. of 392
the Revised Code and that did not involve a violation of this 393
chapter or rules adopted under it. 394

(C) Punitive damages, attorney's fees, court costs, and 395
interest on a judgment are not recoverable from the auction 396
recovery fund. 397

Sec. 4707.29. The liability of the auction recovery fund 398
shall not exceed fifty thousand dollars for losses involving 399
violations committed by any one licensee, except that with respect 400
to any one licensee who provides either an irrevocable letter of 401
credit or a bond in order to maintain proof of financial 402
responsibility under section 4707.11 of the Revised Code, the 403
liability of the fund shall not exceed twenty-five thousand 404
dollars for losses involving violations committed by the licensee. 405
If a licensee's license is reactivated as provided in section 406
4707.30 of the Revised Code, the liability of the fund for the 407
licensee shall again be fifty thousand dollars, or twenty-five 408
thousand dollars if applicable, but only for transactions that 409
occur subsequent to the time of reactivation. 410

If fifty thousand dollars, or twenty-five thousand dollars if 411
applicable, are insufficient to pay the valid claims of all 412
persons who have applied for payment from the fund with respect to 413
losses involving violations committed by the same licensee, the 414
money shall be distributed among the persons in the ratio that 415
their respective claims bear to the aggregate of valid claims or 416
in another manner that the court determines to be equitable. 417
Distribution of the money shall be among the persons entitled to 418
share in it without regard to the order of priority in which their 419

respective judgments may have been decided or their applications
for payment from the fund may have been filed.

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

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(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.

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(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.

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(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 provide the judgment debtor licensee an opportunity for an
administrative hearing on the suspension in accordance with
Chapter 119. of the Revised Code. 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.

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When, upon the order of a court of common pleas, the director

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has paid from the fund any sum to an aggrieved party, the director 451
shall be subrogated to all of the rights of the aggrieved party to 452
the extent of the amount of the payment that the aggrieved party 453
received from the fund. The aggrieved party shall assign all of 454
the aggrieved party's right, title, and interest in the judgment 455
to the director to the extent of the amount of the payment. The 456
director shall deposit into the fund any amount and interest 457
recovered by the director on the judgment. 458

With respect to the amount of a payment that the director has 459
paid to an aggrieved party from the fund and has not recovered, 460
the director shall have a priority lien in front of all other 461
interested creditors against the assets of a judgment debtor 462
licensee who files bankruptcy. The lien shall be deemed to have 463
taken effect on the date that the judgment debtor licensee entered 464
into a contract in accordance with section 4707.20 of the Revised 465
Code with respect to the auction transaction on which the 466
underlying judgment was based. 467

Disciplinary action taken under this section against a 468
judgment debtor licensee and the recovery of moneys from a 469
judgment debtor licensee for deposit into the fund shall not 470
excuse the judgment debtor licensee from any other disciplinary 471
action to which the judgment debtor licensee may be subject under 472
this chapter or any other provision of the Revised Code or rules 473
adopted under it. 474

Section 2. That existing sections 4707.05, 4707.07, 4707.072, 475
4707.09, and 4707.19 of the Revised Code are hereby repealed. 476

Section 3. That section 4707.11 of the Revised Code is hereby 477
repealed, effective July 1, 2003. 478

Section 4. Sections 4707.07, 4707.072, 4707.09, 4707.11, 479

4707.26, 4707.27, 4707.28, 4707.29, and 4707.30 of the Revised 480
Code, as amended or enacted by this act, shall take effect on July 481
1, 2003. 482

Section 5. That Section 17 of Am. Sub. H.B. 94 of the 124th 483
General Assembly, as amended by Am. Sub. H.B. 3 of the 124th 484
General Assembly, be amended to read as follows: 485

"Sec. 17. AGR DEPARTMENT OF AGRICULTURE 486

General Revenue Fund 487

GRF 700-321 Operating Expenses \$ 3,160,884 \$ 3,334,073 488

GRF 700-401 Animal Disease Control \$ 4,340,887 \$ 4,385,108 489

GRF 700-402 Amusement Ride Safety \$ 226,451 \$ 230,769 490

GRF 700-403 Dairy Division \$ 1,569,097 \$ 1,707,877 491

GRF 700-404 Ohio Proud \$ 222,856 \$ 228,266 492

GRF 700-405 Animal Damage Control \$ 86,780 \$ 84,358 493

GRF 700-406 Consumer Analytical \$ 889,058 \$ 900,001 494

Lab

GRF 700-407 Food Safety \$ 1,422,998 \$ 1,377,956 495

GRF 700-409 Farmland Preservation \$ 150,000 \$ 320,000 496

GRF 700-410 Plant Industry \$ 1,517,969 \$ 1,561,620 497

GRF 700-411 International Trade \$ 789,620 \$ 598,062 498

and Market Development

GRF 700-412 Weights and Measures \$ 991,136 \$ 996,634 499

GRF 700-413 Gypsy Moth Prevention \$ 633,214 \$ 634,279 500

GRF 700-414 Concentrated Animal \$ 23,275 \$ 22,663 501

Feeding Facilities

Advisory Committee

GRF 700-415 Poultry Inspection \$ 322,256 \$ 320,960 502

GRF 700-418 Livestock Regulation \$ 1,357,487 \$ 1,563,898 503

Program

GRF 700-424 Livestock Testing and \$ 229,996 \$ 228,438 504

Inspections

GRF 700-499	Meat Inspection Program - State Share	\$ 4,654,566	\$ 4,977,168	505
GRF 700-501	County Agricultural Societies	\$ 466,842	\$ 466,842	506
GRF 700-503	Swine and Cattle Breeder Awards	\$ 113,160	\$ 107,076	507
TOTAL GRF	General Revenue Fund	\$ 23,168,532	\$ 24,046,048	508
Federal Special Revenue Fund Group				509
3J4 700-607	Indirect Cost	\$ 1,380,026	\$ 1,314,020	510
3R2 700-614	Federal Plant Industry	\$ 1,607,887	\$ 1,682,330	511
326 700-618	Meat Inspection Service - Federal Share	\$ 4,401,707	\$ 4,959,973	512
336 700-617	Ohio Farm Loan Revolving Fund	\$ 181,774	\$ 181,774	513
382 700-601	Cooperative Contracts	\$ 1,027,692	\$ 1,091,347	514
TOTAL FED	Federal Special Revenue Fund Group	\$ 8,599,086	\$ 9,229,444	515
State Special Revenue Fund Group				517
4C9 700-605	Feed, Fertilizer, and Lime Inspection	\$ 909,033	\$ 975,244	518
4D2 700-609	Auction Education	\$ 30,476	\$ 30,476	519
4E4 700-606	Utility Radiological Safety	\$ 69,016	\$ 73,059	520
4P7 700-610	Food Safety Inspection	\$ 559,611	\$ 575,797	521
4R0 700-636	Ohio Proud Marketing	\$ 125,297	\$ 133,614	522
4R2 700-637	Dairy Inspection Fund	\$ 1,183,358	\$ 1,174,591	523
4T6 700-611	Poultry and Meat Inspection	\$ 47,294	\$ 47,294	524
4T7 700-613	International Trade and Market Development Rotary	\$ 161,991	\$ 166,356	525

4V5	700-615	Animal Industry Lab Fees	\$	626,633	\$	633,097	526
493	700-603	Fruits and Vegetables Inspection Fees	\$	212,764	\$	171,772	527
494	700-612	Agricultural Commodity Marketing Program	\$	166,536	\$	169,867	528
496	700-626	Ohio Grape Industries	\$	1,048,667	\$	1,071,099	529
497	700-627	Commodity Handlers Regulatory Program	\$	566,862	\$	648,616	530
5B8	700-628	Auctioneers	\$	286,769	\$	365,390	531
5H2	700-608	Metrology Lab	\$	74,674	\$	138,624	532
5L8	700-604	Livestock Management Program	\$	250,000	\$	250,000	533
<u>5U1</u>	<u>700-624</u>	<u>Auction Recovery Fund</u>	\$	<u>500,000</u>	\$	<u>0</u>	534
578	700-620	Ride Inspection Fees	\$	634,099	\$	650,774	535
579	700-630	Scale Certification	\$	230,047	\$	230,047	536
652	700-634	Laboratory Services	\$	1,179,560	\$	1,144,766	537
669	700-635	Pesticide Program	\$	2,108,049	\$	2,181,491	538
TOTAL SSR State Special Revenue							539
Fund Group			\$	10,470,236	\$	10,831,974	540
				<u>10,970,236</u>			541
TOTAL ALL BUDGET FUND GROUPS			\$	42,238,354	\$	44,107,466	542
				<u>42,738,354</u>			543

ANIMAL DISEASE CONTROL 544

The funds in appropriation item 700-401, Animal Disease 545
Control, may be used for the detection, prevention, and emergency 546
management of, and the education of the public regarding, Foot and 547
Mouth disease, Mad Cow disease, and West Nile virus. 548

REIMBURSEMENT TO THE GENERAL REVENUE FUND 549

(A) On or before June 30, 2003, the Director of Budget and 550
Management shall determine the following: 551

(1) The total amount disbursed from the foregoing 552

appropriation item, 700-409, Farmland Preservation, in the 553
2002-2003 biennium; and 554

(2) The amount of interest earnings that have been credited 555
to the Clean Ohio Conservation Fund (Fund 056) that are in excess 556
of what is needed for other purposes. 557

(B) If the Director determines under division (A)(2) of this 558
section that there are excess interest earnings, the Director 559
shall, on or before June 30, 2003, transfer them in an amount not 560
to exceed \$60,000 less than the amount of disbursements determined 561
under division (A)(1) of this section from the Clean Ohio 562
Conservation Fund to the General Revenue Fund. 563

THE AUCTION FUND 564

On October 1, 2001, the Auction Education Fund (Fund 4D2) and 565
the Auction Licensing Fund (Fund 5B8) shall be transferred from 566
the Department of Commerce to the Department of Agriculture. At 567
the request of the Director of Commerce, the Director of Budget 568
and Management may cancel encumbrances in these funds from the 569
Department of Commerce's appropriation item 800-605, Auctioneer 570
Education, and appropriation item 800-628, Auctioneers, and 571
reestablish such encumbrances or parts of encumbrances in fiscal 572
year 2002 for the same purpose and to the same vendor in the 573
Department of Agriculture's appropriation item 700-609, Auction 574
Education, and appropriation item 700-628, Auctioneers. The 575
Director of Budget and Management shall reduce the appropriation 576
balances in fiscal year 2001 by the amount of the encumbrances 577
canceled in the funds. As determined by the Director of Budget and 578
Management, the appropriation authority necessary to reestablish 579
such encumbrances or parts of encumbrances in fiscal year 2002 for 580
the Department of Agriculture is hereby appropriated. 581

THE DAIRY INDUSTRY FUND 582
583

On July 1, 2001, or as soon thereafter as possible, the 584
Director of Budget and Management shall transfer the cash balance 585
in the License Fees (Fund 4V0) to the Dairy Inspection Fund (Fund 586
4R2). The director shall cancel any existing encumbrances against 587
appropriation item 700-602, License Fees (Fund 4V0), and 588
reestablish them against appropriation item 700-637, Dairy 589
Inspection (Fund 4R2). The amounts of the reestablished 590
encumbrances are appropriated." 591

Section 6. That existing Section 17 of Am. Sub. H.B. 94 of 592
the 124th General Assembly, as amended by Am. Sub. H.B. 3 of the 593
124th General Assembly, is hereby repealed. 594

Section 7. As soon as possible prior to June 30, 2002, the 595
Director of Budget and Management shall make a one-time cash 596
transfer of \$500,000 from Fund 5B8, Auctioneers, to Fund 5U1, 597
Auction Recovery Fund. The Auction Recovery Fund is to be 598
administered by the Department of Agriculture under sections 599
4707.25 to 4707.30 of the Revised Code as enacted by this act. 600

Section 8. Sections 5 to 8 of this act are not subject to the 601
referendum. Therefore, under the Ohio Constitution, Article II, 602
Section 1d and section 1.471 of the Revised Code, Sections 5 to 8 603
of this act go into immediate effect when this act becomes law. 604