

**As Reported by the Committee of Conference
(Corrected Version)**

**125th General Assembly
Regular Session
2003-2004**

Am. Sub. H. B. No. 95, Part I

Representative Calvert

**Senators Harris, DiDonato, Carnes, Jacobson, Blessing, Goodman,
Fingerhut, Miller, Mallory, Prentiss, White**

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levy taxes and provide for implementation of those 253
levies, to make operating appropriations for the 254
biennium beginning July 1, 2003, and ending June 255
30, 2005, and to provide authorization and 256
conditions for the operation of state programs; to 257
amend the version of section 921.22 of the Revised 258
Code that is scheduled to take effect July 1, 259
2004, to continue the provisions of this act on 260
and after that effective date; to amend the 261
version of section 2305.234 of the Revised Code 262
that is scheduled to take effect January 1, 2004, 263
to continue the provisions of this act on and 264
after that effective date; to amend the version of 265
section 3332.04 of the Revised Code that is 266
scheduled to take effect July 1, 2003; to amend 267
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January 1, 2004; to amend the version of section 276
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take effect January 1, 2004, to continue the 278
provisions of this act on and after that effective 279
date; to amend the version of section 5101.28 of 280
the Revised Code that is scheduled to take effect 281
January 1, 2004, to continue the provisions of 282
this act on and after that effective date; to 283
amend the version of section 5743.45 of the 284
Revised Code that is scheduled to take effect 285

January 1, 2004, to continue the provisions of 286
this act on and after that effective date; to 287
amend the version of section 5739.033 of the 288
Revised Code as it results from Am. Sub. S.B. 143 289
of the 124th General Assembly, as amended by H.B. 290
675 of the 124th General Assembly; to terminate 291
certain provisions of this act on December 31, 292
2013, by repealing section 4723.063 of the Revised 293
Code on that date; and to terminate certain 294
provisions of this act on October 1, 2006, by 295
repealing section 5111.161 of the Revised Code on 296
that date. 297

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

This act has two parts, labeled Part I and Part II, 298
that are integral phases of this act. 299

Part I 300

Section 1. That sections 9.01, 9.83, 101.34, 101.72, 101.82, 301
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6119.10, 6301.05, and 6301.07 be amended; that sections 3301.33	411
(3301.40), 3701.145 (3701.0210), 4104.46 (4104.48), 5101.211	412
(5101.214), 5101.212 (5101.215), 5108.06 (5108.04), 5108.07	413

(5108.05), 5111.08 (5111.071), 5111.16 (5111.08), 5111.252 414
(5123.199), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 415
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for 416
the purpose of adopting new section numbers as indicated in 417
parentheses; and that new sections 125.831, 718.03, 3301.31, 418
3301.33, 3317.11, 3318.052, 4104.42, 4104.43, 4104.46, 5101.211, 419
5101.212, 5101.213, 5108.06, 5108.07, 5111.16, 5111.173, 5115.13, 420
5709.211, 5709.23, 5709.24, and 5739.034 and sections 9.24, 9.75, 421
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5115.14, 5115.22, 5123.196, 5123.198, 5123.1910, 5123.38, 437
5123.851, 5126.058, 5139.44, 5502.03, 5515.08, 5703.56, 5703.57, 438
5703.80, 5709.201, 5709.212, 5717.011, 5733.0511, 5733.55, 439
5733.56, 5733.57, 5735.053, 5741.25, 5743.051, and 5747.026 of the 440
Revised Code be enacted to read as follows: 441

Sec. 9.01. When any officer, office, court, commission, 442
board, institution, department, agent, or employee of the state, 443
~~or~~ of a county, or of any other political subdivision, who is 444
charged with the duty or authorized or required by law to record, 445

preserve, keep, maintain, or file any record, document, plat, 446
court file, paper, or instrument in writing, or to make or furnish 447
copies of any ~~thereof~~ of them, deems it necessary or advisable, 448
when recording ~~any such document, plat, court file, paper, or~~ 449
~~instrument in writing~~, or when making a copy or reproduction of 450
any ~~thereof~~ of them or of any such record, for the purpose of 451
recording or copying, preserving, and protecting ~~the same~~ them, 452
reducing space required for storage, or any similar purpose, to do 453
so by means of any photostatic, photographic, miniature 454
photographic, film, microfilm, or microphotographic process, or 455
perforated tape, magnetic tape, other magnetic means, electronic 456
data processing, machine readable means, or graphic or video 457
display, or any combination ~~thereof~~ of those processes, means, or 458
displays, which correctly and accurately copies, records, or 459
reproduces, or provides a medium of copying, recording, or 460
reproducing, the original record, document, plat, court file, 461
paper, or instrument in writing, such use of any ~~such photographic~~ 462
~~or electromagnetic~~ of those processes, means, or displays for any 463
such purpose, is hereby authorized. Any such records, copies, or 464
reproductions may be made in duplicate, and ~~such~~ the duplicates 465
shall be stored in different buildings. The film or paper used for 466
~~this~~ a process shall comply with the minimum standards of quality 467
approved for permanent photographic records by the national bureau 468
of standards. All such records, copies, or reproductions shall 469
carry a certificate of authenticity and completeness, on a form 470
specified by the director of administrative services through the 471
state records ~~administrator~~ program. 472

Any such officer, office, court, commission, board, 473
institution, department, agent, or employee of the state, of a 474
county, or of any other political subdivision may purchase or rent 475
required equipment for any such photographic process and may enter 476
into contracts with private concerns or other governmental 477
agencies for the development of film and the making of 478

reproductions ~~thereof~~ of film as a part of any such photographic 479
process. When so recorded, or copied or reproduced to reduce space 480
required for storage or filing of such records, ~~said such~~ 481
photographs, microphotographs, microfilms, perforated tape, 482
magnetic tape, other magnetic means, electronic data processing, 483
machine readable means, graphic or video display, or ~~any~~ 484
combination ~~thereof~~ of these processes, means, or displays, or 485
films, or prints made therefrom, when properly identified by the 486
officer by whom or under whose supervision ~~the same~~ they were 487
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 488
at law as the original record or of a record made by any other 489
legally authorized means, and may be offered in like manner and 490
shall be received in evidence in any court where ~~such~~ the original 491
record, or record made by other legally authorized means, could 492
have been so introduced and received. Certified or authenticated 493
copies or prints of such photographs, microphotographs, films, 494
microfilms, perforated tape, magnetic tape, other magnetic means, 495
electronic data processing, machine readable means, graphic or 496
video display, or ~~any~~ combination ~~thereof~~ of these processes, 497
means, or displays, shall be admitted in evidence equally with the 498
original ~~photographs, microphotographs, films, or microfilms.~~ 499

Such photographs, microphotographs, microfilms, or films 500
shall be placed and kept in conveniently accessible, fireproof, 501
and insulated files, cabinets, or containers, and provisions shall 502
be made for preserving, safekeeping, using, examining, exhibiting, 503
projecting, and enlarging ~~the same~~ them whenever requested, during 504
office hours. 505

All persons utilizing the methods described in this section 506
for keeping records and information shall keep and make readily 507
available to the public the machines and equipment necessary to 508
reproduce the records and information in a readable form. 509

Sec. 9.24. (A) No state agency and no political subdivision shall award a contract for goods, services, or construction, paid for in whole or in part with state funds, to a person against whom a finding for recovery has been issued by the auditor of state, if the finding for recovery is unresolved. 510
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(B) For purposes of this section, a finding for recovery is unresolved unless one of the following criteria applies: 515
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(1) The money identified in the finding for recovery is paid in full to the state agency or political subdivision to whom the money was owed; 517
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(2) The debtor has entered into a repayment plan that is approved by the attorney general and the state agency or political subdivision to whom the money identified in the finding for recovery is owed. A repayment plan may include a provision permitting a state agency or political subdivision to withhold payment to a debtor for goods, services, or construction provided to or for the state agency or political subdivision pursuant to a contract that is entered into with the debtor after the date the finding for recovery was issued. 520
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(3) The attorney general waives a repayment plan described in division (B)(2) of this section for good cause; 529
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(4) The debtor and state agency or political subdivision to whom the money identified in the finding for recovery is owed have agreed to a payment plan established through an enforceable settlement agreement. 531
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(5) The state agency or political subdivision desiring to enter into a contract with a debtor certifies, and the attorney general concurs, that all of the following are true: 535
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537

(a) Essential services the state agency or political subdivision is seeking to obtain from the debtor cannot be 538
539

provided by any other person besides the debtor; 540

(b) Awarding a contract to the debtor for the essential 541
services described in division (B)(5)(a) is in the best interest 542
of the state; 543

(c) Good faith efforts have been made to collect the money 544
identified in the finding of recovery. 545

(6) The debtor has commenced an action to contest the finding 546
for recovery and a final determination on the action has not yet 547
been reached. 548

(C) The attorney general shall submit an initial report to 549
the auditor of state, not later than December 1, 2003, indicating 550
the status of collection for all findings for recovery issued by 551
the auditor of state for calendar years 2001, 2002, and 2003. 552
Beginning on January 1, 2004, the attorney general shall submit to 553
the auditor of state, on the first day of every January, April, 554
July, and October, a list of all findings for recovery that have 555
been resolved in accordance with division (B) of this section 556
during the calendar quarter preceding the submission of the list 557
and a description of the means of resolution. 558

(D) The auditor of state shall maintain a database, 559
accessible to the public, listing persons against whom an 560
unresolved finding for recovery has been issued, and the amount of 561
the money identified in the unresolved finding for recovery. The 562
auditor of state shall have this database operational on or before 563
January 1, 2004. The initial database shall contain the 564
information required under this division for calendar years 2001, 565
2002, and 2003. 566

Beginning January 15, 2004, the auditor of state shall update 567
the database by the fifteenth day of every January, April, July, 568
and October to reflect resolved findings for recovery that are 569
reported to the auditor of state by the attorney general on the 570

first day of the same month pursuant to division (C) of this 571
section. 572

(E) Before awarding a contract for goods, services, or 573
construction, paid for in whole or in part with state funds, a 574
state agency or political subdivision shall verify that the person 575
to whom the state agency or political subdivision plans to award 576
the contract does not appear in the database described in division 577
(D) of this section. 578

(F) As used in this section: 579

(1) "State agency" has the same meaning as in section 9.66 of 580
the Revised Code. 581

(2) "Finding for recovery" means a determination issued by 582
the auditor of state, contained in a report the auditor of state 583
gives to the attorney general pursuant to section 117.28 of the 584
Revised Code, that public money has been illegally expended, 585
public money has been collected but not been accounted for, public 586
money is due but has not been collected, or public property has 587
been converted or misappropriated. 588

(3) "Debtor" means a person against whom a finding for 589
recovery has been issued. 590

Sec. 9.75. As used in this section, "dangerous drug" has the 591
same meaning as in section 4729.01 of the Revised Code. 592

If a state agency seeks to enter into or administer an 593
agreement or cooperative arrangement to create or join a 594
multiple-state prescription drug purchasing program to negotiate 595
discounts for dangerous drugs and intends to contract with a 596
person to administer the multiple-state prescription drug 597
purchasing program, it shall do so through a competitive bidding 598
process. A state agency seeking to enter into a contract with a 599
person to administer the multiple-state prescription drug 600

purchasing program may not enter into the contract with out 601
controlling board approval. 602

Sec. 9.83. (A) The state and any political subdivision may 603
procure a policy or policies of insurance insuring its officers 604
and employees against liability for injury, death, or loss to 605
person or property that arises out of the operation of an 606
automobile, truck, motor vehicle with auxiliary equipment, 607
self-propelling equipment or trailer, aircraft, or watercraft by 608
the officers or employees while engaged in the course of their 609
employment or official responsibilities for the state or the 610
political subdivision. The state is authorized to expend funds to 611
pay judgments that are rendered in any court against its officers 612
or employees and that result from such operation, and is 613
authorized to expend funds to compromise claims for liability 614
against its officers or employees that result from such operation. 615
No insurer shall deny coverage under such a policy, and the state 616
shall not refuse to pay judgments or compromise claims, on the 617
ground that an automobile, truck, motor vehicle with auxiliary 618
equipment, self-propelling equipment or trailer, aircraft, or 619
watercraft was not being used in the course of an officer's or 620
employee's employment or official responsibilities for the state 621
or a political subdivision unless the officer or employee who was 622
operating an automobile, truck, motor vehicle with auxiliary 623
equipment, or self-propelling equipment or trailer is convicted of 624
a violation of section 124.71 of the Revised Code as a result of 625
the same events. 626

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 627
the exercise of sound and prudent actuarial judgment, to cover 628
potential expense, fees, damage, loss, or other liability. The 629
superintendent of insurance may recommend or, if the state 630
requests of the superintendent, shall recommend, a specific amount 631
for any period of time that, in the superintendent's opinion, 632

represents such a judgment. 633

(C) Nothing in this section shall be construed to require the 634
department of administrative services to purchase liability 635
insurance for all state vehicles in a single policy of insurance 636
or to cover all state vehicles under a single plan of 637
self-insurance. 638

(D) Insurance procured by the state pursuant to this section 639
shall be procured as provided in section 125.03 of the Revised 640
Code. 641

(E) For purposes of liability insurance procured under this 642
section to cover the operation of a motor vehicle by a prisoner 643
for whom the insurance is procured, "employee" includes a prisoner 644
in the custody of the department of rehabilitation and correction 645
who is enrolled in a work program that is established by the 646
department pursuant to section 5145.16 of the Revised Code and in 647
which the prisoner is required to operate a motor vehicle, as 648
defined in section 4509.01 of the Revised Code, and who is engaged 649
in the operation of a motor vehicle in the course of the work 650
program. 651

(F) There is hereby created in the state treasury the vehicle 652
liability fund. All contributions collected by the director of 653
administrative services under division (I) of this section shall 654
be deposited into the fund. The fund shall be used to provide 655
insurance and self-insurance for the state under this section. All 656
investment earnings of the fund shall be credited to it. 657

(G) The director of administrative services, through the 658
office of risk management, shall operate the vehicle liability 659
fund on an actuarially sound basis. 660

(H) Reserves shall be maintained in the vehicle liability 661
fund in any amount that is necessary and adequate, in the exercise 662
of sound and prudent actuarial judgment, to cover potential 663

liability claims, expenses, fees, or damages. Money in the fund 664
may be applied to the payment of liability claims that are filed 665
against the state in the court of claims and determined in the 666
manner provided in Chapter 2743. of the Revised Code. The director 667
of administrative services may procure the services of a qualified 668
actuarial firm for the purpose of recommending the specific amount 669
of money that is required to maintain adequate reserves for a 670
specified period of time. 671

(I) The director of administrative services shall collect 672
from each state agency or any participating state body its 673
contribution to the vehicle liability fund for the purpose of 674
purchasing insurance or administering self-insurance programs for 675
coverage authorized under this section. The amount of the 676
contribution shall be determined by the director, with the 677
approval of the director of budget and management. It shall be 678
based upon actuarial assumptions and the relative risk and loss 679
experience of each state agency or participating state body. The 680
amount of the contribution also shall include a reasonable sum to 681
cover administrative costs of the department of administrative 682
services. 683

Sec. 101.34. (A) There is hereby created a joint legislative 684
ethics committee to serve the general assembly. The committee 685
shall be composed of twelve members, six each from the two major 686
political parties, and each member shall serve on the committee 687
during the member's term as a member of that general assembly. Six 688
members of the committee shall be members of the house of 689
representatives appointed by the speaker of the house of 690
representatives, not more than three from the same political 691
party, and six members of the committee shall be members of the 692
senate appointed by the president of the senate, not more than 693
three from the same political party. A vacancy in the committee 694
shall be filled for the unexpired term in the same manner as an 695

original appointment. The members of the committee shall be 696
appointed within fifteen days after the first day of the first 697
regular session of each general assembly and the committee shall 698
meet and proceed to recommend an ethics code not later than thirty 699
days after the first day of the first regular session of each 700
general assembly. 701

In the first regular session of each general assembly, the 702
speaker of the house of representatives shall appoint the 703
chairperson of the committee from among the house members of the 704
committee and the president of the senate shall appoint the 705
vice-chairperson of the committee from among the senate members of 706
the committee. In the second regular session of each general 707
assembly, the president of the senate shall appoint the 708
chairperson of the committee from among the senate members of the 709
committee and the speaker of the house of representatives shall 710
appoint the vice-chairperson of the committee from among the house 711
members of the committee. The chairperson, vice-chairperson, and 712
members of the committee shall serve until their respective 713
successors are appointed or until they are no longer members of 714
the general assembly. 715

The committee shall meet at the call of the chairperson or 716
upon the written request of seven members of the committee. 717

(B) The joint legislative ethics committee: 718

(1) Shall recommend a code of ethics which is consistent with 719
law to govern all members and employees of each house of the 720
general assembly and all candidates for the office of member of 721
each house; 722

(2) May receive and hear any complaint which alleges a breach 723
of any privilege of either house, or misconduct of any member, 724
employee, or candidate, or any violation of the appropriate code 725
of ethics; 726

(3) May obtain information with respect to any complaint 727
filed pursuant to this section and to that end may enforce the 728
attendance and testimony of witnesses, and the production of books 729
and papers; 730

(4) May recommend whatever sanction is appropriate with 731
respect to a particular member, employee, or candidate as will 732
best maintain in the minds of the public a good opinion of the 733
conduct and character of members and employees of the general 734
assembly; 735

(5) May recommend legislation to the general assembly 736
relating to the conduct and ethics of members and employees of and 737
candidates for the general assembly; 738

(6) Shall employ an executive director for the committee and 739
may employ such other staff as the committee determines necessary 740
to assist it in exercising its powers and duties. The executive 741
director and staff of the committee shall be known as the office 742
of legislative inspector general. At least one member of the staff 743
of the committee shall be an attorney at law licensed to practice 744
law in this state. The appointment and removal of the executive 745
director shall require the approval of at least eight members of 746
the committee. 747

(7) May employ a special counsel to assist the committee in 748
exercising its powers and duties. The appointment and removal of a 749
special counsel shall require the approval of at least eight 750
members of the committee. 751

(8) Shall act as an advisory body to the general assembly and 752
to individual members, candidates, and employees on questions 753
relating to ethics, possible conflicts of interest, and financial 754
disclosure; 755

(9) Shall provide for the proper forms on which the statement 756
required pursuant to section 102.02 of the Revised Code shall be 757

filed and instructions as to the filing of the statement; 758

(10) Exercise the powers and duties prescribed under sections 759
101.70 to 101.79 and 121.60 to 121.69 of the Revised Code; 760

(11) Adopt in accordance with section 111.15 of the Revised 761
Code any rules that are necessary to implement and clarify Chapter 762
102. and sections 2921.42 and 2921.43 of the Revised Code. 763

(C) There is hereby created in the state treasury the joint 764
legislative ethics committee fund. ~~All money collected from~~ 765
~~registration fees and late filing fees prescribed under sections~~ 766
~~101.72 and 121.62 of the Revised Code shall be deposited into the~~ 767
~~state treasury to the credit of the fund.~~ Money credited to the 768
fund and any interest and earnings from the fund shall be used 769
solely for the operation of the joint legislative ethics committee 770
and the office of legislative inspector general and for the 771
purchase of data storage and computerization facilities for the 772
statements filed with the joint committee under sections 101.73, 773
101.74, 121.63, and 121.64 of the Revised Code. 774

(D) The chairperson of the joint committee shall issue a 775
written report, not later than the thirty-first day of January of 776
each year, to the speaker and minority leader of the house of 777
representatives and to the president and minority leader of the 778
senate that lists the number of committee meetings and 779
investigations the committee conducted during the immediately 780
preceding calendar year and the number of advisory opinions it 781
issued during the immediately preceding calendar year. 782

(E) Any investigative report that contains facts and findings 783
regarding a complaint filed with the committee and that is 784
prepared by the staff of the committee or a special counsel to the 785
committee shall become a public record upon its acceptance by a 786
vote of the majority of the members of the committee, except for 787
any names of specific individuals and entities contained in the 788

report. If the committee recommends disciplinary action or reports 789
its findings to the appropriate prosecuting authority for 790
proceedings in prosecution of the violations alleged in the 791
complaint, the investigatory report regarding the complaint shall 792
become a public record in its entirety. 793

(F)(1) Any file obtained by or in the possession of the 794
former house ethics committee or former senate ethics committee 795
shall become the property of the joint legislative ethics 796
committee. Any such file is confidential if either of the 797
following applies: 798

(a) It is confidential under section 102.06 of the Revised 799
Code or the legislative code of ethics. 800

(b) If the file was obtained from the former house ethics 801
committee or from the former senate ethics committee, it was 802
confidential under any statute or any provision of a code of 803
ethics that governed the file. 804

(2) As used in this division, "file" includes, but is not 805
limited to, evidence, documentation, or any other tangible thing. 806

Sec. 101.72. (A) Each legislative agent and employer, within 807
ten days following an engagement of a legislative agent, shall 808
file with the joint legislative ethics committee an initial 809
registration statement showing all of the following: 810

(1) The name, business address, and occupation of the 811
legislative agent; 812

(2) The name and business address of the employer and the 813
real party in interest on whose behalf the legislative agent is 814
actively advocating, if it is different from the employer. For the 815
purposes of division (A) of this section, where a trade 816
association or other charitable or fraternal organization that is 817
exempt from federal income taxation under subsection 501(c) of the 818

federal Internal Revenue Code is the employer, the statement need 819
not list the names and addresses of each member of the association 820
or organization, so long as the association or organization itself 821
is listed. 822

(3) A brief description of the type of legislation to which 823
the engagement relates. 824

(B) In addition to the initial registration statement 825
required by division (A) of this section, each legislative agent 826
and employer shall file with the joint committee, not later than 827
the last day of January, May, and September of each year, an 828
updated registration statement that confirms the continuing 829
existence of each engagement described in an initial registration 830
statement and that lists the specific bills or resolutions on 831
which the agent actively advocated under that engagement during 832
the period covered by the updated statement, and with it any 833
statement of expenditures required to be filed by section 101.73 834
of the Revised Code and any details of financial transactions 835
required to be filed by section 101.74 of the Revised Code. 836

(C) If a legislative agent is engaged by more than one 837
employer, the agent shall file a separate initial and updated 838
registration statement for each engagement. If an employer engages 839
more than one legislative agent, the employer need file only one 840
updated registration statement under division (B) of this section, 841
which shall contain the information required by division (B) of 842
this section regarding all of the legislative agents engaged by 843
the employer. 844

(D)(1) A change in any information required by division 845
(A)(1), (2), or (B) of this section shall be reflected in the next 846
updated registration statement filed under division (B) of this 847
section. 848

(2) Within thirty days after the termination of an 849

engagement, the legislative agent who was employed under the 850
engagement shall send written notification of the termination to 851
the joint committee. 852

(E) Except as otherwise provided in this division, a 853
registration fee of ~~ten~~ twenty-five dollars shall be charged for 854
filing an initial registration statement. All money collected from 855
registration fees under this division and late filing fees under 856
division (G) of this section shall be deposited ~~to the credit of~~ 857
~~the joint legislative ethics committee fund created under section~~ 858
~~101.34 of the Revised Code~~ into the general revenue fund of the 859
state. 860

An officer or employee of a state agency who actively 861
advocates in a fiduciary capacity as a representative of that 862
state agency need not pay the registration fee prescribed by this 863
division or file expenditure statements under section 101.73 of 864
the Revised Code. As used in this division, "state agency" does 865
not include a state institution of higher education as defined in 866
section 3345.011 of the Revised Code. 867

(F) Upon registration pursuant to division (A) of this 868
section, the legislative agent shall be issued a card by the joint 869
committee showing that the legislative agent is registered. The 870
registration card and the legislative agent's registration shall 871
be valid from the date of their issuance until the next 872
thirty-first day of December of an even-numbered year. 873

(G) The executive director of the joint committee shall be 874
responsible for reviewing each registration statement filed with 875
the joint committee under this section and for determining whether 876
the statement contains all of the information required by this 877
section. If the joint committee determines that the registration 878
statement does not contain all of the required information or that 879
a legislative agent or employer has failed to file a registration 880
statement, the joint committee shall send written notification by 881

certified mail to the person who filed the registration statement 882
regarding the deficiency in the statement or to the person who 883
failed to file the registration statement regarding the failure. 884
Any person so notified by the joint committee shall, not later 885
than fifteen days after receiving the notice, file a registration 886
statement or an amended registration statement that does contain 887
all of the information required by this section. If any person who 888
receives a notice under this division fails to file a registration 889
statement or such an amended registration statement within this 890
fifteen-day period, the joint committee shall assess a late filing 891
fee equal to twelve dollars and fifty cents per day, up to a 892
maximum of one hundred dollars, upon that person. The joint 893
committee may waive the late filing fee for good cause shown. 894

(H) On or before the fifteenth day of March of each year, the 895
joint committee shall, in the manner and form that it determines, 896
publish a report containing statistical information on the 897
registration statements filed with it under this section during 898
the preceding year. 899

Sec. 101.82. As used in sections 101.82 to 101.87 of the 900
Revised Code: 901

(A) "Agency" means any board, commission, committee, or 902
council, or any other similar state public body required to be 903
established pursuant to state statutes for the exercise of any 904
function of state government and to which members are appointed or 905
elected. "Agency" does not include the following: 906

(1) The general assembly, or any commission, committee, or 907
other body composed entirely of members ~~thereof~~ of the general 908
assembly; 909

(2) Any court; 910

(3) Any public body created by or directly pursuant to the 911

constitution of this state;	912
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	913 914
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	915 916 917
(6) The public utilities commission of Ohio;	918
(7) The consumers' council governing board;	919
(8) The Ohio board of regents;	920
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	921 922 923
(10) Any board of elections;	924
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	925 926 927
(12) The Ohio public employees deferred compensation board;	928
(13) The Ohio retirement study council;	929
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	930 931 932 933
(15) The industrial commission.	934
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) <u>(E)</u> of section 149.331 of the Revised Code.	935 936 937 938
(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and	939 940

reassign its functions and records to another agency or officer 941
designated by the general assembly. 942

(D) "Transfer" means to amend the statutes creating and 943
empowering an agency so that its functions, records, and personnel 944
are conveyed to another agency or officer. 945

(E) "Renew" means to continue an agency, and may include 946
amendment of the statutes creating and empowering the agency, or 947
recommendations for changes in agency operation or personnel. 948

Sec. 102.02. (A) Except as otherwise provided in division (H) 949
of this section, every person who is elected to or is a candidate 950
for a state, county, or city office, or the office of member of 951
the United States congress, and every person who is appointed to 952
fill a vacancy for an unexpired term in such an elective office; 953
all members of the state board of education; the director, 954
assistant directors, deputy directors, division chiefs, or persons 955
of equivalent rank of any administrative department of the state; 956
the president or other chief administrative officer of every state 957
institution of higher education as defined in section 3345.011 of 958
the Revised Code; the chief executive officer of each state 959
retirement system; all members of the board of commissioners on 960
grievances and discipline of the supreme court and the ethics 961
commission created under section 102.05 of the Revised Code; every 962
business manager, treasurer, or superintendent of a city, local, 963
exempted village, joint vocational, or cooperative education 964
school district or an educational service center; every person who 965
is elected to or is a candidate for the office of member of a 966
board of education of a city, local, exempted village, joint 967
vocational, or cooperative education school district or of a 968
governing board of an educational service center that has a total 969
student count of twelve thousand or more as most recently 970
determined by the department of education pursuant to section 971

3317.03 of the Revised Code; every person who is appointed to the 972
board of education of a municipal school district pursuant to 973
division (B) or (F) of section 3311.71 of the Revised Code; all 974
members of the board of directors of a sanitary district 975
established under Chapter 6115. of the Revised Code and organized 976
wholly for the purpose of providing a water supply for domestic, 977
municipal, and public use that includes two municipal corporations 978
in two counties; every public official or employee who is paid a 979
salary or wage in accordance with schedule C of section 124.15 or 980
schedule E-2 of section 124.152 of the Revised Code; members of 981
the board of trustees and the executive director of the tobacco 982
use prevention and control foundation; members of the board of 983
trustees and the executive director of the southern Ohio 984
agricultural and community development foundation; and every other 985
public official or employee who is designated by the appropriate 986
ethics commission pursuant to division (B) of this section shall 987
file with the appropriate ethics commission on a form prescribed 988
by the commission, a statement disclosing all of the following: 989

(1) The name of the person filing the statement and each 990
member of the person's immediate family and all names under which 991
the person or members of the person's immediate family do 992
business; 993

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 994
and except as otherwise provided in section 102.022 of the Revised 995
Code, identification of every source of income, other than income 996
from a legislative agent identified in division (A)(2)(b) of this 997
section, received during the preceding calendar year, in the 998
person's own name or by any other person for the person's use or 999
benefit, by the person filing the statement, and a brief 1000
description of the nature of the services for which the income was 1001
received. If the person filing the statement is a member of the 1002
general assembly, the statement shall identify the amount of every 1003

source of income received in accordance with the following ranges 1004
of amounts: zero or more, but less than one thousand dollars; one 1005
thousand dollars or more, but less than ten thousand dollars; ten 1006
thousand dollars or more, but less than twenty-five thousand 1007
dollars; twenty-five thousand dollars or more, but less than fifty 1008
thousand dollars; fifty thousand dollars or more, but less than 1009
one hundred thousand dollars; and one hundred thousand dollars or 1010
more. Division (A)(2)(a) of this section shall not be construed to 1011
require a person filing the statement who derives income from a 1012
business or profession to disclose the individual items of income 1013
that constitute the gross income of that business or profession, 1014
except for those individual items of income that are attributable 1015
to the person's or, if the income is shared with the person, the 1016
partner's, solicitation of services or goods or performance, 1017
arrangement, or facilitation of services or provision of goods on 1018
behalf of the business or profession of clients, including 1019
corporate clients, who are legislative agents as defined in 1020
section 101.70 of the Revised Code. A person who files the 1021
statement under this section shall disclose the identity of and 1022
the amount of income received from a person who the public 1023
official or employee knows or has reason to know is doing or 1024
seeking to do business of any kind with the public official's or 1025
employee's agency. 1026

(b) If the person filing the statement is a member of the 1027
general assembly, the statement shall identify every source of 1028
income and the amount of that income that was received from a 1029
legislative agent, as defined in section 101.70 of the Revised 1030
Code, during the preceding calendar year, in the person's own name 1031
or by any other person for the person's use or benefit, by the 1032
person filing the statement, and a brief description of the nature 1033
of the services for which the income was received. Division 1034
(A)(2)(b) of this section requires the disclosure of clients of 1035
attorneys or persons licensed under section 4732.12 of the Revised 1036

Code, or patients of persons certified under section 4731.14 of 1037
the Revised Code, if those clients or patients are legislative 1038
agents. Division (A)(2)(b) of this section requires a person 1039
filing the statement who derives income from a business or 1040
profession to disclose those individual items of income that 1041
constitute the gross income of that business or profession that 1042
are received from legislative agents. 1043

(c) Except as otherwise provided in division (A)(2)(c) of 1044
this section, division (A)(2)(a) of this section applies to 1045
attorneys, physicians, and other persons who engage in the 1046
practice of a profession and who, pursuant to a section of the 1047
Revised Code, the common law of this state, a code of ethics 1048
applicable to the profession, or otherwise, generally are required 1049
not to reveal, disclose, or use confidences of clients, patients, 1050
or other recipients of professional services except under 1051
specified circumstances or generally are required to maintain 1052
those types of confidences as privileged communications except 1053
under specified circumstances. Division (A)(2)(a) of this section 1054
does not require an attorney, physician, or other professional 1055
subject to a confidentiality requirement as described in division 1056
(A)(2)(c) of this section to disclose the name, other identity, or 1057
address of a client, patient, or other recipient of professional 1058
services if the disclosure would threaten the client, patient, or 1059
other recipient of professional services, would reveal details of 1060
the subject matter for which legal, medical, or professional 1061
advice or other services were sought, or would reveal an otherwise 1062
privileged communication involving the client, patient, or other 1063
recipient of professional services. Division (A)(2)(a) of this 1064
section does not require an attorney, physician, or other 1065
professional subject to a confidentiality requirement as described 1066
in division (A)(2)(c) of this section to disclose in the brief 1067
description of the nature of services required by division 1068
(A)(2)(a) of this section any information pertaining to specific 1069

professional services rendered for a client, patient, or other 1070
recipient of professional services that would reveal details of 1071
the subject matter for which legal, medical, or professional 1072
advice was sought or would reveal an otherwise privileged 1073
communication involving the client, patient, or other recipient of 1074
professional services. 1075

(3) The name of every corporation on file with the secretary 1076
of state that is incorporated in this state or holds a certificate 1077
of compliance authorizing it to do business in this state, trust, 1078
business trust, partnership, or association that transacts 1079
business in this state in which the person filing the statement or 1080
any other person for the person's use and benefit had during the 1081
preceding calendar year an investment of over one thousand dollars 1082
at fair market value as of the thirty-first day of December of the 1083
preceding calendar year, or the date of disposition, whichever is 1084
earlier, or in which the person holds any office or has a 1085
fiduciary relationship, and a description of the nature of the 1086
investment, office, or relationship. Division (A)(3) of this 1087
section does not require disclosure of the name of any bank, 1088
savings and loan association, credit union, or building and loan 1089
association with which the person filing the statement has a 1090
deposit or a withdrawable share account. 1091

(4) All fee simple and leasehold interests to which the 1092
person filing the statement holds legal title to or a beneficial 1093
interest in real property located within the state, excluding the 1094
person's residence and property used primarily for personal 1095
recreation; 1096

(5) The names of all persons residing or transacting business 1097
in the state to whom the person filing the statement owes, in the 1098
person's own name or in the name of any other person, more than 1099
one thousand dollars. Division (A)(5) of this section shall not be 1100
construed to require the disclosure of debts owed by the person 1101

resulting from the ordinary conduct of a business or profession or 1102
debts on the person's residence or real property used primarily 1103
for personal recreation, except that the superintendent of 1104
financial institutions shall disclose the names of all 1105
state-chartered savings and loan associations and of all service 1106
corporations subject to regulation under division (E)(2) of 1107
section 1151.34 of the Revised Code to whom the superintendent in 1108
the superintendent's own name or in the name of any other person 1109
owes any money, and that the superintendent and any deputy 1110
superintendent of banks shall disclose the names of all 1111
state-chartered banks and all bank subsidiary corporations subject 1112
to regulation under section 1109.44 of the Revised Code to whom 1113
the superintendent or deputy superintendent owes any money. 1114

(6) The names of all persons residing or transacting business 1115
in the state, other than a depository excluded under division 1116
(A)(3) of this section, who owe more than one thousand dollars to 1117
the person filing the statement, either in the person's own name 1118
or to any person for the person's use or benefit. Division (A)(6) 1119
of this section shall not be construed to require the disclosure 1120
of clients of attorneys or persons licensed under section 4732.12 1121
or 4732.15 of the Revised Code, or patients of persons certified 1122
under section 4731.14 of the Revised Code, nor the disclosure of 1123
debts owed to the person resulting from the ordinary conduct of a 1124
business or profession. 1125

(7) Except as otherwise provided in section 102.022 of the 1126
Revised Code, the source of each gift of over seventy-five 1127
dollars, or of each gift of over twenty-five dollars received by a 1128
member of the general assembly from a legislative agent, received 1129
by the person in the person's own name or by any other person for 1130
the person's use or benefit during the preceding calendar year, 1131
except gifts received by will or by virtue of section 2105.06 of 1132
the Revised Code, or received from spouses, parents, grandparents, 1133

children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1134
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1135
fathers-in-law, mothers-in-law, or any person to whom the person 1136
filing the statement stands in loco parentis, or received by way 1137
of distribution from any inter vivos or testamentary trust 1138
established by a spouse or by an ancestor; 1139

(8) Except as otherwise provided in section 102.022 of the 1140
Revised Code, identification of the source and amount of every 1141
payment of expenses incurred for travel to destinations inside or 1142
outside this state that is received by the person in the person's 1143
own name or by any other person for the person's use or benefit 1144
and that is incurred in connection with the person's official 1145
duties, except for expenses for travel to meetings or conventions 1146
of a national or state organization to which any state agency, 1147
including, but not limited to, any legislative agency or state 1148
institution of higher education as defined in section 3345.011 of 1149
the Revised Code, pays membership dues, or any political 1150
subdivision or any office or agency of a political subdivision 1151
pays membership dues; 1152

(9) Except as otherwise provided in section 102.022 of the 1153
Revised Code, identification of the source of payment of expenses 1154
for meals and other food and beverages, other than for meals and 1155
other food and beverages provided at a meeting at which the person 1156
participated in a panel, seminar, or speaking engagement or at a 1157
meeting or convention of a national or state organization to which 1158
any state agency, including, but not limited to, any legislative 1159
agency or state institution of higher education as defined in 1160
section 3345.011 of the Revised Code, pays membership dues, or any 1161
political subdivision or any office or agency of a political 1162
subdivision pays membership dues, that are incurred in connection 1163
with the person's official duties and that exceed one hundred 1164
dollars aggregated per calendar year; 1165

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

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that 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 1198
for any one calendar year. 1199

The appropriate ethics commission, for good cause, may extend 1200
for a reasonable time the deadline for filing a statement under 1201
this section. 1202

A statement filed under this section is subject to public 1203
inspection at locations designated by the appropriate ethics 1204
commission except as otherwise provided in this section. 1205

(B) The Ohio ethics commission, the joint legislative ethics 1206
committee, and the board of commissioners on grievances and 1207
discipline of the supreme court, using the rule-making procedures 1208
of Chapter 119. of the Revised Code, may require any class of 1209
public officials or employees under its jurisdiction and not 1210
specifically excluded by this section whose positions involve a 1211
substantial and material exercise of administrative discretion in 1212
the formulation of public policy, expenditure of public funds, 1213
enforcement of laws and rules of the state or a county or city, or 1214
the execution of other public trusts, to file an annual statement 1215
on or before the fifteenth day of April under division (A) of this 1216
section. The appropriate ethics commission shall send the public 1217
officials or employees written notice of the requirement by the 1218
fifteenth day of February of each year the filing is required 1219
unless the public official or employee is appointed after that 1220
date, in which case the notice shall be sent within thirty days 1221
after appointment, and the filing shall be made not later than 1222
ninety days after appointment. 1223

Except for disclosure statements filed by members of the 1224
board of trustees and the executive director of the tobacco use 1225
prevention and control foundation and members of the board of 1226
trustees and the executive director of the southern Ohio 1227
agricultural and community development foundation, disclosure 1228
statements filed under this division with the Ohio ethics 1229

commission by members of boards, commissions, or bureaus of the 1230
state for which no compensation is received other than reasonable 1231
and necessary expenses shall be kept confidential. Disclosure 1232
statements filed with the Ohio ethics commission under division 1233
(A) of this section by business managers, treasurers, and 1234
superintendents of city, local, exempted village, joint 1235
vocational, or cooperative education school districts or 1236
educational service centers shall be kept confidential, except 1237
that any person conducting an audit of any such school district or 1238
educational service center pursuant to section 115.56 or Chapter 1239
117. of the Revised Code may examine the disclosure statement of 1240
any business manager, treasurer, or superintendent of that school 1241
district or educational service center. The Ohio ethics commission 1242
shall examine each disclosure statement required to be kept 1243
confidential to determine whether a potential conflict of interest 1244
exists for the person who filed the disclosure statement. A 1245
potential conflict of interest exists if the private interests of 1246
the person, as indicated by the person's disclosure statement, 1247
might interfere with the public interests the person is required 1248
to serve in the exercise of the person's authority and duties in 1249
the person's office or position of employment. If the commission 1250
determines that a potential conflict of interest exists, it shall 1251
notify the person who filed the disclosure statement and shall 1252
make the portions of the disclosure statement that indicate a 1253
potential conflict of interest subject to public inspection in the 1254
same manner as is provided for other disclosure statements. Any 1255
portion of the disclosure statement that the commission determines 1256
does not indicate a potential conflict of interest shall be kept 1257
confidential by the commission and shall not be made subject to 1258
public inspection, except as is necessary for the enforcement of 1259
Chapters 102. and 2921. of the Revised Code and except as 1260
otherwise provided in this division. 1261

(C) No person shall knowingly fail to file, on or before the 1262

applicable filing deadline established under this section, a 1263
statement that is required by this section. 1264

(D) No person shall knowingly file a false statement that is 1265
required to be filed under this section. 1266

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1267
section, the statement required by division (A) or (B) of this 1268
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 1269
dollars. 1270

(2) The statement required by division (A) of this section 1271
shall be accompanied by ~~a~~ the following filing fee to be paid by 1272
the person who is elected or appointed to, or is a candidate for, 1273
any of the following offices: 1274

For state office, except member of the 1275

state board of education \$~~50~~ 65 1276

For office of member of United States 1277

congress or member of general assembly \$~~25~~ 40 1278

For county office \$~~25~~ 40 1279

For city office \$~~10~~ 25 1280

For office of member of the state board 1281

of education \$~~20~~ 25 1282

For office of member of a city, local, 1283

exempted village, or cooperative 1284

education board of 1285

education or educational service 1286

center governing board \$ ~~5~~ 20 1287

For position of business manager, 1288

treasurer, or superintendent of a 1289

city, local, exempted village, joint 1290

vocational, or cooperative education 1291

school district or 1292

educational service center \$ ~~5~~ 20 1293

(3) No judge of a court of record or candidate for judge of a 1294

court of record, and no referee or magistrate serving a court of 1295
record, shall be required to pay the fee required under division 1296
(E)(1) or (2) or (F) of this section. 1297

(4) For any public official who is appointed to a nonelective 1298
office of the state and for any employee who holds a nonelective 1299
position in a public agency of the state, the state agency that is 1300
the primary employer of the state official or employee shall pay 1301
the fee required under division (E)(1) or (F) of this section. 1302

(F) If a statement required to be filed under this section is 1303
not filed by the date on which it is required to be filed, the 1304
appropriate ethics commission shall assess the person required to 1305
file the statement a late filing fee ~~equal to one-half of the~~ 1306
~~applicable filing fee~~ ten dollars for each day the statement is 1307
not filed, except that the total amount of the late filing fee 1308
shall not exceed ~~one~~ two hundred fifty dollars. 1309

(G)(1) The appropriate ethics commission other than the Ohio 1310
ethics commission shall deposit all fees it receives under 1311
divisions (E) and (F) of this section into the general revenue 1312
fund of the state. 1313

(2) The Ohio ethics commission shall deposit all receipts, 1314
including, but not limited to, fees it receives under divisions 1315
(E) and (F) of this section and all moneys it receives from 1316
settlements under division (G) of section 102.06 of the Revised 1317
Code, into the Ohio ethics commission fund, which is hereby 1318
created in the state treasury. All moneys credited to the fund 1319
shall be used solely for expenses related to the operation and 1320
statutory functions of the commission. 1321

(H) Division (A) of this section does not apply to a person 1322
elected or appointed to the office of precinct, ward, or district 1323
committee member under Chapter 3517. of the Revised Code; a 1324
presidential elector; a delegate to a national convention; village 1325

or township officials and employees; any physician or psychiatrist 1326
who is paid a salary or wage in accordance with schedule C of 1327
section 124.15 or schedule E-2 of section 124.152 of the Revised 1328
Code and whose primary duties do not require the exercise of 1329
administrative discretion; or any member of a board, commission, 1330
or bureau of any county or city who receives less than one 1331
thousand dollars per year for serving in that position. 1332

Sec. 107.12. (A) As used in this section, "organization" 1333
means a faith-based or other organization that is exempt from 1334
federal income taxation under section 501(c)(3) of the Internal 1335
Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and 1336
provides charitable services to needy residents of this state. 1337

(B) There is hereby established within the office of the 1338
governor the governor's office of faith-based and community 1339
initiatives. The office shall: 1340

(1) Serve as a clearinghouse of information on federal, 1341
state, and local funding for charitable services performed by 1342
organizations; 1343

(2) Encourage organizations to seek public funding for their 1344
charitable services; 1345

(3) Act as a liaison between state agencies and 1346
organizations; 1347

(4) Advise the governor, general assembly, and the advisory 1348
board of the governor's office of faith-based community 1349
initiatives on the barriers that exist to collaboration between 1350
organizations and governmental entities and on ways to remove the 1351
barriers. 1352

(C) The governor shall appoint an executive assistant to 1353
manage the office and perform or oversee the performance of the 1354
duties of the office. 1355

(D)(1) There is hereby created the advisory board of the 1356
governor's office of faith-based and community initiatives. The 1357
board shall consist of members appointed as follows: 1358

(a) The directors of aging, alcohol and drug addiction 1359
services, rehabilitation and correction, health, job and family 1360
services, mental health, and youth services shall each appoint to 1361
the board one employee of that director's department. 1362

(b) The speaker of the house of representatives shall appoint 1363
to the board two members of the house of representatives, not more 1364
than one of whom shall be from the same political party and at 1365
least one of whom shall be from the legislative black caucus. The 1366
speaker of the house of representatives shall consult with the 1367
president of the legislative black caucus in making the 1368
legislative black caucus member appointment. The president of the 1369
senate shall appoint to the board two members of the senate, not 1370
more than one of whom shall be from the same political party. 1371

(c) The governor, speaker of the house of representatives, 1372
and president of the senate shall each appoint to the board three 1373
representatives of the nonprofit, faith-based and other nonprofit 1374
community. 1375

(2) The appointments to the board shall be made within thirty 1376
days after the effective date of this section. Terms of the office 1377
shall be one year. Any vacancy that occurs on the board shall be 1378
filled in the same manner as the original appointment. The members 1379
of the board shall serve without compensation. 1380

(3) At its initial meeting, the board shall elect a 1381
chairperson. The chairperson shall be a member of the board who is 1382
a member of the house of representatives. 1383

(E) The board shall do both of the following: 1384

(1) Provide direction, guidance, and oversight to the office; 1385

(2) Publish a report of its activities on or before the first 1386
day of August of each year, and deliver copies of the report to 1387
the governor, the speaker and minority leader of the house of 1388
representatives, and the president and minority leader of the 1389
senate. 1390

Sec. 107.31. (A) As used in this section: 1391

(1) "State institutional facility" means any institution or 1392
other facility, in operation on or after January 1, 2003, for the 1393
housing of any person that is under the control of the department 1394
of rehabilitation and correction, the department of youth 1395
services, the department of mental retardation and developmental 1396
disabilities, the department of mental health, or any other agency 1397
or department of state government. 1398

(2) "Target state agency" means the agency of state 1399
government that operates the institutional facility or facilities 1400
that the governor believes should be closed. 1401

(B) Prior to the closing of a state institutional facility, 1402
the target state agency shall conduct a survey and analysis of the 1403
needs of each client at that facility for the purpose of ensuring 1404
that each client's identified needs during the transition and in 1405
the client's new setting are met. A copy of the analysis, devoid 1406
of any client identifying information, as well as the target state 1407
agency's proposal for meeting the needs of the clients, shall be 1408
submitted to the general assembly in accordance with section 1409
101.68 of the Revised Code at least two months prior to the 1410
closing. 1411

Sec. 107.32. (A) As used in this section and section 107.33 1412
of the Revised Code: 1413

(1) "State institutional facility" means any institution or 1414
other facility for the housing of any person that is under the 1415

control of the department of rehabilitation and correction, the 1416
department of youth services, the department of mental retardation 1417
and developmental disabilities, the department of mental health, 1418
or any other agency or department of state government. 1419

(2) "Target state agency" means the agency of state 1420
government that the governor identifies in a notice provided under 1421
division (C)(1) of this section and that operates an institutional 1422
facility or facilities the governor believes should be closed. 1423

(B) Notwithstanding any other provision of law, the governor 1424
shall not order the closure of any state institutional facility, 1425
for the purpose of expenditure reductions or budget cuts, other 1426
than in accordance with this section. 1427

(C) If the governor determines that necessary expenditure 1428
reductions and budget cuts cannot be made without closing one or 1429
more state institutional facilities, all of the following apply: 1430

(1) The governor shall determine which state agency's 1431
institutional facility or facilities the governor believes should 1432
be closed, shall notify the general assembly and that agency of 1433
that determination, and shall specify in the notice the number of 1434
facilities of that agency that the governor believes should be 1435
closed and the anticipated savings to be obtained through that 1436
closure or those closures. 1437

(2) Upon the governor's provision of the notice described in 1438
division (C)(1) of this section, a state facilities closure 1439
commission shall be created as described in division (D) of this 1440
section regarding the target state agency. Not later than seven 1441
days after the governor provides that notice, the officials with 1442
the duties to appoint members of the commission for the target 1443
state agency, as described in division (D) of this section, shall 1444
appoint the specified members of the commission, and, as soon as 1445
possible after the appointments, the commission shall meet for the 1446

purposes described in that division. Not later than thirty days 1447
after the governor provides the notice described in division 1448
(C)(1) of this section, the state facilities closure commission 1449
shall provide to the general assembly, the governor, and the 1450
target state agency a report that contains the commission's 1451
recommendation as to the state institutional facility or 1452
facilities of the target state agency that the governor may close. 1453
The anticipated savings to be obtained by the commission's 1454
recommendation shall be approximately the same as the anticipated 1455
savings the governor specified in the governor's notice provided 1456
under division (C)(1) of this section, and, if the recommendation 1457
identifies more than one facility, it shall list them in order of 1458
the commission's preference for closure. A state facilities 1459
closure commission created for a particular target state agency 1460
shall make a report only regarding that target state agency and 1461
shall include no recommendations regarding any other state agency 1462
or department in its report. 1463

(3) Upon receipt of the report of the state facilities 1464
closure commission under division (C)(2) of this section for a 1465
target state agency, if the governor still believes that necessary 1466
expenditure reductions and budget cuts cannot be made without 1467
closing one or more state institutional facilities, the governor 1468
may close state institutional facilities of the target state 1469
agency that are identified in the commission's recommendation 1470
contained in the report. Except as otherwise provided in this 1471
division, the governor shall not close any state institutional 1472
facility of the target state agency that is not listed in the 1473
commission's recommendation, and shall not close multiple 1474
institutions in any order other than the order of the commission's 1475
preference as specified in the recommendation. The governor is not 1476
required to follow the recommendation of the commission in closing 1477
an institutional facility if the governor determines that a 1478
significant change in circumstances makes the recommendation 1479

unworkable. 1480

(D) A state facilities closure commission shall be created at 1481
the time and in the manner specified in division (C)(2) of this 1482
section. If more than one state agency or department is a target 1483
state agency, a separate state facilities closure commission shall 1484
be created for each such target state agency. Each commission 1485
consists of eleven members. Three members shall be members of the 1486
house of representatives appointed by the speaker of the house of 1487
representatives, none of the members so appointed may have a state 1488
institutional facility of the target state agency in the member's 1489
district, two of the members so appointed shall be members of the 1490
majority political party in the house of representatives, and one 1491
of the members so appointed shall not be a member of the majority 1492
political party in the house of representatives. Three members 1493
shall be members of the senate appointed by the president of the 1494
senate, none of the members so appointed may have a state 1495
institutional facility of the target state agency in the member's 1496
district, two of the members so appointed shall be members of the 1497
majority political party in the senate, and one of the members so 1498
appointed shall not be a member of the majority political party in 1499
the senate. One member shall be the director of budget and 1500
management. One member shall be the director, or other agency 1501
head, of the target state agency. Two members shall be private 1502
executives with expertise in facility utilization, with one of 1503
these members appointed by the speaker of the house of 1504
representatives and the other appointed by the president of the 1505
senate, and neither of the members so appointed may have a state 1506
institutional facility of the target state agency in the county in 1507
which the member resides. One member shall be a representative of 1508
the Ohio civil service employees' association or other 1509
representative association of the employees of the target state 1510
agency, appointed by the speaker of the house of representatives. 1511
The officials with the duties to appoint members of the commission 1512

shall make the appointments, and the commission shall meet, within 1513
the time periods specified in division (C)(2) of this section. The 1514
members of the commission shall serve without compensation. At the 1515
commission's first meeting, the members shall organize, and 1516
appoint a chairperson and vice-chairperson. 1517

The commission shall determine which state institutional 1518
facility or facilities under the control of the target state 1519
agency for which the commission was created should be closed. In 1520
making this determination, the commission shall, at a minimum, 1521
consider the following factors: 1522

(1) Whether there is a need to reduce the number of 1523
facilities; 1524

(2) The availability of alternate facilities; 1525

(3) The cost effectiveness of the facilities; 1526

(4) The geographic factors associated with each facility and 1527
its proximity to other similar facilities; 1528

(5) The impact of collective bargaining on facility 1529
operations; 1530

(6) The utilization and maximization of resources; 1531

(7) Continuity of the staff and ability to serve the facility 1532
population; 1533

(8) Continuing costs following closure of a facility; 1534

(9) The impact of the closure on the local economy; 1535

(10) Alternatives and opportunities for consolidation with 1536
other facilities. 1537

The commission shall meet as often as necessary to make its 1538
determination, may take testimony and consider all relevant 1539
information, and shall prepare and provide in accordance with 1540
division (C)(2) of this section a report containing its 1541

recommendations. Upon providing the report regarding the target 1542
state agency, the commission shall cease to exist, provided that 1543
another commission shall be created for the same state agency if 1544
the agency is made a target state agency in another report 1545
provided under division (C)(1) of this section and provided that 1546
another commission shall be created for a different state agency 1547
if that other agency is made a target state agency in a report 1548
provided under that division. 1549

Sec. 107.33. Notwithstanding any other provision of law, if 1550
the closure of the particular facility is authorized under section 1551
107.32 of the Revised Code, the governor may terminate any 1552
contract entered into under section 9.06 of the Revised Code for 1553
the private operation and management of any correctional facility 1554
under the control of the department of rehabilitation and 1555
correction, including, but not limited to the initial intensive 1556
program prison established pursuant to section 5120.033 of the 1557
Revised Code as it existed prior to the effective date of this 1558
section, and terminate the operation of, and close that facility. 1559
If the governor terminates a contract for the private operation 1560
and management of a facility, and terminates the operation of, and 1561
closes, the facility as described in this section, inmates in the 1562
facility shall be transferred to another correctional facility 1563
under the control of the department. If the initial intensive 1564
program prison is closed, divisions (G)(2)(a) and (b) of section 1565
2929.13 of the Revised Code have no effect while the facility is 1566
closed. 1567

Sec. 109.32. All annual filing fees obtained by the attorney 1568
general pursuant to section 109.31 of the Revised Code, all 1569
receipts obtained from the sale of the charitable foundations 1570
directory, all registration fees received by the attorney general, 1571
bond forfeitures, awards of costs and attorney's fees, and civil 1572

penalties assessed under Chapter 1716. of the Revised Code, and 1573
all license fees received by the attorney general under section 1574
2915.08, 2915.081, or 2915.082 of the Revised Code shall be paid 1575
into the state treasury to the credit of the charitable law fund. 1576
The charitable law fund shall be used insofar as its moneys are 1577
available for the expenses of the charitable law section of the 1578
office of the attorney general, except that all annual license 1579
fees that are received by the attorney general under section 1580
2915.08, 2915.081, or 2915.082 of the Revised Code and that are 1581
credited to the fund shall be used by the attorney general, or any 1582
law enforcement agency in cooperation with the attorney general, 1583
for the purposes specified in division ~~(G)~~(H) of section 2915.10 1584
of the Revised Code and to administer and enforce Chapter 2915. of 1585
the Revised Code. The expenses of the charitable law section in 1586
excess of moneys available in the charitable law fund shall be 1587
paid out of regular appropriations to the office of the attorney 1588
general. 1589

Sec. 109.57. (A)(1) The superintendent of the bureau of 1590
criminal identification and investigation shall procure from 1591
wherever procurable and file for record photographs, pictures, 1592
descriptions, fingerprints, measurements, and other information 1593
that may be pertinent of all persons who have been convicted of 1594
committing within this state a felony, any crime constituting a 1595
misdemeanor on the first offense and a felony on subsequent 1596
offenses, or any misdemeanor described in division (A)(1)(a) of 1597
section 109.572 of the Revised Code, of all children under 1598
eighteen years of age who have been adjudicated delinquent 1599
children for committing within this state an act that would be a 1600
felony or an offense of violence if committed by an adult or who 1601
have been convicted of or pleaded guilty to committing within this 1602
state a felony or an offense of violence, and of all well-known 1603
and habitual criminals. The person in charge of any county, 1604

multicounty, municipal, municipal-county, or multicounty-municipal 1605
jail or workhouse, community-based correctional facility, halfway 1606
house, alternative residential facility, or state correctional 1607
institution and the person in charge of any state institution 1608
having custody of a person suspected of having committed a felony, 1609
any crime constituting a misdemeanor on the first offense and a 1610
felony on subsequent offenses, or any misdemeanor described in 1611
division (A)(1)(a) of section 109.572 of the Revised Code or 1612
having custody of a child under eighteen years of age with respect 1613
to whom there is probable cause to believe that the child may have 1614
committed an act that would be a felony or an offense of violence 1615
if committed by an adult shall furnish such material to the 1616
superintendent of the bureau. Fingerprints, photographs, or other 1617
descriptive information of a child who is under eighteen years of 1618
age, has not been arrested or otherwise taken into custody for 1619
committing an act that would be a felony or an offense of violence 1620
if committed by an adult, has not been adjudicated a delinquent 1621
child for committing an act that would be a felony or an offense 1622
of violence if committed by an adult, has not been convicted of or 1623
pleaded guilty to committing a felony or an offense of violence, 1624
and is not a child with respect to whom there is probable cause to 1625
believe that the child may have committed an act that would be a 1626
felony or an offense of violence if committed by an adult shall 1627
not be procured by the superintendent or furnished by any person 1628
in charge of any county, multicounty, municipal, municipal-county, 1629
or multicounty-municipal jail or workhouse, community-based 1630
correctional facility, halfway house, alternative residential 1631
facility, or state correctional institution, except as authorized 1632
in section 2151.313 of the Revised Code. 1633

(2) Every clerk of a court of record in this state, other 1634
than the supreme court or a court of appeals, shall send to the 1635
superintendent of the bureau a weekly report containing a summary 1636
of each case involving a felony, involving any crime constituting 1637

a misdemeanor on the first offense and a felony on subsequent 1638
offenses, involving a misdemeanor described in division (A)(1)(a) 1639
of section 109.572 of the Revised Code, or involving an 1640
adjudication in a case in which a child under eighteen years of 1641
age was alleged to be a delinquent child for committing an act 1642
that would be a felony or an offense of violence if committed by 1643
an adult. The clerk of the court of common pleas shall include in 1644
the report and summary the clerk sends under this division all 1645
information described in divisions (A)(2)(a) to (f) of this 1646
section regarding a case before the court of appeals that is 1647
served by that clerk. The summary shall be written on the standard 1648
forms furnished by the superintendent pursuant to division (B) of 1649
this section and shall include the following information: 1650

(a) The incident tracking number contained on the standard 1651
forms furnished by the superintendent pursuant to division (B) of 1652
this section; 1653

(b) The style and number of the case; 1654

(c) The date of arrest; 1655

(d) The date that the person was convicted of or pleaded 1656
guilty to the offense, adjudicated a delinquent child for 1657
committing the act that would be a felony or an offense of 1658
violence if committed by an adult, found not guilty of the 1659
offense, or found not to be a delinquent child for committing an 1660
act that would be a felony or an offense of violence if committed 1661
by an adult, the date of an entry dismissing the charge, an entry 1662
declaring a mistrial of the offense in which the person is 1663
discharged, an entry finding that the person or child is not 1664
competent to stand trial, or an entry of a nolle prosequi, or the 1665
date of any other determination that constitutes final resolution 1666
of the case; 1667

(e) A statement of the original charge with the section of 1668

the Revised Code that was alleged to be violated; 1669

(f) If the person or child was convicted, pleaded guilty, or 1670
was adjudicated a delinquent child, the sentence or terms of 1671
probation imposed or any other disposition of the offender or the 1672
delinquent child. 1673

If the offense involved the disarming of a law enforcement 1674
officer or an attempt to disarm a law enforcement officer, the 1675
clerk shall clearly state that fact in the summary, and the 1676
superintendent shall ensure that a clear statement of that fact is 1677
placed in the bureau's records. 1678

(3) The superintendent shall cooperate with and assist 1679
sheriffs, chiefs of police, and other law enforcement officers in 1680
the establishment of a complete system of criminal identification 1681
and in obtaining fingerprints and other means of identification of 1682
all persons arrested on a charge of a felony, any crime 1683
constituting a misdemeanor on the first offense and a felony on 1684
subsequent offenses, or a misdemeanor described in division 1685
(A)(1)(a) of section 109.572 of the Revised Code and of all 1686
children under eighteen years of age arrested or otherwise taken 1687
into custody for committing an act that would be a felony or an 1688
offense of violence if committed by an adult. The superintendent 1689
also shall file for record the fingerprint impressions of all 1690
persons confined in a county, multicounty, municipal, 1691
municipal-county, or multicounty-municipal jail or workhouse, 1692
community-based correctional facility, halfway house, alternative 1693
residential facility, or state correctional institution for the 1694
violation of state laws and of all children under eighteen years 1695
of age who are confined in a county, multicounty, municipal, 1696
municipal-county, or multicounty-municipal jail or workhouse, 1697
community-based correctional facility, halfway house, alternative 1698
residential facility, or state correctional institution or in any 1699
facility for delinquent children for committing an act that would 1700

be a felony or an offense of violence if committed by an adult, 1701
and any other information that the superintendent may receive from 1702
law enforcement officials of the state and its political 1703
subdivisions. 1704

(4) The superintendent shall carry out Chapter 2950. of the 1705
Revised Code with respect to the registration of persons who are 1706
convicted of or plead guilty to a sexually oriented offense and 1707
with respect to all other duties imposed on the bureau under that 1708
chapter. 1709

(B) The superintendent shall prepare and furnish to every 1710
county, multicounty, municipal, municipal-county, or 1711
multicounty-municipal jail or workhouse, community-based 1712
correctional facility, halfway house, alternative residential 1713
facility, or state correctional institution and to every clerk of 1714
a court in this state specified in division (A)(2) of this section 1715
standard forms for reporting the information required under 1716
division (A) of this section. The standard forms that the 1717
superintendent prepares pursuant to this division may be in a 1718
tangible format, in an electronic format, or in both tangible 1719
formats and electronic formats. 1720

(C) The superintendent may operate a center for electronic, 1721
automated, or other data processing for the storage and retrieval 1722
of information, data, and statistics pertaining to criminals and 1723
to children under eighteen years of age who are adjudicated 1724
delinquent children for committing an act that would be a felony 1725
or an offense of violence if committed by an adult, criminal 1726
activity, crime prevention, law enforcement, and criminal justice, 1727
and may establish and operate a statewide communications network 1728
to gather and disseminate information, data, and statistics for 1729
the use of law enforcement agencies. The superintendent may 1730
gather, store, retrieve, and disseminate information, data, and 1731
statistics that pertain to children who are under eighteen years 1732

of age and that are gathered pursuant to sections 109.57 to 109.61 1733
of the Revised Code together with information, data, and 1734
statistics that pertain to adults and that are gathered pursuant 1735
to those sections. 1736

(D) The information and materials furnished to the 1737
superintendent pursuant to division (A) of this section and 1738
information and materials furnished to any board or person under 1739
division (F) or (G) of this section are not public records under 1740
section 149.43 of the Revised Code. 1741

(E) The attorney general shall adopt rules, in accordance 1742
with Chapter 119. of the Revised Code, setting forth the procedure 1743
by which a person may receive or release information gathered by 1744
the superintendent pursuant to division (A) of this section. A 1745
reasonable fee may be charged for this service. If a temporary 1746
employment service submits a request for a determination of 1747
whether a person the service plans to refer to an employment 1748
position has been convicted of or pleaded guilty to an offense 1749
listed in division (A)(1), (3), (4), ~~or~~ (5), or (6) of section 1750
109.572 of the Revised Code, the request shall be treated as a 1751
single request and only one fee shall be charged. 1752

(F)(1) As used in division (F)(2) of this section, "head 1753
start agency" means an entity in this state that has been approved 1754
to be an agency for purposes of subchapter II of the "Community 1755
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1756
as amended. 1757

(2)(a) In addition to or in conjunction with any request that 1758
is required to be made under section 109.572, 2151.86, 3301.32, 1759
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1760
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1761
education of any school district; the director of mental 1762
retardation and developmental disabilities; any county board of 1763
mental retardation and developmental disabilities; any entity 1764

under contract with a county board of mental retardation and 1765
developmental disabilities; the chief administrator of any 1766
chartered nonpublic school; the chief administrator of any home 1767
health agency; the chief administrator of or person operating any 1768
child day-care center, type A family day-care home, or type B 1769
family day-care home licensed or certified under Chapter 5104. of 1770
the Revised Code; the administrator of any type C family day-care 1771
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1772
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1773
general assembly; the chief administrator of any head start 1774
agency; or the executive director of a public children services 1775
agency may request that the superintendent of the bureau 1776
investigate and determine, with respect to any individual who has 1777
applied for employment in any position after October 2, 1989, or 1778
any individual wishing to apply for employment with a board of 1779
education may request, with regard to the individual, whether the 1780
bureau has any information gathered under division (A) of this 1781
section that pertains to that individual. On receipt of the 1782
request, the superintendent shall determine whether that 1783
information exists and, upon request of the person, board, or 1784
entity requesting information, also shall request from the federal 1785
bureau of investigation any criminal records it has pertaining to 1786
that individual. Within thirty days of the date that the 1787
superintendent receives a request, the superintendent shall send 1788
to the board, entity, or person a report of any information that 1789
the superintendent determines exists, including information 1790
contained in records that have been sealed under section 2953.32 1791
of the Revised Code, and, within thirty days of its receipt, shall 1792
send the board, entity, or person a report of any information 1793
received from the federal bureau of investigation, other than 1794
information the dissemination of which is prohibited by federal 1795
law. 1796

(b) When a board of education is required to receive 1797

information under this section as a prerequisite to employment of 1798
an individual pursuant to section 3319.39 of the Revised Code, it 1799
may accept a certified copy of records that were issued by the 1800
bureau of criminal identification and investigation and that are 1801
presented by an individual applying for employment with the 1802
district in lieu of requesting that information itself. In such a 1803
case, the board shall accept the certified copy issued by the 1804
bureau in order to make a photocopy of it for that individual's 1805
employment application documents and shall return the certified 1806
copy to the individual. In a case of that nature, a district only 1807
shall accept a certified copy of records of that nature within one 1808
year after the date of their issuance by the bureau. 1809

(3) The state board of education may request, with respect to 1810
any individual who has applied for employment after October 2, 1811
1989, in any position with the state board or the department of 1812
education, any information that a school district board of 1813
education is authorized to request under division (F)(2) of this 1814
section, and the superintendent of the bureau shall proceed as if 1815
the request has been received from a school district board of 1816
education under division (F)(2) of this section. 1817

(4) When the superintendent of the bureau receives a request 1818
for information that is authorized under section 3319.291 of the 1819
Revised Code, the superintendent shall proceed as if the request 1820
has been received from a school district board of education under 1821
division (F)(2) of this section. 1822

(5) When a recipient of an OhioReads classroom or community 1823
reading grant paid under section 3301.86 or 3301.87 of the Revised 1824
Code or an entity approved by the OhioReads council requests, with 1825
respect to any individual who applies to participate in providing 1826
any program or service through an entity approved by the OhioReads 1827
council or funded in whole or in part by the grant, the 1828
information that a school district board of education is 1829

authorized to request under division (F)(2)(a) of this section, 1830
the superintendent of the bureau shall proceed as if the request 1831
has been received from a school district board of education under 1832
division (F)(2)(a) of this section. 1833

(G) In addition to or in conjunction with any request that is 1834
required to be made under section 173.41, 3701.881, 3712.09, 1835
3721.121, or 3722.151 of the Revised Code with respect to an 1836
individual who has applied for employment in a position that 1837
involves providing direct care to an older adult, the chief 1838
administrator of a PASSPORT agency that provides services through 1839
the PASSPORT program created under section 173.40 of the Revised 1840
Code, home health agency, hospice care program, home licensed 1841
under Chapter 3721. of the Revised Code, adult day-care program 1842
operated pursuant to rules adopted under section 3721.04 of the 1843
Revised Code, or adult care facility may request that the 1844
superintendent of the bureau investigate and determine, with 1845
respect to any individual who has applied after January 27, 1997, 1846
for employment in a position that does not involve providing 1847
direct care to an older adult, whether the bureau has any 1848
information gathered under division (A) of this section that 1849
pertains to that individual. On receipt of the request, the 1850
superintendent shall determine whether that information exists 1851
and, on request of the administrator requesting information, shall 1852
also request from the federal bureau of investigation any criminal 1853
records it has pertaining to that individual. Within thirty days 1854
of the date a request is received, the superintendent shall send 1855
to the administrator a report of any information determined to 1856
exist, including information contained in records that have been 1857
sealed under section 2953.32 of the Revised Code, and, within 1858
thirty days of its receipt, shall send the administrator a report 1859
of any information received from the federal bureau of 1860
investigation, other than information the dissemination of which 1861
is prohibited by federal law. 1862

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated. 1863
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(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section. 1866
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Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, or 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1869
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, 1881
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had the violation been committed prior to that date, or a 1894
violation of section 2925.11 of the Revised Code that is not a 1895
minor drug possession offense; 1896

(b) A violation of an existing or former law of this state, 1897
any other state, or the United States that is substantially 1898
equivalent to any of the offenses listed in division (A)(1)(a) of 1899
this section. 1900

(2) On receipt of a request pursuant to section 5123.081 of 1901
the Revised Code with respect to an applicant for employment in 1902
any position with the department of mental retardation and 1903
developmental disabilities, pursuant to section 5126.28 of the 1904
Revised Code with respect to an applicant for employment in any 1905
position with a county board of mental retardation and 1906
developmental disabilities, or pursuant to section 5126.281 of the 1907
Revised Code with respect to an applicant for employment in a 1908
direct services position with an entity contracting with a county 1909
board for employment, a completed form prescribed pursuant to 1910
division (C)(1) of this section, and a set of fingerprint 1911
impressions obtained in the manner described in division (C)(2) of 1912
this section, the superintendent of the bureau of criminal 1913
identification and investigation shall conduct a criminal records 1914
check. The superintendent shall conduct the criminal records check 1915
in the manner described in division (B) of this section to 1916
determine whether any information exists that indicates that the 1917
person who is the subject of the request has been convicted of or 1918
pleaded guilty to any of the following: 1919

(a) A violation of section 2903.01, 2903.02, 2903.03, 1920
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1921
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1922
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1923
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1924
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1925

2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1926
3716.11 of the Revised Code; 1927

(b) An existing or former municipal ordinance or law of this 1928
state, any other state, or the United States that is substantially 1929
equivalent to any of the offenses listed in division (A)(2)(a) of 1930
this section. 1931

(3) On receipt of a request pursuant to section 173.41, 1932
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1933
form prescribed pursuant to division (C)(1) of this section, and a 1934
set of fingerprint impressions obtained in the manner described in 1935
division (C)(2) of this section, the superintendent of the bureau 1936
of criminal identification and investigation shall conduct a 1937
criminal records check with respect to any person who has applied 1938
for employment in a position that involves providing direct care 1939
to an older adult. The superintendent shall conduct the criminal 1940
records check in the manner described in division (B) of this 1941
section to determine whether any information exists that indicates 1942
that the person who is the subject of the request previously has 1943
been convicted of or pleaded guilty to any of the following: 1944

(a) A violation of section 2903.01, 2903.02, 2903.03, 1945
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1946
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1947
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1948
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1949
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1950
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1951
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1952
2925.22, 2925.23, or 3716.11 of the Revised Code; 1953

(b) An existing or former law of this state, any other state, 1954
or the United States that is substantially equivalent to any of 1955
the offenses listed in division (A)(3)(a) of this section. 1956

(4) On receipt of a request pursuant to section 3701.881 of 1957
the Revised Code with respect to an applicant for employment with 1958
a home health agency as a person responsible for the care, 1959
custody, or control of a child, a completed form prescribed 1960
pursuant to division (C)(1) of this section, and a set of 1961
fingerprint impressions obtained in the manner described in 1962
division (C)(2) of this section, the superintendent of the bureau 1963
of criminal identification and investigation shall conduct a 1964
criminal records check. The superintendent shall conduct the 1965
criminal records check in the manner described in division (B) of 1966
this section to determine whether any information exists that 1967
indicates that the person who is the subject of the request 1968
previously has been convicted of or pleaded guilty to any of the 1969
following: 1970

(a) A violation of section 2903.01, 2903.02, 2903.03, 1971
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1972
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1973
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1974
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1975
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1976
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1977
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1978
violation of section 2925.11 of the Revised Code that is not a 1979
minor drug possession offense; 1980

(b) An existing or former law of this state, any other state, 1981
or the United States that is substantially equivalent to any of 1982
the offenses listed in division (A)(4)(a) of this section. 1983

(5) On receipt of a request pursuant to section 5111.95 or 1984
5111.96 of the Revised Code with respect to an applicant for 1985
employment with a waiver agency participating in a department of 1986
job and family services administered home and community-based 1987
waiver program or an independent provider participating in a 1988

department administered home and community-based waiver program in 1989
a position that involves providing home and community-based waiver 1990
services to consumers with disabilities, a completed form 1991
prescribed pursuant to division (C)(1) of this section, and a set 1992
of fingerprint impressions obtained in the manner described in 1993
division (C)(2) of this section, the superintendent of the bureau 1994
of criminal identification and investigation shall conduct a 1995
criminal records check. The superintendent shall conduct the 1996
criminal records check in the manner described in division (B) of 1997
this section to determine whether any information exists that 1998
indicates that the person who is the subject of the request 1999
previously has been convicted of or pleaded guilty to any of the 2000
following: 2001

(a) A violation of section 2903.01, 2903.02, 2903.03, 2002
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2003
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2004
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2005
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2006
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2007
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2008
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 2009
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2010
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 2011
Revised Code, felonious sexual penetration in violation of former 2012
section 2907.12 of the Revised Code, a violation of section 2013
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2014
violation of section 2919.23 of the Revised Code that would have 2015
been a violation of section 2905.04 of the Revised Code as it 2016
existed prior to July 1, 1996, had the violation been committed 2017
prior to that date; 2018

(b) An existing or former law of this state, any other state, 2019
or the United States that is substantially equivalent to any of 2020

the offenses listed in division (A)(5)(a) of this section. 2021

(6) On receipt of a request pursuant to section 3701.881 of 2022
the Revised Code with respect to an applicant for employment with 2023
a home health agency in a position that involves providing direct 2024
care to an older adult, a completed form prescribed pursuant to 2025
division (C)(1) of this section, and a set of fingerprint 2026
impressions obtained in the manner described in division (C)(2) of 2027
this section, the superintendent of the bureau of criminal 2028
identification and investigation shall conduct a criminal records 2029
check. The superintendent shall conduct the criminal records check 2030
in the manner described in division (B) of this section to 2031
determine whether any information exists that indicates that the 2032
person who is the subject of the request previously has been 2033
convicted of or pleaded guilty to any of the following: 2034

(a) A violation of section 2903.01, 2903.02, 2903.03, 2035
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2036
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2037
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2038
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2039
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2040
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2041
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2042
2925.22, 2925.23, or 3716.11 of the Revised Code; 2043

(b) An existing or former law of this state, any other state, 2044
or the United States that is substantially equivalent to any of 2045
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 2046

~~(6)~~(7) When conducting a criminal records check upon a 2047
request pursuant to section 3319.39 of the Revised Code for an 2048
applicant who is a teacher, in addition to the determination made 2049
under division (A)(1) of this section, the superintendent shall 2050
determine whether any information exists that indicates that the 2051
person who is the subject of the request previously has been 2052

convicted of or pleaded guilty to any offense specified in section 2053
3319.31 of the Revised Code. 2054

~~(7)~~(8) When conducting a criminal records check on a request 2055
pursuant to section 2151.86 of the Revised Code for a person who 2056
is a prospective foster caregiver or who is eighteen years old or 2057
older and resides in the home of a prospective foster caregiver, 2058
the superintendent, in addition to the determination made under 2059
division (A)(1) of this section, shall determine whether any 2060
information exists that indicates that the person has been 2061
convicted of or pleaded guilty to a violation of: 2062

(a) Section 2909.02 or 2909.03 of the Revised Code; 2063

(b) An existing or former law of this state, any other state, 2064
or the United States that is substantially equivalent to section 2065
2909.02 or 2909.03 of the Revised Code. 2066

~~(8)~~(9) Not later than thirty days after the date the 2067
superintendent receives the request, completed form, and 2068
fingerprint impressions, the superintendent shall send the person, 2069
board, or entity that made the request any information, other than 2070
information the dissemination of which is prohibited by federal 2071
law, the superintendent determines exists with respect to the 2072
person who is the subject of the request that indicates that the 2073
person previously has been convicted of or pleaded guilty to any 2074
offense listed or described in division (A)(1), (2), (3), (4), 2075
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 2076
superintendent shall send the person, board, or entity that made 2077
the request a copy of the list of offenses specified in division 2078
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 2079
as appropriate. If the request was made under section 3701.881 of 2080
the Revised Code with regard to an applicant who may be both 2081
responsible for the care, custody, or control of a child and 2082
involved in providing direct care to an older adult, the 2083
superintendent shall provide a list of the offenses specified in 2084

divisions (A)(4) and ~~(5)~~(6) of this section. 2085

(B) The superintendent shall conduct any criminal records 2086
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 2087
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 2088
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 2089
5153.111 of the Revised Code as follows: 2090

(1) The superintendent shall review or cause to be reviewed 2091
any relevant information gathered and compiled by the bureau under 2092
division (A) of section 109.57 of the Revised Code that relates to 2093
the person who is the subject of the request, including any 2094
relevant information contained in records that have been sealed 2095
under section 2953.32 of the Revised Code; 2096

(2) If the request received by the superintendent asks for 2097
information from the federal bureau of investigation, the 2098
superintendent shall request from the federal bureau of 2099
investigation any information it has with respect to the person 2100
who is the subject of the request and shall review or cause to be 2101
reviewed any information the superintendent receives from that 2102
bureau. 2103

(C)(1) The superintendent shall prescribe a form to obtain 2104
the information necessary to conduct a criminal records check from 2105
any person for whom a criminal records check is required by 2106
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2107
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 2108
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 2109
form that the superintendent prescribes pursuant to this division 2110
may be in a tangible format, in an electronic format, or in both 2111
tangible and electronic formats. 2112

(2) The superintendent shall prescribe standard impression 2113
sheets to obtain the fingerprint impressions of any person for 2114
whom a criminal records check is required by section 173.41, 2115

2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2116
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2117
5126.281, or 5153.111 of the Revised Code. Any person for whom a 2118
records check is required by any of those sections shall obtain 2119
the fingerprint impressions at a county sheriff's office, 2120
municipal police department, or any other entity with the ability 2121
to make fingerprint impressions on the standard impression sheets 2122
prescribed by the superintendent. The office, department, or 2123
entity may charge the person a reasonable fee for making the 2124
impressions. The standard impression sheets the superintendent 2125
prescribes pursuant to this division may be in a tangible format, 2126
in an electronic format, or in both tangible and electronic 2127
formats. 2128

(3) Subject to division (D) of this section, the 2129
superintendent shall prescribe and charge a reasonable fee for 2130
providing a criminal records check requested under section 173.41, 2131
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 2132
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 2133
5126.281, or 5153.111 of the Revised Code. The person making a 2134
criminal records request under section 173.41, 2151.86, 3301.32, 2135
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 2136
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 2137
or 5153.111 of the Revised Code shall pay the fee prescribed 2138
pursuant to this division. A person making a request under section 2139
3701.881 of the Revised Code for a criminal records check for an 2140
applicant who may be both responsible for the care, custody, or 2141
control of a child and involved in providing direct care to an 2142
older adult shall pay one fee for the request. 2143

(4) The superintendent of the bureau of criminal 2144
identification and investigation may prescribe methods of 2145
forwarding fingerprint impressions and information necessary to 2146
conduct a criminal records check, which methods shall include, but 2147

not be limited to, an electronic method. 2148

(D) A determination whether any information exists that 2149
indicates that a person previously has been convicted of or 2150
pleaded guilty to any offense listed or described in division 2151
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2152
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 2153
or (b) of this section that is made by the superintendent with 2154
respect to information considered in a criminal records check in 2155
accordance with this section is valid for the person who is the 2156
subject of the criminal records check for a period of one year 2157
from the date upon which the superintendent makes the 2158
determination. During the period in which the determination in 2159
regard to a person is valid, if another request under this section 2160
is made for a criminal records check for that person, the 2161
superintendent shall provide the information that is the basis for 2162
the superintendent's initial determination at a lower fee than the 2163
fee prescribed for the initial criminal records check. 2164

(E) As used in this section: 2165

(1) "Criminal records check" means any criminal records check 2166
conducted by the superintendent of the bureau of criminal 2167
identification and investigation in accordance with division (B) 2168
of this section. 2169

(2) "Home and community-based waiver services" and "waiver 2170
agency" have the same meanings as in section 5111.95 of the 2171
Revised Code. 2172

(3) "Independent provider" has the same meaning as in section 2173
5111.96 of the Revised Code. 2174

(4) "Minor drug possession offense" has the same meaning as 2175
in section 2925.01 of the Revised Code. 2176

~~(3)~~(5) "Older adult" means a person age sixty or older. 2177

Sec. 117.101. The auditor of state ~~may establish~~ shall 2178
provide, operate, and maintain a uniform and compatible 2179
computerized financial management and accounting system known as 2180
the uniform accounting network. ~~Any such~~ The network shall be 2181
designed to provide public offices, other than state agencies and 2182
the Ohio education computer network and public school districts, 2183
with efficient and economical access to data processing and 2184
management information facilities and expertise. In accordance 2185
with this objective, activities of the network shall include, but 2186
not be limited to, provision, maintenance, and operation of the 2187
following facilities and services: 2188

(A) A cooperative program of technical assistance for public 2189
offices, other than state agencies and the Ohio education computer 2190
network and public school districts, including, but not limited 2191
to, an adequate computer software system and a data base; 2192

(B) An information processing service center providing 2193
approved computerized financial accounting and reporting services 2194
to participating public offices. 2195

The auditor of state and any public office, other than a 2196
state agency and the Ohio education computer network and public 2197
school districts, may enter into any necessary agreements, without 2198
advertisement or bidding, for the provision of necessary goods, 2199
materials, supplies, and services to such public offices by the 2200
auditor of state through the network. 2201

The auditor of state may, by rule, provide for a system of 2202
user fees to be charged participating public offices for goods, 2203
materials, supplies, and services received from the network. All 2204
such fees shall be paid into the state treasury to the credit of 2205
the uniform accounting network fund, which is hereby created. The 2206
fund shall be used by the auditor of state to pay the costs of 2207
establishing and maintaining the network. The fund shall be 2208

assessed a proportionate share of the auditor of state's 2209
administrative costs in accordance with procedures prescribed by 2210
the auditor of state and approved by the director of budget and 2211
management. 2212

Sec. 117.16. (A) The auditor of state shall do all of the 2213
following: 2214

(1) Develop a force account project assessment form that each 2215
public office that undertakes force account projects shall use to 2216
estimate or report the cost of a force account project. The form 2217
shall include costs for employee salaries and benefits, any other 2218
labor costs, materials, freight, fuel, hauling, overhead expense, 2219
workers' compensation premiums, and all other items of cost and 2220
expense, including a reasonable allowance for the use of all tools 2221
and equipment used on or in connection with such work and for the 2222
depreciation on the tools and equipment. 2223

(2) Make the form available to public offices by any 2224
cost-effective, convenient method accessible to the auditor of 2225
state and the public offices; 2226

(3) When conducting an audit under this chapter of ~~such a~~ 2227
public office ~~under this chapter~~ that undertakes force account 2228
projects, examine ~~a sample of~~ the forms and records of ~~any a~~ 2229
sampling of the force account ~~project that~~ projects the public 2230
office completed since an audit was last conducted, to determine 2231
compliance with ~~the~~ its force account limits ~~and other force~~ 2232
~~account provisions established by law. If the auditor of state~~ 2233
~~finds a violation of the force account limits, the auditor of~~ 2234
~~state shall conduct an audit of each force account project~~ 2235
~~completed since an audit was last conducted.~~ 2236

(B) If the auditor of state receives a complaint from any 2237
person that a public office has violated the force account limits 2238
established for that office, the auditor of state may conduct an 2239

audit in addition to the audit provided in section 117.11 of the Revised Code if the auditor of state has reasonable cause to believe that an additional audit is in the public interest.

(C)(1) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision, the auditor of state, in addition to any other action authorized by this chapter, shall notify the political subdivision that, for a period of one year from the date of the notification, the force account limits for the subdivision are reduced as follows:

(a) For a county, the limits shall be ten thousand dollars per mile for construction or reconstruction of a road and forty thousand dollars for construction, reconstruction, maintenance, or repair of a bridge or culvert;

(b) For a township, the limit shall be fifteen thousand dollars for maintenance and repair of a road or five thousand per mile for construction or reconstruction of a township road;

(c) For a municipal corporation, the limit shall be ten thousand dollars for the construction, reconstruction, widening, resurfacing, or repair of a street or other public way.

(2) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision a second or subsequent time, the auditor of state, in addition to any other action authorized by this chapter, shall notify the political subdivision that, for a period of two years from the date of the notification, the force account limits for the subdivision are reduced in accordance with division (C)(1)(a), (b), or (c) of this section.

(3) If the auditor of state finds that a county, township, or municipal corporation violated the force account limits established for that political subdivision a third or subsequent

time, the ~~subdivision shall pay the~~ auditor of state shall certify 2271
to the tax commissioner an amount the auditor of state determines 2272
to be twenty per cent of the total cost of the force account 2273
project that is the basis of the violation. ~~The~~ Upon receipt of 2274
this certification, the tax commissioner shall withhold the 2275
certified amount from any funds under the tax commissioner's 2276
control that are due or payable to that political subdivision. The 2277
tax commissioner shall promptly deposit this withheld amount to 2278
the credit of the local transportation improvement program fund 2279
created by section 164.14 of the Revised Code. 2280

If the tax commissioner determines that no funds are due and 2281
payable to the violating political subdivision or that 2282
insufficient amounts of such funds are available to cover the 2283
entire certified amount, the tax commissioner shall withhold and 2284
deposit to the credit of the local transportation improvement 2285
program fund any amount available and certify the remaining amount 2286
to be withheld to the county auditor of the county in which the 2287
political subdivision is located. The county auditor shall 2288
withhold from that political subdivision any amount, up to that 2289
certified by the tax commissioner, that is available from any 2290
funds under the county auditor's control, that is due or payable 2291
to that political subdivision, and that can be lawfully withheld. 2292
The county auditor shall promptly pay that withheld amount to the 2293
tax commissioner for deposit into the local transportation 2294
improvement program fund. 2295

The payments required under division (C)(3) of this section 2296
are in addition to the force account limit reductions ~~under~~ 2297
described in division (C)(2) of this section and also are in 2298
addition to any other action authorized by this chapter. ~~The~~ 2299
~~auditor of state shall certify any money due under division (C)(3)~~ 2300
~~of this section for collection in accordance with division (D) of~~ 2301
~~section 117.13 of the Revised Code.~~ 2302

(D) If the auditor of state finds that a county, township, or municipal corporation violated its force account ~~limit~~ limits when participating in a joint force account project, the auditor of state shall impose the reduction in force account limits under division (C) of this section on all entities participating in the joint project.

(E) As used in this section, "force account limits" means any of the following, as applicable:

(1) For a county, the amounts established in section 5543.19 of the Revised Code;

(2) For a township, the amounts established in section 5575.01 of the Revised Code;

(3) For a municipal corporation, the amount established in section 723.52 of the Revised Code;

(4) For the department of transportation, the amount established in section 5517.02 of the Revised Code.

Sec. 117.44. To enhance local officials' background and working knowledge of government accounting, budgeting and financing, financial report preparation, and the rules adopted by the auditor of state, the auditor of state shall hold training programs for persons elected for the first time as township clerks, city auditors, and village clerks, between the first day of December and the ~~fifteenth~~ first day of ~~February~~ April immediately following a general election for any of these offices. Similar training may also be provided to any township clerk, city auditor, or village clerk who is appointed to fill a vacancy or who is elected in a special election.

The auditor of state also shall develop and provide an annual training program of continuing education for village clerks.

The auditor of state shall determine the manner, content, and

length of the training programs after consultation with 2333
appropriate statewide organizations of local governmental 2334
officials. The auditor of state shall charge the political 2335
subdivisions that the trainees represent a registration fee that 2336
will meet actual and necessary expenses of the training, including 2337
instructor fees, site acquisition costs, and the cost of course 2338
materials. The necessary personal expenses incurred by the 2339
officials as a result of attending the training program shall be 2340
borne by the political subdivisions they represent. 2341

The auditor of state shall allow any other interested person 2342
to attend any of the training programs that the auditor of state 2343
holds pursuant to this section; provided, that before attending 2344
any such training program, the interested person shall pay to the 2345
auditor of state the full registration fee that the auditor of 2346
state has set for the training program. 2347

The auditor of state may provide any other appropriate 2348
training or educational programs that may be developed and offered 2349
by the auditor of state or in collaboration with one or more other 2350
state agencies, political subdivisions, or other public or private 2351
entities. 2352

There is hereby established in the state treasury the auditor 2353
of state training program fund, to be used by the auditor of state 2354
for the actual and necessary expenses of any training programs 2355
held pursuant to this section, section 117.441, or section 321.46 2356
of the Revised Code. All registration fees collected under this 2357
section shall be paid into the fund. 2358

Sec. 117.45. (A) The auditor of state shall draw warrants 2359
against the treasurer of state pursuant to all requests for 2360
payment that the director of budget and management has approved 2361
under section 126.07 of the Revised Code. 2362

(B) Unless the director of job and family services has 2363

provided for the making of payments by electronic benefit 2364
transfer, if a financial institution and account have been 2365
designated by the participant or recipient, payment by the auditor 2366
of state to a participant in the Ohio works first program pursuant 2367
to Chapter 5107. of the Revised Code or a recipient of disability 2368
financial assistance pursuant to Chapter 5115. of the Revised Code 2369
shall be made by direct deposit to the account of the participant 2370
or recipient in the financial institution. Payment by the auditor 2371
of state to a recipient of benefits distributed through the medium 2372
of electronic benefit transfer pursuant to section 5101.33 of the 2373
Revised Code shall be by electronic benefit transfer. Payment by 2374
the auditor of state as compensation to an employee of the state 2375
who has, pursuant to section 124.151 of the Revised Code, 2376
designated a financial institution and account for the direct 2377
deposit of such payments shall be made by direct deposit to the 2378
account of the employee. Payment to any other payee who has 2379
designated a financial institution and account for the direct 2380
deposit of such payment may be made by direct deposit to the 2381
account of the payee in the financial institution as provided in 2382
section 9.37 of the Revised Code. The auditor of state shall 2383
contract with an authorized financial institution for the services 2384
necessary to make direct deposits or electronic benefit transfers 2385
under this division and draw lump sum warrants payable to that 2386
institution in the amount to be transferred. Accounts maintained 2387
by the auditor of state or the auditor of state's agent in a 2388
financial institution for the purpose of effectuating payment by 2389
direct deposit or electronic benefit transfer shall be maintained 2390
in accordance with section 135.18 of the Revised Code. 2391

(C) All other payments from the state treasury shall be made 2392
by paper warrants or by direct deposit payable to the respective 2393
payees. The auditor of state may mail the paper warrants to the 2394
respective payees or distribute them through other state agencies, 2395
whichever the auditor of state determines to be the better 2396

procedure.	2397
(D) If the average per transaction cost the auditor of state	2398
incurs in making direct deposits for a state agency exceeds the	2399
average per transaction cost the auditor of state incurs in	2400
drawing paper warrants for all public offices during the same	2401
period of time, the auditor of state may certify the difference in	2402
cost and the number of direct deposits for the agency to the	2403
director of administrative services. The director shall reimburse	2404
the auditor of state for such additional costs and add the amount	2405
to the processing charge assessed upon the state agency.	2406
Sec. 121.04. Offices are created within the several	2407
departments as follows:	2408
In the department of commerce:	2409
Commissioner of securities;	2410
Superintendent of real estate and professional	2411
licensing;	
Superintendent of financial institutions;	2412
Fire marshal;	2413
Superintendent of labor and worker safety;	2414
Beginning on July 1, 1997,	2415
Superintendent of liquor control;	2416
Superintendent of industrial compliance.	2417
In the department of administrative services:	2418
State architect and engineer;	2419
Equal employment opportunity coordinator.	2420
In the department of agriculture:	2421
Chiefs of divisions as follows:	2422
Administration;	2423
Animal industry;	2424
Dairy;	2425

Food safety;	2426
Plant industry;	2427
Markets;	2428
Meat inspection;	2429
Consumer analytical laboratory;	2430
Amusement ride safety;	2431
Enforcement;	2432
Weights and measures.	2433
In the department of natural resources:	2434
Chiefs of divisions as follows:	2435
Water;	2436
Mineral resources management;	2437
Forestry;	2438
Natural areas and preserves;	2439
Wildlife;	2440
Geological survey;	2441
Parks and recreation;	2442
Watercraft;	2443
Recycling and litter prevention;	2444
Civilian conservation;	2445
Soil and water conservation;	2446
Real estate and land management;	2447
Engineering.	2448
In the department of insurance:	2449
Deputy superintendent of insurance;	2450
Assistant superintendent of insurance, technical;	2451
Assistant superintendent of insurance, administrative;	2452
Assistant superintendent of insurance, research.	2453
Sec. 121.08. (A) There is hereby created in the department of	2454
commerce the position of deputy director of administration. This	2455
officer shall be appointed by the director of commerce, serve	2456

under the director's direction, supervision, and control, perform 2457
such duties as the director prescribes, and hold office during the 2458
director's pleasure. The director of commerce may designate an 2459
assistant director of commerce to serve as the deputy director of 2460
administration. The deputy director of administration shall 2461
perform such duties as are prescribed by the director of commerce 2462
in supervising the activities of the division of administration of 2463
the department of commerce. 2464

(B) Except as provided in section 121.07 of the Revised Code, 2465
the department of commerce shall have all powers and perform all 2466
duties vested in the deputy director of administration, the state 2467
fire marshal, the superintendent of financial institutions, the 2468
superintendent of real estate and professional licensing, the 2469
superintendent of liquor control, the superintendent of the 2470
division of industrial compliance, the superintendent of labor and 2471
worker safety, and the commissioner of securities, and shall have 2472
all powers and perform all duties vested by law in all officers, 2473
deputies, and employees of such offices. Except as provided in 2474
section 121.07 of the Revised Code, wherever powers are conferred 2475
or duties imposed upon any of such officers, such powers and 2476
duties shall be construed as vested in the department of commerce. 2477

(C)(1) There is hereby created in the department of commerce 2478
a division of financial institutions, which shall have all powers 2479
and perform all duties vested by law in the superintendent of 2480
financial institutions. Wherever powers are conferred or duties 2481
imposed upon the superintendent of financial institutions, such 2482
powers and duties shall be construed as vested in the division of 2483
financial institutions. The division of financial institutions 2484
shall be administered by a superintendent of financial 2485
institutions. 2486

(2) All provisions of law governing the superintendent of 2487
financial institutions shall apply to and govern the 2488

superintendent of financial institutions provided for in this 2489
section; all authority vested by law in the superintendent of 2490
financial institutions with respect to the management of the 2491
division of financial institutions shall be construed as vested in 2492
the superintendent of financial institutions created by this 2493
section with respect to the division of financial institutions 2494
provided for in this section; and all rights, privileges, and 2495
emoluments conferred by law upon the superintendent of financial 2496
institutions shall be construed as conferred upon the 2497
superintendent of financial institutions as head of the division 2498
of financial institutions. The director of commerce shall not 2499
transfer from the division of financial institutions any of the 2500
functions specified in division (C)(2) of this section. 2501

(D) Beginning on July 1, 1997, there is hereby created in the 2502
department of commerce a division of liquor control, which shall 2503
have all powers and perform all duties vested by law in the 2504
superintendent of liquor control. Wherever powers are conferred or 2505
duties are imposed upon the superintendent of liquor control, 2506
those powers and duties shall be construed as vested in the 2507
division of liquor control. The division of liquor control shall 2508
be administered by a superintendent of liquor control. 2509

(E) The director of commerce shall not be interested, 2510
directly or indirectly, in any firm or corporation which is a 2511
dealer in securities as defined in sections 1707.01 and 1707.14 of 2512
the Revised Code, or in any firm or corporation licensed under 2513
sections 1321.01 to 1321.19 of the Revised Code. 2514

(F) The director of commerce shall not have any official 2515
connection with a savings and loan association, a savings bank, a 2516
bank, a bank holding company, a savings and loan association 2517
holding company, a consumer finance company, or a credit union 2518
that is under the supervision of the division of financial 2519
institutions, or a subsidiary of any of the preceding entities, or 2520

be interested in the business thereof. 2521

(G) There is hereby created in the state treasury the 2522
division of administration fund. The fund shall receive 2523
assessments on the operating funds of the department of commerce 2524
in accordance with procedures prescribed by the director of 2525
commerce and approved by the director of budget and management. 2526
All operating expenses of the division of administration shall be 2527
paid from the division of administration fund. 2528

(H) There is hereby created in the department of commerce a 2529
division of real estate and professional licensing, which shall be 2530
under the control and supervision of the director of commerce. The 2531
division of real estate and professional licensing shall be 2532
administered by a superintendent of real estate and professional 2533
licensing. The superintendent of real estate and professional 2534
licensing shall exercise the powers and perform the functions and 2535
duties delegated to the superintendent under Chapters ~~4707.~~, 2536
4735., 4749., 4763., and 4767. of the Revised Code. 2537

(I) There is hereby created in the department of commerce a 2538
division of labor and worker safety, which shall have all powers 2539
and perform all duties vested by law in the superintendent of 2540
labor and worker safety. Wherever powers are conferred or duties 2541
imposed upon the superintendent of labor and worker safety, such 2542
powers and duties shall be construed as vested in the division of 2543
labor and worker safety. The division of labor and worker safety 2544
is under the control and supervision of the director of commerce, 2545
and administered by a superintendent of labor and worker safety. 2546
The superintendent of labor and worker safety shall exercise the 2547
powers and perform the duties delegated to the superintendent by 2548
the director under Chapters ~~4709.~~ 4109., ~~4711.~~ 4111., ~~4715.~~ 4115., 2549
and ~~4767.~~ 4167. of the Revised Code. 2550

Sec. 121.084. (A) All moneys collected under sections 2551

~~1333.96,~~ 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42,~~ 4104.44, 2552
~~4104.45,~~ 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 2553
Revised Code, and any other moneys collected by the division of 2554
industrial compliance shall be paid into the state treasury to the 2555
credit of the industrial compliance operating fund, which is 2556
hereby created. The department of commerce shall use the moneys in 2557
the fund for paying the operating expenses of the division and the 2558
administrative assessment described in division (B) of this 2559
section. 2560

(B) The director of commerce, with the approval of the 2561
director of budget and management, shall prescribe procedures for 2562
assessing the industrial compliance operating fund a proportionate 2563
share of the administrative costs of the department of commerce. 2564
The assessment shall be made in accordance with those procedures 2565
and be paid from the industrial compliance operating fund to the 2566
division of administration fund created in section 121.08 of the 2567
Revised Code. 2568

Sec. 121.36. (A) As used in this section, "home care 2569
dependent adult" means an individual who resides in a private home 2570
or other noninstitutional and unlicensed living arrangement, 2571
without the presence of a parent or guardian, but has health and 2572
safety needs that require the provision of regularly scheduled 2573
home care services to remain in the home or other living 2574
arrangement because one of the following is the case: 2575

(1) The individual is at least twenty-one years of age but 2576
less than sixty years of age and has a physical disability or 2577
mental impairment. 2578

(2) The individual is sixty years of age or older, regardless 2579
of whether the individual has a physical disability or mental 2580
impairment. 2581

(B) Except as provided in division (D) of this section, the 2582

departments of mental retardation and developmental disabilities, 2583
aging, job and family services, and health shall each implement 2584
this section with respect to all contracts entered into by the 2585
department for the provision of home care services to home care 2586
dependent adults that are paid for in whole or in part with 2587
federal, state, or local funds. Except as provided in division (D) 2588
of this section, each department shall also require all public and 2589
private entities that receive money from or through the department 2590
to comply with this section when entering into contracts for the 2591
provision of home care services to home care dependent adults that 2592
are paid for in whole or in part with federal, state, or local 2593
funds. Such entities may include county boards of mental 2594
retardation and developmental disabilities, area agencies on 2595
aging, county departments of job and family services, and boards 2596
of health of city and general health districts. 2597

(C) Beginning one year after the effective date of this 2598
section, each contract subject to this section shall include terms 2599
requiring that the provider of home care services to home care 2600
dependent adults have a system in place that effectively monitors 2601
the delivery of the services by its employees. To be considered an 2602
effective monitoring system for purposes of the contract, the 2603
system established by a provider must include at least the 2604
following components: 2605

(1) When providing home care services to home care dependent 2606
adults who have a mental impairment or life-threatening health 2607
condition, a mechanism to verify whether the provider's employees 2608
are present at the location where the services are to be provided 2609
and at the time the services are to be provided; 2610

(2) When providing home care services to all other home care 2611
dependent adults, a system to verify at the end of each working 2612
day whether the provider's employees have provided the services at 2613
the proper location and time; 2614

(3) A protocol to be followed in scheduling a substitute employee when the monitoring system identifies that an employee has failed to provide home care services at the proper location and time, including standards for determining the length of time that may elapse without jeopardizing the health and safety of the home care dependent adult; 2615
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(4) Procedures for maintaining records of the information obtained through the monitoring system; 2621
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(5) Procedures for compiling annual reports of the information obtained through the monitoring system, including statistics on the rate at which home care services were provided at the proper location and time; 2623
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(6) Procedures for conducting random checks of the accuracy of the monitoring system. For purposes of conducting these checks, a random check is considered to be a check of not more than five per cent of the home care visits the provider's employees make to different home care dependent adults within a particular work shift. 2627
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(D) In implementing this section, the departments shall exempt providers of home care services who are self-employed providers with no other employees or are otherwise considered by the departments not to be agency providers. The departments shall conduct a study on how the exempted providers may be made subject to the requirement of effectively monitoring whether home care services are being provided and have been provided at the proper location and time. Not later than two years after the effective date of this section, the departments shall prepare a report of their findings and recommendations. The report shall be submitted to the president of the senate and the speaker of the house of representatives. 2633
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(E) The departments of mental retardation and developmental 2645

disabilities, aging, job and family services, and health shall 2646
each adopt rules as necessary to implement this section. The rules 2647
shall be adopted in accordance with Chapter 119. of the Revised 2648
Code. 2649

Sec. 121.41. As used in sections 121.41 to 121.50 of the 2650
Revised Code: 2651

(A) "Appropriate ethics commission" has the same meaning as 2652
in section 102.01 of the Revised Code. 2653

(B) "Appropriate licensing agency" means a public or private 2654
entity that is responsible for licensing, certifying, or 2655
registering persons who are engaged in a particular vocation. 2656

(C) "Person" has the same meaning as in section 1.59 of the 2657
Revised Code and also includes any officer or employee of the 2658
state or any political subdivision of the state. 2659

(D)(1) "State agency" has the same meaning as in section 1.60 2660
of the Revised Code ~~but~~ and also includes any of the following: 2661

(a) The Ohio retirement study council; 2662

(b) The public employees retirement system, state teachers 2663
retirement system, school employees retirement system, Ohio police 2664
and fire pension fund, and state highway patrol retirement system; 2665

(c) The Ohio historical society. 2666

(2) "State agency" does not include any of the following: 2667

~~(1)~~(a) The general assembly; 2668

~~(2)~~(b) Any court; 2669

~~(3)~~(c) The secretary of state, auditor of state, treasurer of 2670
state, or attorney general and their respective offices; 2671

(d) Any member of the Ohio retirement study council, of the 2672
board of trustees of the Ohio police and fire pension fund, or of 2673

the retirement board of the public employees retirement system, 2674
the state teachers retirement system, the school employees 2675
retirement system, or the state highway patrol retirement system 2676
who is under the jurisdiction of the joint legislative ethics 2677
committee or the board of commissioners on grievances and 2678
discipline of the supreme court. 2679

(E) "State employee" means any person who is an employee of a 2680
state agency or any person who does business with the state. 2681

(F) "State officer" means any person who is elected or 2682
appointed to a public office in a state agency. 2683

(G) "Wrongful act or omission" means an act or omission, 2684
committed in the course of office holding or employment, that is 2685
not in accordance with the requirements of law or ~~such~~ the 2686
standards of proper governmental conduct ~~as~~ that are commonly 2687
accepted in the community and thereby subverts, or tends to 2688
subvert, the process of government. 2689

Sec. 121.48. There is hereby created the office of the 2690
inspector general, to be headed by the inspector general. 2691

The governor shall appoint the inspector general, subject to 2692
section 121.49 of the Revised Code and the advice and consent of 2693
the senate. The inspector general shall hold office for a term 2694
coinciding with the term of the appointing governor. The governor 2695
may remove the inspector general from office only after delivering 2696
written notice to the inspector general of the reasons for which 2697
~~he~~ the governor intends to remove ~~him~~ the inspector general from 2698
office and providing ~~him~~ the inspector general with an opportunity 2699
to appear and show cause why ~~he~~ the inspector general should not 2700
be removed. 2701

In addition to the duties imposed by section 121.42 of the 2702
Revised Code, the inspector general shall manage the office of the 2703

inspector general. The inspector general shall establish and 2704
maintain offices in Columbus. 2705

The inspector general may appoint one or more deputy 2706
inspectors general. Each deputy inspector general shall serve for 2707
a term coinciding with the term of the appointing inspector 2708
general, and shall perform ~~such~~ the duties, including the 2709
performance of investigations, ~~as~~ that are assigned by the 2710
inspector general. All deputy inspectors general are in the 2711
unclassified service and serve at the pleasure of the inspector 2712
general. 2713

In addition to deputy inspectors general, the inspector 2714
general may appoint ~~such~~ professional, technical, and clerical 2715
employees ~~as~~ that are necessary for the effective and efficient 2716
operation of the office of the inspector general. All 2717
professional, technical, and clerical employees of the office of 2718
the inspector general are in the unclassified service and serve at 2719
the pleasure of the appointing inspector general. 2720

The inspector general may enter into any contracts that are 2721
necessary to the operation of the office of the inspector general. 2722
The contracts may include, but are not limited to, contracts for 2723
the services of persons who are experts in a particular field and 2724
whose expertise is necessary to the successful completion of an 2725
investigation. 2726

The inspector general may accept from private parties, state 2727
agencies, or other entities reimbursement of the costs of 2728
investigations by the inspector general that result in judicial or 2729
administrative proceedings against the parties, agencies, or 2730
entities. 2731

Not later than the first day of March in each year, the 2732
inspector general shall publish an annual report summarizing the 2733
activities of ~~his~~ the inspector general's office during the 2734

previous calendar year. The annual report shall not disclose the 2735
results of any investigation insofar as the results are designated 2736
as confidential under section 121.44 of the Revised Code. 2737

The inspector general shall provide copies of ~~his~~ the 2738
inspector general's annual report to the governor and the general 2739
assembly. The inspector general also shall provide a copy of ~~his~~ 2740
the annual report to any other person who requests the copy and 2741
pays a fee prescribed by the inspector general. The fee shall not 2742
exceed the cost of reproducing and delivering the annual report. 2743

Sec. 121.62. (A) Each executive agency lobbyist and each 2744
employer shall file with the joint legislative ethics committee, 2745
within ten days following the engagement of an executive agency 2746
lobbyist, an initial registration statement showing all of the 2747
following: 2748

(1) The name, business address, and occupation of the 2749
executive agency lobbyist; 2750

(2) The name and business address of the employer or of the 2751
real party in interest on whose behalf the executive agency 2752
lobbyist is acting, if it is different from the employer. For the 2753
purposes of division (A) of this section, where a trade 2754
association or other charitable or fraternal organization that is 2755
exempt from federal income taxation under subsection 501(c) of the 2756
federal Internal Revenue Code is the employer, the statement need 2757
not list the names and addresses of every member of the 2758
association or organization, so long as the association or 2759
organization itself is listed. 2760

(3) A brief description of the executive agency decision to 2761
which the engagement relates; 2762

(4) The name of the executive agency or agencies to which the 2763
engagement relates. 2764

(B) In addition to the initial registration statement 2765
required by division (A) of this section, each executive agency 2766
lobbyist and employer shall file with the joint committee, not 2767
later than the last day of January, May, and September of each 2768
year, an updated registration statement that confirms the 2769
continuing existence of each engagement described in an initial 2770
registration statement and that lists the specific executive 2771
agency decisions that the lobbyist sought to influence under the 2772
engagement during the period covered by the updated statement, and 2773
with it any statement of expenditures required to be filed by 2774
section 121.63 of the Revised Code and any details of financial 2775
transactions required to be filed by section 121.64 of the Revised 2776
Code. 2777

(C) If an executive agency lobbyist is engaged by more than 2778
one employer, the lobbyist shall file a separate initial and 2779
updated registration statement for each engagement. If an employer 2780
engages more than one executive agency lobbyist, the employer need 2781
file only one updated registration statement under division (B) of 2782
this section, which shall contain the information required by 2783
division (B) of this section regarding all of the executive agency 2784
lobbyists engaged by the employer. 2785

(D)(1) A change in any information required by division 2786
(A)(1), (2), or (B) of this section shall be reflected in the next 2787
updated registration statement filed under division (B) of this 2788
section. 2789

(2) Within thirty days following the termination of an 2790
engagement, the executive agency lobbyist who was employed under 2791
the engagement shall send written notification of the termination 2792
to the joint committee. 2793

(E) A registration fee of ~~ten~~ twenty-five dollars shall be 2794
charged for filing an initial registration statement. All money 2795

collected from this fee shall be deposited into the ~~state treasury~~ 2796
~~to the credit of the joint legislative ethics committee fund~~ 2797
~~created under section 101.34 of the Revised Code~~ general revenue 2798
fund of the state. 2799

(F) Upon registration pursuant to this section, an executive 2800
agency lobbyist shall be issued a card by the joint committee 2801
showing that the lobbyist is registered. The registration card and 2802
the executive agency lobbyist's registration shall be valid from 2803
the date of their issuance until the thirty-first day of January 2804
of the year following the year in which the initial registration 2805
was filed. 2806

(G) The executive director of the joint committee shall be 2807
responsible for reviewing each registration statement filed with 2808
the joint committee under this section and for determining whether 2809
the statement contains all of the required information. If the 2810
joint committee determines that the registration statement does 2811
not contain all of the required information or that an executive 2812
agency lobbyist or employer has failed to file a registration 2813
statement, the joint committee shall send written notification by 2814
certified mail to the person who filed the registration statement 2815
regarding the deficiency in the statement or to the person who 2816
failed to file the registration statement regarding the failure. 2817
Any person so notified by the joint committee shall, not later 2818
than fifteen days after receiving the notice, file a registration 2819
statement or an amended registration statement that contains all 2820
of the required information. If any person who receives a notice 2821
under this division fails to file a registration statement or such 2822
an amended registration statement within this fifteen-day period, 2823
the joint committee shall ~~notify the attorney general, who may~~ 2824
~~take appropriate action as authorized by section 121.69 of the~~ 2825
Revised Code assess a late filing fee equal to twelve dollars and 2826
fifty cents per day, up to a maximum fee of one hundred dollars, 2827

upon that person. The joint committee may waive the late filing 2828
fee for good cause shown. 2829

~~If the joint committee notifies the attorney general pursuant~~ 2830
~~to this division, the joint committee shall also notify each~~ 2831
~~elected executive official and the director of each department~~ 2832
~~created under section 121.02 of the Revised Code of the pending~~ 2833
~~investigation.~~ 2834

(H) On or before the fifteenth day of March of each year, the 2835
joint committee shall, in the manner and form that it determines, 2836
publish a report containing statistical information on the 2837
registration statements filed with it under this section during 2838
the preceding year. 2839

(I) If an employer who engages an executive agency lobbyist 2840
is the recipient of a contract, grant, lease, or other financial 2841
arrangement pursuant to which funds of the state or of an 2842
executive agency are distributed or allocated, the executive 2843
agency or any aggrieved party may consider the failure of the 2844
employer or the executive agency lobbyist to comply with this 2845
section as a breach of a material condition of the contract, 2846
grant, lease, or other financial arrangement. 2847

(J) Executive agency officials may require certification from 2848
any person seeking the award of a contract, grant, lease, or 2849
financial arrangement that the person and his the person's 2850
employer are in compliance with this section. 2851

Sec. 122.011. (A) The department of development shall develop 2852
and promote plans and programs designed to assure that state 2853
resources are efficiently used, economic growth is properly 2854
balanced, community growth is developed in an orderly manner, and 2855
local governments are coordinated with each other and the state, 2856
and for such purposes may do all of the following: 2857

(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;	2858 2859 2860
(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;	2861 2862 2863
(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;	2864 2865 2866 2867
(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and develop recommendations for administrative or legislative actions, as provided in section 122.03 of the Revised Code;	2868 2869 2870 2871
(5) Serve as the economic and community development planning agency, which shall prepare and recommend plans and programs for the orderly growth and development of this state and which shall provide planning assistance, as provided in section 122.06 of the Revised Code;	2872 2873 2874 2875 2876
(6) Cooperate with and provide technical assistance to state departments, political subdivisions, regional and local planning commissions, tourist associations, councils of government, community development groups, community action agencies, and other appropriate organizations for carrying out the functions and duties of the department or for the solution of community problems;	2877 2878 2879 2880 2881 2882 2883
(7) Coordinate the activities of state agencies that have an impact on carrying out the functions and duties of the department;	2884 2885
(8) Encourage and assist the efforts of and cooperate with local governments to develop mutual and cooperative solutions to	2886 2887

their common problems that relate to carrying out the purposes of 2888
this section; 2889

(9) Study existing structure, operations, and financing of 2890
regional or local government and those state activities that 2891
involve significant relations with regional or local governmental 2892
units, recommend to the governor and to the general assembly such 2893
changes in these provisions and activities as will improve the 2894
operations of regional or local government, and conduct other 2895
studies of legal provisions that affect problems related to 2896
carrying out the purposes of this section; 2897

(10) Appoint, with the approval of the governor, technical 2898
and other advisory councils as it considers appropriate, as 2899
provided in section 122.09 of the Revised Code; 2900

(11) Create and operate a division of community development 2901
to develop and administer programs and activities that are 2902
authorized by federal statute or the Revised Code; 2903

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 2904
charges, in consultation with the director of agriculture, for 2905
purchasing loans from financial institutions and providing loan 2906
guarantees under the family farm loan program created under 2907
sections 901.80 to 901.83 of the Revised Code; 2908

(13) Provide loan servicing for the loans purchased and loan 2909
guarantees provided under section 901.80 of the Revised Code as 2910
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 2911

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 2912
by the controlling board under division (A)(3) of section 901.82 2913
of the Revised Code of the release of money to be used for 2914
purchasing a loan or providing a loan guarantee, request the 2915
release of that money in accordance with division (B) of section 2916
166.03 of the Revised Code for use for the purposes of the fund 2917
created by section 166.031 of the Revised Code. 2918

(B) The director of development may request the attorney 2919
general to, and the attorney general, in accordance with section 2920
109.02 of the Revised Code, shall bring a civil action in any 2921
court of competent jurisdiction. The director may be sued in the 2922
director's official capacity, in connection with this chapter, in 2923
accordance with Chapter 2743. of the Revised Code. 2924

Sec. 122.04. The department of development shall do the 2925
following: 2926

(A) Maintain a continuing evaluation of the sources available 2927
for the retention, development, or expansion of industrial and 2928
commercial facilities in this state through both public and 2929
private agencies; 2930

(B) Assist public and private agencies in obtaining 2931
information necessary to evaluate the desirability of the 2932
retention, construction, or expansion of industrial and commercial 2933
facilities in the state; 2934

(C) Facilitate contracts between community improvement 2935
corporations organized under Chapter 1724. of the Revised Code or 2936
Ohio development corporations organized under Chapter 1726. of the 2937
Revised Code and industrial and commercial concerns seeking to 2938
locate or expand in ~~Ohio~~ the state; 2939

(D) Upon request, consult with public agencies or authorities 2940
in the preparation of studies of human and economic needs or 2941
advantages relating to economic and community development; 2942

(E) Encourage, promote, and assist trade and commerce between 2943
this state and foreign nations; 2944

(F) Promote and encourage persons to visit and travel within 2945
this state; 2946

(G) Maintain membership in the national association of state 2947
development agencies; 2948

(H) Assist in the development of facilities and technologies 2949
that will lead to increased, environmentally sound use of Ohio 2950
coal; 2951

(I) Promote economic growth in the state. 2952

Sec. 122.041. The director of development shall do all of the 2953
following with regard to the encouraging diversity, growth, and 2954
equity program created under section 123.152 of the Revised Code: 2955
2956

(A) Conduct outreach, marketing, and recruitment of EDGE 2957
business enterprises, as defined in that section; 2958

(B) Provide assistance to the department of administrative 2959
services, as needed, to certify new EDGE business enterprises and 2960
to train appropriate state agency staff; 2961

(C) Provide business development services to EDGE business 2962
enterprises in the developmental and transitional stages of the 2963
program, including financial and bonding assistance and management 2964
and technical assistance; 2965

(D) Develop a mentor program to bring businesses into a 2966
working relationship with EDGE business enterprises in a way that 2967
commercially benefits both entities and serves the purpose of the 2968
EDGE program; 2969

(E) Not later than December 31, 2003, prepare and submit to 2970
the governor a detailed report outlining and evaluating the 2971
progress made in implementing the encouraging diversity, growth, 2972
and equity program; 2973

(F) Establish processes by which an EDGE business enterprise 2974
may apply for contract assistance, financial and bonding 2975
assistance, management and technical assistance, and mentoring 2976
opportunities. 2977

Sec. 122.08. (A) There is hereby created within the 2978
department of development an office to be known as the office of 2979
small business. The office shall be under the supervision of a 2980
manager appointed by the director of development. 2981

(B) The office shall do all of the following: 2982

(1) Act as liaison between the small business community and 2983
state governmental agencies; 2984

(2) Furnish information and technical assistance to persons 2985
and small businesses concerning the establishment and maintenance 2986
of a small business, and concerning state laws and rules relevant 2987
to the operation of a small business. In conjunction with these 2988
duties, the office shall keep a record of all state agency rules 2989
affecting individuals, small businesses, or small organizations, 2990
as defined in section 121.24 of the Revised Code, and may testify 2991
before the joint committee on agency rule review concerning any 2992
proposed rule affecting individuals, small businesses, or small 2993
organizations. 2994

(3) Prepare and publish the small business register under 2995
section 122.081 of the Revised Code; 2996

(4) Receive complaints from small businesses concerning 2997
governmental activity, compile and analyze those complaints, and 2998
periodically make recommendations to the governor and the general 2999
assembly on changes in state laws or agency rules needed to 3000
eliminate burdensome and unproductive governmental regulation to 3001
improve the economic climate within which small businesses 3002
operate; 3003

(5) Receive complaints or questions from small businesses and 3004
direct ~~such~~ those businesses to the appropriate governmental 3005
agency. If, within a reasonable period of time, a complaint is not 3006
satisfactorily resolved or a question is not satisfactorily 3007

answered, the office shall, on behalf of the small business, make 3008
every effort to secure a satisfactory result. For this purpose, 3009
the office may consult with any state governmental agency and may 3010
make any suggestion or request that seems appropriate. 3011

(6) Utilize, to the maximum extent possible, the printed and 3012
electronic media to disseminate information of current concern and 3013
interest to the small business community and to make known to 3014
small businesses the services available through the office. The 3015
office shall publish such books, pamphlets, and other printed 3016
materials, and shall participate in such trade association 3017
meetings, conventions, fairs, and other meetings involving the 3018
small business community, as the manager considers appropriate. 3019

(7) Prepare for inclusion in the department of development's 3020
annual report to the governor and general assembly, a description 3021
of the activities of the office and a report of the number of 3022
rules affecting individuals, small businesses, and small 3023
organizations that were filed with the office under division 3024
(B)(2) of section 121.24 of the Revised Code, during the preceding 3025
calendar year; 3026

(8) Operate the Ohio ~~one stop business permit center~~ 3027
first-stop business connection to assist individuals in 3028
identifying and preparing applications for business licenses, 3029
permits, and certificates and to serve as the central public 3030
distributor for all forms, applications, and other information 3031
related to business licensing. Each state agency, board, and 3032
commission shall cooperate in providing assistance, information, 3033
and materials to enable the ~~center~~ connection to perform its 3034
duties under this division ~~(B)(8) of this section.~~ 3035

(C) The office ~~of small business~~ may, upon the request of a 3036
state agency, assist the agency with the preparation of any rule 3037
that will affect individuals, small businesses, or small 3038
organizations. 3039

(D) The director of development shall assign ~~such~~ employees 3040
and furnish ~~such~~ equipment and supplies to the office as the 3041
director considers necessary for the proper performance of the 3042
duties assigned to the office. 3043

Sec. 122.17. (A) As used in this section: 3044

(1) "Full-time employee" means an individual who is employed 3045
for consideration for at least thirty-five hours a week, or who 3046
renders any other standard of service generally accepted by custom 3047
or specified by contract as full-time employment. 3048

(2) "New employee" means one of the following: 3049

(a) A full-time employee first employed by a taxpayer in the 3050
project that is the subject of the agreement after the taxpayer 3051
enters into a tax credit agreement with the tax credit authority 3052
under this section; 3053

(b) A full-time employee first employed by a taxpayer in the 3054
project that is the subject of the tax credit after the tax credit 3055
authority approves a project for a tax credit under this section 3056
in a public meeting, as long as the taxpayer enters into the tax 3057
credit agreement prepared by the department of development after 3058
such meeting within sixty days after receiving the agreement from 3059
the department. If the taxpayer fails to enter into the agreement 3060
within sixty days, "new employee" has the same meaning as under 3061
division (A)(2)(a) of this section. 3062

Under division (A)(2)(a) or (b) of this section, if the tax 3063
credit authority determines it appropriate, "new employee" also 3064
may include an employee re-hired or called back from lay-off to 3065
work in a new facility or on a new product or service established 3066
or produced by the taxpayer after entering into the agreement 3067
under this section or after the tax credit authority approves the 3068
tax credit in a public meeting. "New employee" does not include 3069

any employee of the taxpayer who was previously employed in this 3070
state by a related member of the taxpayer and whose employment was 3071
shifted to the taxpayer after the taxpayer entered into the tax 3072
credit agreement or after the tax credit authority approved the 3073
credit in a public meeting, or any employee of the taxpayer for 3074
which the taxpayer has been granted a certificate under division 3075
(B) of section 5709.66 of the Revised Code. "New employee" also 3076
does not include an employee of the taxpayer who is employed in an 3077
employment position that was relocated to a project from other 3078
operations of the taxpayer in this state or from operations of a 3079
related member of the taxpayer in this state. In addition, "new 3080
employee" does not include a child, grandchild, parent, or spouse, 3081
other than a spouse who is legally separated from the individual, 3082
of any individual who is an employee of the taxpayer and who has a 3083
direct or indirect ownership interest of at least five per cent in 3084
the profits, capital, or value of the taxpayer. Such ownership 3085
interest shall be determined in accordance with section 1563 of 3086
the Internal Revenue Code and regulations prescribed thereunder. 3087

(3) "New income tax revenue" means the total amount withheld 3088
under section 5747.06 of the Revised Code by the taxpayer during 3089
the taxable year from the compensation of new employees for the 3090
tax levied under Chapter 5747. of the Revised Code. 3091

(4) "Related member" has the same meaning as under division 3092
(A)(6) of section 5733.042 of the Revised Code without regard to 3093
division (B) of that section. 3094

(B) The tax credit authority may make grants under this 3095
section to foster job creation in this state. Such a grant shall 3096
take the form of a refundable credit allowed against the tax 3097
imposed by section 5733.06 or 5747.02 of the Revised Code. The 3098
credit shall be claimed for the taxable years specified in the 3099
taxpayer's agreement with the tax credit authority under division 3100
(D) of this section. The credit shall be claimed after the 3101

allowance of all other credits provided by Chapter 5733. or 5747. 3102
of the Revised Code. The amount of the credit equals the new 3103
income tax revenue for the taxable year multiplied by the 3104
percentage specified in the agreement with the tax credit 3105
authority. 3106

(C) A taxpayer or potential taxpayer who proposes a project 3107
to create new jobs in this state may apply to the tax credit 3108
authority to enter into an agreement for a tax credit under this 3109
section. The director of development shall prescribe the form of 3110
the application. After receipt of an application, the authority 3111
may enter into an agreement with the taxpayer for a credit under 3112
this section if it determines all of the following: 3113

(1) The taxpayer's project will create new jobs in this 3114
state; 3115

(2) The taxpayer's project is economically sound and will 3116
benefit the people of this state by increasing opportunities for 3117
employment and strengthening the economy of this state; 3118

(3) Receiving the tax credit is a major factor in the 3119
taxpayer's decision to go forward with the project. 3120

(D) An agreement under this section shall include all of the 3121
following: 3122

(1) A detailed description of the project that is the subject 3123
of the agreement; 3124

(2) The term of the tax credit, which shall not exceed ~~ten~~ 3125
fifteen years, and the first taxable year for which the credit may 3126
be claimed; 3127

(3) A requirement that the taxpayer shall maintain operations 3128
at the project location for at least twice the number of years as 3129
the term of the tax credit; 3130

(4) The percentage, as determined by the tax credit 3131

authority, of new income tax revenue that will be allowed as the 3132
amount of the credit for each taxable year; 3133

(5) A specific method for determining how many new employees 3134
are employed during a taxable year; 3135

(6) A requirement that the taxpayer annually shall report to 3136
the director of development the number of new employees, the new 3137
income tax revenue withheld in connection with the new employees, 3138
and any other information the director needs to perform ~~his~~ the 3139
director's duties under this section; 3140

(7) A requirement that the director of development annually 3141
shall verify the amounts reported under division (D)(6) of this 3142
section, and after doing so shall issue a certificate to the 3143
taxpayer stating that the amounts have been verified; 3144

(8)(a) A provision requiring that the taxpayer, except as 3145
otherwise provided in division (D)(8)(b) of this section, shall 3146
not relocate employment positions from elsewhere in this state to 3147
the project site that is the subject of the agreement for the 3148
lesser of five years from the date the agreement is entered into 3149
or the number of years the taxpayer is entitled to claim the tax 3150
credit. 3151

(b) The taxpayer may relocate employment positions from 3152
elsewhere in this state to the project site that is the subject of 3153
the agreement if the director of development determines both of 3154
the following: 3155

(i) That the site from which the employment positions would 3156
be relocated is inadequate to meet market and industry conditions, 3157
expansion plans, consolidation plans, or other business 3158
considerations affecting the taxpayer; 3159

(ii) That the legislative authority of the county, township, 3160
or municipal corporation from which the employment positions would 3161
be relocated has been notified of the relocation. 3162

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled.

(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term shall take effect in the taxable year immediately following the taxable year in which the authority amends the agreement. If the taxpayer relocates employment positions in violation of the provision required under division (D)(8)(a) of this section, the taxpayer shall not claim the tax credit under section 5733.0610 of the Revised Code for any tax years following the calendar year in which the relocation occurs, or shall not claim the tax credit under section 5747.058 of the Revised Code for the taxable year in which the relocation occurs and any subsequent taxable years.

(F) Projects that consist solely of point-of-final-purchase retail facilities are not eligible for a tax credit under this section. If a project consists of both point-of-final-purchase retail facilities and nonretail facilities, only the portion of the project consisting of the nonretail facilities is eligible for a tax credit and only the new income tax revenue from new employees of the nonretail facilities shall be considered when computing the amount of the tax credit. If a warehouse facility is part of a point-of-final-purchase retail facility and supplies only that facility, the warehouse facility is not eligible for a tax credit. Catalog distribution centers are not considered

point-of-final-purchase retail facilities for the purposes of this 3195
division, and are eligible for tax credits under this section. 3196

(G) Financial statements and other information submitted to 3197
the department of development or the tax credit authority by an 3198
applicant or recipient of a tax credit under this section, and any 3199
information taken for any purpose from such statements or 3200
information, are not public records subject to section 149.43 of 3201
the Revised Code. However, the chairperson of the authority may 3202
make use of the statements and other information for purposes of 3203
issuing public reports or in connection with court proceedings 3204
concerning tax credit agreements under this section. Upon the 3205
request of the tax commissioner, the chairperson of the authority 3206
shall provide to the commissioner any statement or information 3207
submitted by an applicant or recipient of a tax credit in 3208
connection with the credit. The commissioner shall preserve the 3209
confidentiality of the statement or information. 3210

(H) A taxpayer claiming a credit under this section shall 3211
submit to the tax commissioner a copy of the director of 3212
development's certificate of verification under division (D)(7) of 3213
this section for the taxable year. However, failure to submit a 3214
copy of the certificate does not invalidate a claim for a credit. 3215

(I) The director of development, after consultation with the 3216
tax commissioner and in accordance with Chapter 119. of the 3217
Revised Code, shall adopt rules necessary to implement this 3218
section. The rules may provide for recipients of tax credits under 3219
this section to be charged fees to cover administrative costs of 3220
the tax credit program. At the time the director gives public 3221
notice under division (A) of section 119.03 of the Revised Code of 3222
the adoption of the rules, the director shall submit copies of the 3223
proposed rules to the chairpersons of the standing committees on 3224
economic development in the senate and the house of 3225
representatives. 3226

(J) For the purposes of this section, a taxpayer may include 3227
a partnership, a corporation that has made an election under 3228
subchapter S of chapter one of subtitle A of the Internal Revenue 3229
Code, or any other business entity through which income flows as a 3230
distributive share to its owners. A credit received under this 3231
section by a partnership, S-corporation, or other such business 3232
entity shall be apportioned among the persons to whom the income 3233
or profit of the partnership, S-corporation, or other entity is 3234
distributed, in the same proportions as those in which the income 3235
or profit is distributed. 3236

(K) If the director of development determines that a taxpayer 3237
who has received a credit under this section is not complying with 3238
the requirement under division (D)(3) of this section, the 3239
director shall notify the tax credit authority of the 3240
noncompliance. After receiving such a notice, and after giving the 3241
taxpayer an opportunity to explain the noncompliance, the tax 3242
credit authority may require the taxpayer to refund to this state 3243
a portion of the credit in accordance with the following: 3244

(1) If the taxpayer maintained operations at the project 3245
location for at least one and one-half times the number of years 3246
of the term of the tax credit, an amount not exceeding twenty-five 3247
per cent of the sum of any previously allowed credits under this 3248
section; 3249

(2) If the taxpayer maintained operations at the project 3250
location for at least the number of years of the term of the tax 3251
credit, an amount not exceeding fifty per cent of the sum of any 3252
previously allowed credits under this section; 3253

(3) If the taxpayer maintained operations at the project 3254
location for less than the number of years of the term of the tax 3255
credit, an amount not exceeding one hundred per cent of the sum of 3256
any previously allowed credits under this section. 3257

In determining the portion of the tax credit to be refunded 3258
to this state, the tax credit authority shall consider the effect 3259
of market conditions on the taxpayer's project and whether the 3260
taxpayer continues to maintain other operations in this state. 3261
After making the determination, the authority shall certify the 3262
amount to be refunded to the tax commissioner. The commissioner 3263
shall make an assessment for that amount against the taxpayer 3264
under Chapter 5733. or 5747. of the Revised Code. The time 3265
limitations on assessments under Chapter 5733. or 5747. of the 3266
Revised Code do not apply to an assessment under this division, 3267
but the commissioner shall make the assessment within one year 3268
after the date the authority certifies to the commissioner the 3269
amount to be refunded. 3270

(L) On or before the thirty-first day of March each year, the 3271
director of development shall submit a report to the governor, the 3272
president of the senate, and the speaker of the house of 3273
representatives on the tax credit program under this section. The 3274
report shall include information on the number of agreements that 3275
were entered into under this section during the preceding calendar 3276
year, a description of the project that is the subject of each 3277
such agreement, and an update on the status of projects under 3278
agreements entered into before the preceding calendar year. 3279

During the fifth year of the tax credit program, the director 3280
of development in conjunction with the director of budget and 3281
management shall conduct an evaluation of it. The evaluation shall 3282
include assessments of the effectiveness of the program in 3283
creating new jobs in this state and of the revenue impact of the 3284
program, and may include a review of the practices and experiences 3285
of other states with similar programs. The director of development 3286
shall submit a report on the evaluation to the governor, the 3287
president of the senate, and the speaker of the house of 3288
representatives on or before January 1, 1998. 3289

(M) There is hereby created the tax credit authority, which 3290
consists of the director of development and four other members 3291
appointed as follows: the governor, the president of the senate, 3292
and the speaker of the house of representatives each shall appoint 3293
one member who shall be a specialist in economic development; the 3294
governor also shall appoint a member who is a specialist in 3295
taxation. Of the initial appointees, the members appointed by the 3296
governor shall serve a term of two years; the members appointed by 3297
the president of the senate and the speaker of the house of 3298
representatives shall serve a term of four years. Thereafter, 3299
terms of office shall be for four years. Initial appointments to 3300
the authority shall be made within thirty days after January 13, 3301
1993. Each member shall serve on the authority until the end of 3302
the term for which the member was appointed. Vacancies shall be 3303
filled in the same manner provided for original appointments. Any 3304
member appointed to fill a vacancy occurring prior to the 3305
expiration of the term for which the member's predecessor was 3306
appointed shall hold office for the remainder of that term. 3307
Members may be reappointed to the authority. Members of the 3308
authority shall receive their necessary and actual expenses while 3309
engaged in the business of the authority. The director of 3310
development shall serve as chairperson of the authority, and the 3311
members annually shall elect a vice-chairperson from among 3312
themselves. Three members of the authority constitute a quorum to 3313
transact and vote on the business of the authority. The majority 3314
vote of the membership of the authority is necessary to approve 3315
any such business, including the election of the vice-chairperson. 3316

The director of development may appoint a professional 3317
employee of the department of development to serve as the 3318
director's substitute at a meeting of the authority. The director 3319
shall make the appointment in writing. In the absence of the 3320
director from a meeting of the authority, the appointed substitute 3321

shall serve as chairperson. In the absence of both the director 3322
and the director's substitute from a meeting, the vice-chairperson 3323
shall serve as chairperson. 3324

Sec. 122.171. (A) As used in this section: 3325

(1) "Capital investment project" means a plan of investment 3326
at a project site for the acquisition, construction, renovation, 3327
or repair of buildings, machinery, or equipment, or for 3328
capitalized costs of basic research and new product development 3329
determined in accordance with generally accepted accounting 3330
principles, but does not include any of the following: 3331

(a) Payments made for the acquisition of personal property 3332
through operating leases; 3333

(b) Project costs paid before January 1, 2002, or after 3334
December 31, 2006; 3335

(c) Payments made to a related member as defined in section 3336
5733.042 of the Revised Code. 3337

(2) "Eligible business" means a business with Ohio operations 3338
satisfying all of the following: 3339

(a) Employed an average of at least one thousand employees in 3340
full-time employment positions at a project site during each of 3341
the twelve months preceding the application for a tax credit under 3342
this section; and 3343

(b) On or after January 1, 2002, has made payments for the 3344
capital investment project of either of the following: 3345

(i) At least two hundred million dollars in the aggregate at 3346
the project site during a period of three consecutive calendar 3347
years including the calendar year that includes a day of the 3348
taxpayer's taxable year with respect to which the credit is 3349
granted; 3350

(ii) If the average wage of all full-time employment positions at the project site is greater than four hundred per cent of the federal minimum wage, at least one hundred million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year with respect to which the credit is granted.

(c) Is engaged at the project site primarily as a manufacturer or is providing significant corporate administrative functions;

(d) Has had a capital investment project reviewed and approved by the tax credit authority as provided in divisions (C), (D), and (E) of this section.

(3) "Full-time employment position" means a position of employment for consideration for at least thirty-five hours a week that has been filled for at least one hundred eighty days immediately preceding the filing of an application under this section and for at least one hundred eighty days during each taxable year with respect to which the credit is granted.

(4) "Manufacturer" has the same meaning as in section 5739.011 of the Revised Code.

(5) "Project site" means an integrated complex of facilities in this state, as specified by the tax credit authority under this section, within a fifteen-mile radius where a taxpayer is primarily operating as an eligible business.

(6) "Applicable corporation" means a corporation satisfying all of the following:

(a)(i) For the entire taxable year immediately preceding the tax year, the corporation develops software applications primarily to provide telecommunication billing and information services

through outsourcing or licensing to domestic or international 3381
customers. 3382

(ii) Sales and licensing of software generated at least six 3383
hundred million dollars in revenue during the taxable year 3384
immediately preceding the tax year the corporation is first 3385
entitled to claim the credit provided under division (B) of this 3386
section. 3387

(b) For the entire taxable year immediately preceding the tax 3388
year, the corporation or one or more of its related members 3389
provides customer or employee care and technical support for 3390
clients through one or more contact centers within this state, and 3391
the corporation and its related members together have a daily 3392
average, based on a three hundred sixty-five day year, of at least 3393
five hundred thousand successful customer contacts through one or 3394
more of their contact centers, wherever located. 3395

(c) The corporation is eligible for the credit under division 3396
(B) of this section for the tax year. 3397

(7) "Related member" has the same meaning as in section 3398
5733.042 of the Revised Code as that section existed on the 3399
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 3400
general assembly. 3401

(8) "Successful customer contact" means a contact with an end 3402
user via telephone, including interactive voice recognition or 3403
similar means, where the contact culminates in a conversation or 3404
connection other than a busy signal or equipment busy. 3405

(9) "Telecommunications" means all forms of 3406
telecommunications service as defined in section 5739.01 of the 3407
Revised Code, and includes services in wireless, wireline, cable, 3408
broadband, internet protocol, and satellite. 3409

(10)(a) "Applicable difference" means the difference between 3410
the tax for the tax year under Chapter 5733. of the Revised Code 3411

applying the law in effect for that tax year, and the tax for that 3412
tax year if section 5733.042 of the Revised Code applied as that 3413
section existed on the effective date of its amendment by Am. Sub. 3414
H.B. 215 of the 122nd general assembly, subject to division 3415
(A)(10)(b) of this section. 3416

(b) If the tax rate set forth in division (B) of section 3417
5733.06 of the Revised Code for the tax year is less than eight 3418
and one-half per cent, the tax calculated under division 3419
(A)(10)(a) of this section shall be computed by substituting a tax 3420
rate of eight and one-half per cent for the rate set forth in 3421
division (B) of section 5733.06 of the Revised Code for the tax 3422
year. 3423

(c) If the resulting difference is negative, the applicable 3424
tax difference for the tax year shall be zero. 3425

(B) The tax credit authority created under section 122.17 of 3426
the Revised Code may grant tax credits under this section for the 3427
purpose of fostering job retention in this state. Upon application 3428
by an eligible business and upon consideration of the 3429
recommendation of the director of budget and management, tax 3430
commissioner, and director of development under division (C) of 3431
this section, the tax credit authority may grant to an eligible 3432
business a nonrefundable credit against the tax imposed by section 3433
5733.06 or 5747.02 of the Revised Code for a period up to ~~ten~~ 3434
fifteen taxable years. The credit shall be in an amount not 3435
exceeding seventy-five per cent of the Ohio income tax withheld 3436
from the employees of the eligible business occupying full-time 3437
employment positions at the project site during the calendar year 3438
that includes the last day of such business' taxable year with 3439
respect to which the credit is granted. The amount of the credit 3440
shall not be based on the Ohio income tax withheld from full-time 3441
employees for a calendar year prior to the calendar year in which 3442
the minimum investment requirement referred to in division 3443

(A)(2)(b) of this section is completed. The credit shall be 3444
claimed only for the taxable years specified in the eligible 3445
business' agreement with the tax credit authority under division 3446
(E) of this section, but in no event shall the credit be claimed 3447
for a taxable year terminating before the date specified in the 3448
agreement. 3449

The credit computed under this division is in addition to any 3450
credit allowed under division (M) of this section. 3451

Any unused portion of a tax credit may be carried forward for 3452
not more than three additional years after the year for which the 3453
credit is granted. 3454

(C) A taxpayer that proposes a capital investment project to 3455
retain jobs in this state may apply to the tax credit authority to 3456
enter into an agreement for a tax credit under this section. The 3457
director of development shall prescribe the form of the 3458
application. After receipt of an application, the authority shall 3459
forward copies of the application to the director of budget and 3460
management, the tax commissioner, and the director of development, 3461
each of whom shall review the application to determine the 3462
economic impact the proposed project would have on the state and 3463
the affected political subdivisions and shall submit a summary of 3464
their determinations and recommendations to the authority. The 3465
authority shall make no agreements under this section after June 3466
30, 2007. 3467

(D) Upon review of the determinations and recommendations 3468
described in division (C) of this section, the tax credit 3469
authority may enter into an agreement with the taxpayer for a 3470
credit under this section if the authority determines all of the 3471
following: 3472

(1) The taxpayer's capital investment project will result in 3473
the retention of full-time employment positions in this state. 3474

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.	3475 3476
(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least twice the term of the credit.	3477 3478 3479
(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.	3480 3481
(5) The political subdivisions in which the project is located have agreed to provide substantial financial support to the project.	3482 3483 3484
(E) An agreement under this section shall include all of the following:	3485 3486
(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, and the number of full-time employment positions at the project site.	3487 3488 3489 3490
(2) The method of calculating the number of full-time employment positions as specified in division (A)(3) of this section.	3491 3492 3493
(3) The term and percentage of the tax credit, and the first year for which the credit may be claimed.	3494 3495
(4) A requirement that the taxpayer maintain operations at the project site for at least twice the number of years as the term of the credit.	3496 3497 3498
(5) A requirement that the taxpayer retain a specified number of full-time employment positions at the project site and within this state for the term of the credit, including a requirement that the taxpayer continue to employ at least one thousand employees in full-time employment positions at the project site during the entire term of any agreement, subject to division	3499 3500 3501 3502 3503 3504

(E)(7) of this section. 3505

(6) A requirement that the taxpayer annually report to the 3506
director of development the number of full-time employment 3507
positions subject to the credit, the amount of tax withheld from 3508
employees in those positions, the amount of the payments made for 3509
the capital investment project, and any other information the 3510
director needs to perform the director's duties under this 3511
section. 3512

(7) A requirement that the director of development annually 3513
review the annual reports of the taxpayer to verify the 3514
information reported under division (E)(6) of this section and 3515
compliance with the agreement. Upon verification, the director 3516
shall issue a certificate to the taxpayer stating that the 3517
information has been verified and identifying the amount of the 3518
credit for the taxable year. The Unless otherwise specified by the 3519
tax credit authority in a resolution and included as part of the 3520
agreement, the director shall not issue a certificate for any year 3521
in which the total number of filled full-time employment positions 3522
for each day of the calendar year divided by three hundred 3523
sixty-five is less than ninety per cent of the full-time 3524
employment positions specified in division (E)(5) of this section. 3525
In determining the number of full-time employment positions, no 3526
position shall be counted that is filled by an employee who is 3527
included in the calculation of a tax credit under section 122.17 3528
of the Revised Code. 3529

(8)(a) A provision requiring that the taxpayer, except as 3530
otherwise provided in division (E)(8)(b) of this section, shall 3531
not relocate employment positions from elsewhere in this state to 3532
the project site that is the subject of the agreement for the 3533
lesser of five years from the date the agreement is entered into 3534
or the number of years the taxpayer is entitled to claim the 3535
credit. 3536

(b) The taxpayer may relocate employment positions from 3537
elsewhere in this state to the project site that is the subject of 3538
the agreement if the director of development determines both of 3539
the following: 3540

(i) That the site from which the employment positions would 3541
be relocated is inadequate to meet market and industry conditions, 3542
expansion plans, consolidation plans, or other business 3543
considerations affecting the taxpayer; 3544

(ii) That the legislative authority of the county, township, 3545
or municipal corporation from which the employment positions would 3546
be relocated has been notified of the relocation. 3547

For purposes of this section, the movement of an employment 3548
position from one political subdivision to another political 3549
subdivision shall be considered a relocation of an employment 3550
position unless the movement is confined to the project site. The 3551
transfer of an individual employee from one political subdivision 3552
to another political subdivision shall not be considered a 3553
relocation of an employment position as long as the individual's 3554
employment position in the first political subdivision is 3555
refilled. 3556

(9) A waiver by the taxpayer of any limitations periods 3557
relating to assessments or adjustments resulting from the 3558
taxpayer's failure to comply with the agreement. 3559

(F) If a taxpayer fails to meet or comply with any condition 3560
or requirement set forth in a tax credit agreement, the tax credit 3561
authority may amend the agreement to reduce the percentage or term 3562
of the credit. The reduction of the percentage or term shall take 3563
effect in the taxable year immediately following the taxable year 3564
in which the authority amends the agreement. If the taxpayer 3565
relocates employment positions in violation of the provision 3566
required under division (D)(8)(a) of this section, the taxpayer 3567

shall not claim the tax credit under section 5733.0610 of the 3568
Revised Code for any tax years following the calendar year in 3569
which the relocation occurs, or shall not claim the tax credit 3570
under section 5747.058 of the Revised Code for the taxable year in 3571
which the relocation occurs and any subsequent taxable years. 3572

(G) Financial statements and other information submitted to 3573
the department of development or the tax credit authority by an 3574
applicant for or recipient of a tax credit under this section, and 3575
any information taken for any purpose from such statements or 3576
information, are not public records subject to section 149.43 of 3577
the Revised Code. However, the chairperson of the authority may 3578
make use of the statements and other information for purposes of 3579
issuing public reports or in connection with court proceedings 3580
concerning tax credit agreements under this section. Upon the 3581
request of the tax commissioner, the chairperson of the authority 3582
shall provide to the commissioner any statement or other 3583
information submitted by an applicant for or recipient of a tax 3584
credit in connection with the credit. The commissioner shall 3585
preserve the confidentiality of the statement or other 3586
information. 3587

(H) A taxpayer claiming a tax credit under this section shall 3588
submit to the tax commissioner a copy of the director of 3589
development's certificate of verification under division (E)(7) of 3590
this section for the taxable year. However, failure to submit a 3591
copy of the certificate does not invalidate a claim for a credit. 3592

(I) For the purposes of this section, a taxpayer may include 3593
a partnership, a corporation that has made an election under 3594
subchapter S of chapter one of subtitle A of the Internal Revenue 3595
Code, or any other business entity through which income flows as a 3596
distributive share to its owners. A tax credit received under this 3597
section by a partnership, S-corporation, or other such business 3598
entity shall be apportioned among the persons to whom the income 3599

or profit of the partnership, S-corporation, or other entity is 3600
distributed, in the same proportions as those in which the income 3601
or profit is distributed. 3602

(J) If the director of development determines that a taxpayer 3603
that received a tax credit under this section is not complying 3604
with the requirement under division (E)(4) of this section, the 3605
director shall notify the tax credit authority of the 3606
noncompliance. After receiving such a notice, and after giving the 3607
taxpayer an opportunity to explain the noncompliance, the 3608
authority may terminate the agreement and require the taxpayer to 3609
refund to the state all or a portion of the credit claimed in 3610
previous years, as follows: 3611

(1) If the taxpayer maintained operations at the project site 3612
for less than the term of the credit, the amount required to be 3613
refunded shall not exceed the amount of any tax credits previously 3614
allowed and received under this section. 3615

(2) If the taxpayer maintained operations at the project site 3616
longer than the term of the credit but less than one and one-half 3617
times the term of the credit, the amount required to be refunded 3618
shall not exceed fifty per cent of the sum of any tax credits 3619
previously allowed and received under this section. 3620

(3) If the taxpayer maintained operations at the project site 3621
for at least one and one-half times the term of the credit but 3622
less than twice the term of the credit, the amount required to be 3623
refunded shall not exceed twenty-five per cent of the sum of any 3624
tax credits previously allowed and received under this section. 3625

In determining the portion of the credit to be refunded to 3626
this state, the authority shall consider the effect of market 3627
conditions on the taxpayer's project and whether the taxpayer 3628
continues to maintain other operations in this state. After making 3629
the determination, the authority shall certify the amount to be 3630

refunded to the tax commissioner. The commissioner shall make an 3631
assessment for that amount against the taxpayer under Chapter 3632
5733. or 5747. of the Revised Code. The time limitations on 3633
assessments under Chapter 5733. or 5747. of the Revised Code do 3634
not apply to an assessment under this division, but the 3635
commissioner shall make the assessment within one year after the 3636
date the authority certifies to the commissioner the amount to be 3637
refunded. 3638

If the director of development determines that a taxpayer 3639
that received a tax credit under this section has reduced the 3640
number of employees agreed to under division (E)(5) of this 3641
section by more than ten per cent, the director shall notify the 3642
tax credit authority of the noncompliance. After receiving such 3643
notice, and after providing the taxpayer an opportunity to explain 3644
the noncompliance, the authority may amend the agreement to reduce 3645
the percentage or term of the tax credit. The reduction in the 3646
percentage or term shall take effect in the taxable year in which 3647
the authority amends the agreement. 3648

(K) The director of development, after consultation with the 3649
tax commissioner and in accordance with Chapter 119. of the 3650
Revised Code, shall adopt rules necessary to implement this 3651
section. The rules may provide for recipients of tax credits under 3652
this section to be charged fees to cover administrative costs of 3653
the tax credit program. At the time the director gives public 3654
notice under division (A) of section 119.03 of the Revised Code of 3655
the adoption of the rules, the director shall submit copies of the 3656
proposed rules to the chairpersons of the standing committees on 3657
economic development in the senate and the house of 3658
representatives. 3659

(L) On or before the thirty-first day of March of each year, 3660
the director of development shall submit a report to the governor, 3661
the president of the senate, and the speaker of the house of 3662

representatives on the tax credit program under this section. The 3663
report shall include information on the number of agreements that 3664
were entered into under this section during the preceding calendar 3665
year, a description of the project that is the subject of each 3666
such agreement, and an update on the status of projects under 3667
agreements entered into before the preceding calendar year. 3668

(M)(1) A nonrefundable credit shall be allowed to an 3669
applicable corporation and its related members in an amount equal 3670
to the applicable difference. The credit is in addition to the 3671
credit granted to the corporation or related members under 3672
division (B) of this section. The credit is subject to divisions 3673
(B) to (E) and division (J) of this section. 3674

(2) A person qualifying as an applicable corporation under 3675
this section for a tax year does not necessarily qualify as an 3676
applicable corporation for any other tax year. No person is 3677
entitled to the credit allowed under division (M) of this section 3678
for the tax year immediately following the taxable year during 3679
which the person fails to meet the requirements in divisions 3680
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 3681
to the credit allowed under division (M) of this section for any 3682
tax year for which the person is not eligible for the credit 3683
provided under division (B) of this section. 3684

Sec. 122.25. (A) In administering the program established 3685
under section 122.24 of the Revised Code, the director of 3686
development shall do all of the following: 3687

(1) Annually designate, by the first day of January of each 3688
year, the entities that constitute the eligible areas in this 3689
state as defined in section 122.23 of the Revised Code; 3690

(2) Inform local governments and others in the state of the 3691
availability of the program and financial assistance established 3692
under sections 122.23 to 122.27 of the Revised Code; 3693

(3) Report to the governor, president of the senate, speaker	3694
of the house of representatives, and minority leaders of the	3695
senate and the house of representatives by the thirtieth day of	3696
June of each year on the activities carried out under the program	3697
during the preceding calendar year. The report shall include the	3698
number of loans made that year and the amount and recipient of	3699
each loan.	3700
(4) Work in conjunction with conventional lending	3701
institutions, local revolving loan funds, private investors, and	3702
other private and public financing sources to provide loans or	3703
loan guarantees to eligible applicants;	3704
(5) Establish fees, charges, interest rates, payment	3705
schedules, local match requirements, and other terms and	3706
conditions for loans and loan guarantees provided under the loan	3707
program created by section 122.24 of the Revised Code;	3708
(6) Require each applicant to demonstrate the suitability of	3709
any site for the assistance sought; that the site has been	3710
surveyed, has adequate or available utilities, and that there are	3711
no zoning restrictions, environmental regulations, or other	3712
matters impairing the use of the site for the purpose intended;	3713
(7) Require each applicant to provide a marketing plan and	3714
management strategy for the project;	3715
(8) Adopt rules in accordance with Chapter 119. of the	3716
Revised Code establishing all of the following:	3717
(a) Forms and procedures by which eligible applicants may	3718
apply for assistance;	3719
(b) Criteria for reviewing, evaluating, and ranking	3720
applications, and for approving applications that best serve the	3721
goals of the program;	3722
(c) Reporting requirements and monitoring procedures;	3723

(d) Guidelines regarding situations in which industrial parks 3724
would be considered to compete against one another for the 3725
purposes of division (B)(2) of section 122.27 of the Revised Code; 3726

(e) Any other rules necessary to implement and administer the 3727
program created by section 122.24 of the Revised Code. 3728

(B) The director may adopt rules in accordance with Chapter 3729
119. of the Revised Code establishing requirements governing the 3730
use of any industrial park site receiving assistance under section 3731
122.24 of the Revised Code, such that a certain portion of the 3732
site must be used for manufacturing, distribution, high 3733
technology, research and development, or other businesses wherein 3734
a majority of the product or service produced is exported out of 3735
the state. 3736

(C) As a condition to receiving assistance under section 3737
122.24 of the Revised Code, and except as provided in division (D) 3738
of this section, an applicant must agree, for a period of five 3739
years, not to permit the use of a site that is developed or 3740
improved with such assistance to cause the relocation of jobs to 3741
that site from elsewhere in Ohio. 3742

(D) A site developed or improved with assistance under 3743
section 122.24 of the Revised Code may be the site of jobs 3744
relocated from elsewhere in Ohio if the director of development 3745
does all of the following: 3746

(1) Makes a written determination that the site from which 3747
the jobs would be relocated is inadequate to meet market or 3748
industry conditions, expansion plans, consolidation plans, or 3749
other business considerations affecting the relocating employer; 3750

(2) Provides a copy of the determination required by division 3751
(D)(1) of this section to the members of the general assembly 3752
whose legislative districts include the site from which the jobs 3753
would be relocated, ~~and to the joint legislative committee on tax~~ 3754

incentives; 3755

(3) Determines that the governing body of the area from which 3756
the jobs would be relocated has been notified in writing by the 3757
relocating company of the possible relocation. 3758

(E) The director of development must obtain the approval of 3759
the controlling board for any loan or loan guarantee provided 3760
under sections 122.23 to 122.27 of the Revised Code. 3761

Sec. 122.651. (A) There is hereby created the clean Ohio 3762
council consisting of the director of development or the 3763
director's designee, the director of environmental protection or 3764
the director's designee, the lieutenant governor or the lieutenant 3765
governor's designee, the director of the Ohio public works 3766
commission as a nonvoting, ex officio member, one member of the 3767
majority party of the senate and one member of the minority party 3768
of the senate to be appointed by the president of the senate, one 3769
member of the majority party of the house of representatives and 3770
one member of the minority party of the house of representatives 3771
to be appointed by the speaker of the house of representatives, 3772
and seven members to be appointed by the governor with the advice 3773
and consent of the senate. Of the members appointed by the 3774
governor, one shall represent the interests of counties, one shall 3775
represent the interests of townships, one shall represent the 3776
interests of municipal corporations, two shall represent the 3777
interests of business and development, and two shall represent 3778
statewide environmental advocacy organizations. The members 3779
appointed by the governor shall reflect the demographic and 3780
economic diversity of the population of the state. Additionally, 3781
the governor's appointments shall represent all areas of the 3782
state. All appointments to the council shall be made not later 3783
than one hundred twenty days after July 26, 2001. 3784

(B) The members appointed by the president of the senate and 3785

speaker of the house of representatives shall serve at the 3786
pleasure of their appointing authorities. Of the initial members 3787
appointed by the governor to the clean Ohio council, four shall be 3788
appointed for two years and three shall be appointed for one year. 3789
Thereafter, terms of office for members appointed by the governor 3790
shall be for two years, with each term ending on the same day of 3791
the same month as did the term that it succeeds. Each of those 3792
members shall hold office from the date of appointment until the 3793
end of the term for which the member is appointed. 3794

Members may be reappointed. Vacancies shall be filled in the 3795
same manner as provided for original appointments. Any member 3796
appointed to fill a vacancy occurring prior to the expiration date 3797
of the term for which the member was appointed shall hold office 3798
for the remainder of that term. A member shall continue in office 3799
after the expiration date of the member's term until the member's 3800
successor takes office or until a period of sixty days has 3801
elapsed, whichever occurs first. The governor may remove a member 3802
appointed by the governor for misfeasance, nonfeasance, or 3803
malfeasance in office. 3804

(C) ~~The director of development~~ governor shall appoint a 3805
member of the clean Ohio council to serve as the chairperson of 3806
the clean Ohio council. The director of development shall serve as 3807
the vice-chairperson of the council unless appointed chairperson. 3808
If the director is appointed chairperson, the council annually 3809
shall select from among its members a vice-chairperson to serve 3810
while the director is chairperson. The council annually shall 3811
select from among its members ~~a vice-chairperson and~~ a secretary 3812
to keep a record of its proceedings. A majority vote of a quorum 3813
of the members of the council is necessary to take action on any 3814
matter. The council may adopt bylaws governing its operation, 3815
including bylaws that establish the frequency of meetings, 3816
procedures for reviewing eligible projects under sections 122.65 3817

to 122.658 of the Revised Code and policies and requirements 3818
established under section 122.657 of the Revised Code, and other 3819
necessary procedures. 3820

(D) Members of the clean Ohio council shall be deemed to be 3821
public officials or officers only for the purposes of section 9.86 3822
and Chapters 102. and 2921. of the Revised Code. Serving as a 3823
member of the clean Ohio council does not constitute holding a 3824
public office or position of employment so as to constitute 3825
grounds for removal of public officers or employees serving as 3826
members of the council from their offices or positions of 3827
employment. Members of the council shall file with the Ohio ethics 3828
commission the disclosure statement described in division (A) of 3829
section 102.02 of the Revised Code on the form prescribed by the 3830
commission and be subject to divisions (C) and (D) of that 3831
section. Members of the council shall serve without compensation 3832
for attending council meetings, but shall receive their actual and 3833
necessary traveling and other expenses incurred in the performance 3834
of their official duties in accordance with the rules of the 3835
office of budget and management. 3836

(E) Members appointed by the governor to represent the 3837
interests of counties, townships, and municipal corporations do 3838
not have a conflict of interest by virtue of their service in the 3839
position. For the purposes of this division, "conflict of 3840
interest" means the taking of any action as a member of the 3841
council that affects a public agency the person serves as an 3842
officer or employee. 3843

(F) The department of development shall provide office space 3844
for the council. The council shall be assisted in its duties by 3845
the staff of the department of development and the environmental 3846
protection agency. 3847

(G) Sections 101.82 to 101.87 of the Revised Code do not 3848
apply to the clean Ohio council. 3849

Sec. 122.658. (A) The clean Ohio revitalization fund is 3850
hereby created in the state treasury. The fund shall consist of 3851
moneys credited to it pursuant to section 151.40 of the Revised 3852
Code. Moneys in the fund shall be used to make grants or loans for 3853
projects that have been approved by the clean Ohio council in 3854
accordance with section 122.653 of the Revised Code, except that 3855
the council annually shall devote twenty per cent of the net 3856
proceeds of obligations deposited in the clean Ohio revitalization 3857
fund for the purposes of section 122.656 of the Revised Code. 3858

Moneys in the clean Ohio revitalization fund may be used to 3859
pay reasonable costs incurred by the department of development and 3860
the environmental protection agency in administering sections 3861
122.65 to 122.658 of the Revised Code. All investment earnings of 3862
the fund shall be credited to the fund. ~~For two years after July~~ 3863
~~26, 2001, investment~~ Investment earnings credited to the clean 3864
Ohio revitalization fund may be used to pay costs incurred by the 3865
department of development and the environmental protection agency 3866
pursuant to sections 122.65 to 122.658 of the Revised Code. 3867

The department of development shall administer the clean Ohio 3868
revitalization fund in accordance with this section, policies and 3869
requirements established under section 122.657 of the Revised 3870
Code, and the terms of agreements entered into by the council 3871
under section 122.653 of the Revised Code. 3872

(B) Grants awarded and loans made under section 122.653 of 3873
the Revised Code shall provide not more than seventy-five per cent 3874
of the estimated total cost of a project. A grant or loan to any 3875
one project shall not exceed three million dollars. An applicant 3876
shall provide at least twenty-five per cent of the estimated total 3877
cost of a project. The applicant's share may consist of one or a 3878
combination of any of the following: 3879

(1) Payment of the cost of acquiring the property for the 3880

purposes of sections 122.65 to 122.658 of the Revised Code;	3881
(2) Payment of the reasonable cost of an assessment at the property;	3882 3883
(3) The reasonable value, as determined by the council, of labor and materials that will be contributed by the applicant in performing the cleanup or remediation;	3884 3885 3886
(4) Moneys received by the applicant in any form for use in performing the cleanup or remediation;	3887 3888
(5) Loans secured by the applicant for the purpose of the cleanup or remediation of the brownfield.	3889 3890
Costs that were incurred more than two years prior to the submission of an application to the clean Ohio council for the acquisition of property, assessments, and labor and materials shall not be used as part of the applicant's matching share.	3891 3892 3893 3894
(C) The department of development shall not make any payment to an applicant from the clean Ohio revitalization fund to pay costs of the applicant that were not included in an application for a grant or loan under section 122.653 of the Revised Code or that exceed the amount of the estimated total cost of the project included in the application. If, upon completion of a project, the costs of the project are less than the amounts included in the application, the amounts included in the application less the amounts of the actual costs of the project shall be credited to the clean Ohio revitalization fund. However, the amounts credited shall be equivalent in percentage to the percentage of the costs of the project that were to be funded by the grant or loan from the fund.	3895 3896 3897 3898 3899 3900 3901 3902 3903 3904 3905 3906 3907
(D) Grants awarded or loans made under section 122.653 of the Revised Code from the clean Ohio revitalization fund shall be used by an applicant only to pay the costs of the actual cleanup or remediation of a brownfield and shall not be used by an applicant	3908 3909 3910 3911

to pay any administrative costs incurred by the applicant. Costs 3912
related to the use of a certified professional for purposes of 3913
section 122.654 of the Revised Code are not administrative costs 3914
and may be paid with moneys from grants awarded or loans made 3915
under section 122.653 of the Revised Code. 3916

(E) The portion of net proceeds of obligations devoted under 3917
division (A) of this section for the purposes of section 122.656 3918
of the Revised Code shall be used to make grants for assessments, 3919
cleanup or remediation of brownfields, and public health projects 3920
that have been approved by the director of development under that 3921
section. The department of development shall administer section 3922
122.656 of the Revised Code in accordance with this section, 3923
policies and requirements established under section 122.657 of the 3924
Revised Code, and the terms of agreements entered into by the 3925
director under section 122.656 of the Revised Code. The director 3926
shall not grant more than twenty-five million dollars for public 3927
health projects under section 122.656 of the Revised Code. 3928

(F) Grants awarded under section 122.656 of the Revised Code 3929
shall be used by an applicant only to pay the costs of actually 3930
conducting an assessment, a cleanup or remediation of a 3931
brownfield, or a public health project and shall not be used by an 3932
applicant to pay any administrative costs incurred by the 3933
applicant. Costs related to the use of a certified professional 3934
for purposes of section 122.654 of the Revised Code are not 3935
administrative costs and may be paid with moneys from grants 3936
awarded under section 122.656 of the Revised Code. 3937

(G)(1) The clean Ohio revitalization revolving loan fund is 3938
hereby created in the state treasury. Payments of principal and 3939
interest on loans made from the clean Ohio revitalization fund 3940
shall be credited to this revolving loan fund, as shall payments 3941
of principal and interest on loans made from the revolving loan 3942
fund itself. The revolving loan fund's investment earnings shall 3943

be credited to it. 3944

(2) The clean Ohio revitalization revolving loan fund shall 3945
be used to make loans for the same purposes and subject to the 3946
same policies, requirements, criteria, and application procedures 3947
as loans made from the clean Ohio revitalization fund. 3948

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of 3949
the Revised Code: 3950

(A) "Surety company" means a company that is authorized by 3951
the department of insurance to issue bonds as surety. 3952

(B) "Minority business" means any of the following 3953
occupations: 3954

(1) Minority construction contractor; 3955

(2) Minority seller; 3956

(3) Minority service vendor. 3957

(C) "Minority construction contractor" means a person who is 3958
both a construction contractor and an owner of a minority business 3959
enterprise certified under division (B) of section 123.151 of the 3960
Revised Code. 3961

(D) "Minority seller" means a person who is both a seller of 3962
goods and an owner of a minority business enterprise listed on the 3963
special minority business enterprise bid notification list under 3964
division (B) of section 125.08 of the Revised Code. 3965

(E) "Minority service vendor" means a person who is both a 3966
vendor of services and an owner of a minority business enterprise 3967
listed on the special minority business enterprise bid 3968
notification list under division (B) of section 125.08 of the 3969
Revised Code. 3970

(F) "Minority business enterprise" has the meaning given in 3971
section 122.71 of the Revised Code. 3972

(G) "EDGE business enterprise" means a sole proprietorship, 3973
association, partnership, corporation, limited liability 3974
corporation, or joint venture certified as a participant in the 3975
encouraging diversity, growth, and equity program by the director 3976
of administrative services under section 123.152 of the Revised 3977
Code. 3978

Sec. 122.88. (A) There is hereby created in the state 3979
treasury the minority business bonding fund, consisting of moneys 3980
deposited or credited to it pursuant to section 169.05 of the 3981
Revised Code; all grants, gifts, and contributions received 3982
pursuant to division (B)(9) of section 122.74 of the Revised Code; 3983
all moneys recovered following defaults; and any other moneys 3984
obtained by the director of development for the purposes of 3985
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 3986
shall be administered by the director. Moneys in the fund shall be 3987
held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 3988
of the Revised Code. 3989

(B) Any claims against the state arising from defaults shall 3990
be payable from the minority business bonding program 3991
administrative and loss reserve fund as provided in division (C) 3992
of this section or from the minority business bonding fund. 3993
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 3994
grants or pledges to any obligee or other person any state moneys 3995
other than the moneys in the minority business bonding program 3996
administrative and loss reserve fund or the minority business 3997
bonding fund, or moneys available to the minority business bonding 3998
fund upon request of the director in accordance with division (B) 3999
of section 169.05 of the Revised Code. 4000

(C) There is hereby created in the state treasury the 4001
minority business bonding program administrative and loss reserve 4002
fund, consisting of all premiums charged and collected in 4003

accordance with section 122.89 of the Revised Code and any 4004
interest income earned from the moneys in the minority business 4005
bonding fund. All expenses of the director and the minority 4006
development financing advisory board in carrying out the purposes 4007
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 4008
paid from the minority business bonding program administrative and 4009
loss reserve fund. 4010

Any moneys to the credit of the minority business bonding 4011
program administrative and loss reserve fund in excess of the 4012
amount necessary to fund the appropriation authority for the 4013
minority business bonding program administrative and loss reserve 4014
fund shall be held as a loss reserve to pay claims arising from 4015
defaults on surety bonds underwritten in accordance with section 4016
122.89 of the Revised Code or guaranteed in accordance with 4017
section 122.90 of the Revised Code. If the balance of funds in the 4018
minority business bonding program administrative and loss reserve 4019
fund is insufficient to pay a claim against the state arising from 4020
default, then such claim shall be payable from the minority 4021
business bonding fund. 4022

Sec. 122.90. (A) The director of development may guarantee 4023
bonds executed by sureties for minority businesses and EDGE 4024
business enterprises certified under section 123.152 of the 4025
Revised Code as principals on contracts with the state, any 4026
political subdivision or instrumentality, or any person as the 4027
obligee. The director, as guarantor, may exercise all the rights 4028
and powers of a company authorized by the department of insurance 4029
to guarantee bonds under Chapter 3929. of the Revised Code but 4030
otherwise is not subject to any laws related to a guaranty company 4031
under Title XXXIX of the Revised Code nor to any rules of the 4032
department of insurance. 4033

(B) The director shall adopt rules under Chapter 119. of the 4034

Revised Code to establish procedures for the application for bond 4035
guarantees and the review and approval of applications for bond 4036
guarantees submitted by sureties that execute bonds eligible for 4037
guarantees under division (A) of this section. 4038

(C) In accordance with rules adopted pursuant to this 4039
section, the director may guarantee up to ninety per cent of the 4040
loss incurred and paid by sureties on bonds guaranteed under 4041
division (A) of this section. 4042

(D) The penal sum amounts of all outstanding guarantees made 4043
by the director under this section shall not exceed three times 4044
the difference between the amount of moneys in the minority 4045
business bonding fund and available to the fund under division (B) 4046
of section 169.05 of the Revised Code and the amount of all 4047
outstanding bonds issued by the director in accordance with 4048
division (A) of section 122.89 of the Revised Code. 4049

Sec. 123.01. (A) The department of administrative services, 4050
in addition to those powers enumerated in Chapters 124. and 125. 4051
of the Revised Code, and as provided elsewhere by law, shall 4052
exercise the following powers: 4053

(1) To prepare, or contract to be prepared, by licensed 4054
engineers or architects, surveys, general and detailed plans, 4055
specifications, bills of materials, and estimates of cost for any 4056
projects, improvements, or public buildings to be constructed by 4057
state agencies that may be authorized by legislative 4058
appropriations or any other funds made available therefor, 4059
provided that the construction of the projects, improvements, or 4060
public buildings is a statutory duty of the department. This 4061
section does not require the independent employment of an 4062
architect or engineer as provided by section 153.01 of the Revised 4063
Code in the cases to which that section applies nor affect or 4064
alter the existing powers of the director of transportation. 4065

(2) To have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials previous to their incorporation into those projects, improvements, or buildings;

(3) To make contracts for and supervise the construction of any projects and improvements or the construction and repair of buildings under the control of a state agency, except contracts for the repair of buildings under the management and control of the departments of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the bureau of workers' compensation, the rehabilitation services commission, and boards of trustees of educational and benevolent institutions. These contracts shall be made and entered into by the directors of public safety, job and family services, mental health, mental retardation and developmental disabilities, rehabilitation and correction, and youth services, the administrator of workers' compensation, the rehabilitation services commission, and the boards of trustees of such institutions, respectively. All such contracts may be in whole or in part on unit price basis of maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) To prepare and suggest comprehensive plans for the development of grounds and buildings under the control of a state agency;

(5) To acquire, by purchase, gift, devise, lease, or grant, all real estate required by a state agency, in the exercise of which power the department may exercise the power of eminent domain, in the manner provided by sections 163.01 to 163.22 of the Revised Code;

(6) To make and provide all plans, specifications, and models 4097
for the construction and perfection of all systems of sewerage, 4098
drainage, and plumbing for the state in connection with buildings 4099
and grounds under the control of a state agency; 4100

(7) To erect, supervise, and maintain all public monuments 4101
and memorials erected by the state, except where the supervision 4102
and maintenance is otherwise provided by law; 4103

(8) To procure, by lease, storage accommodations for a state 4104
agency; 4105

(9) To lease or grant easements or licenses for unproductive 4106
and unused lands or other property under the control of a state 4107
agency. Such leases, easements, or licenses shall be granted for a 4108
period not to exceed fifteen years and shall be executed for the 4109
state by the director of administrative services and the governor 4110
and shall be approved as to form by the attorney general, provided 4111
that leases, easements, or licenses may be granted to any county, 4112
township, municipal corporation, port authority, water or sewer 4113
district, school district, library district, health district, park 4114
district, soil and water conservation district, conservancy 4115
district, or other political subdivision or taxing district, or 4116
any agency of the United States government, for the exclusive use 4117
of that agency, political subdivision, or taxing district, without 4118
any right of sublease or assignment, for a period not to exceed 4119
fifteen years, and provided that the director shall grant leases, 4120
easements, or licenses of university land for periods not to 4121
exceed twenty-five years for purposes approved by the respective 4122
university's board of trustees wherein the uses are compatible 4123
with the uses and needs of the university and may grant leases of 4124
university land for periods not to exceed forty years for purposes 4125
approved by the respective university's board of trustees pursuant 4126
to section 123.77 of the Revised Code. 4127

(10) To lease office space in buildings for the use of a state agency;	4128 4129
(11) To have general supervision and care of the storerooms, offices, and buildings leased for the use of a state agency;	4130 4131
(12) To exercise general custodial care of all real property of the state;	4132 4133
(13) To assign and group together state offices in any city in the state and to establish, in cooperation with the state agencies involved, rules governing space requirements for office or storage use;	4134 4135 4136 4137
(14) To lease for a period not to exceed forty years, pursuant to a contract providing for the construction thereof under a lease-purchase plan, buildings, structures, and other improvements for any public purpose, and, in conjunction therewith, to grant leases, easements, or licenses for lands under the control of a state agency for a period not to exceed forty years. The lease-purchase plan shall provide that at the end of the lease period, the buildings, structures, and related improvements, together with the land on which they are situated, shall become the property of the state without cost.	4138 4139 4140 4141 4142 4143 4144 4145 4146 4147
(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:	4148 4149 4150 4151 4152 4153
(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;	4154 4155
(ii) Details to scale and full sized, so drawn and represented as to be easily understood;	4156 4157

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the

corporation is authorized to do business in this state, until, if 4189
the builder submitting the lowest and best bid is a person 4190
nonresident of this state, the person has filed with the secretary 4191
of state a power of attorney designating the secretary of state as 4192
its agent for the purpose of accepting service of summons in any 4193
action brought under Chapter 4123. of the Revised Code, and until 4194
the agreement is submitted to the attorney general and the 4195
attorney general's approval is certified thereon. Within thirty 4196
days after the day on which the bids are received, the department 4197
shall investigate the bids received and shall determine that the 4198
bureau and the secretary of state have made the certifications 4199
required by this section of the builder who has submitted the 4200
lowest and best bid. Within ten days of the completion of the 4201
investigation of the bids, the department shall award the lease 4202
agreement to the builder who has submitted the lowest and best bid 4203
and who has been certified by the bureau and secretary of state as 4204
required by this section. If bidding for the lease agreement has 4205
been conducted upon the basis of basic plans, specifications, 4206
bills of materials, and estimates of costs, upon the award to the 4207
builder the department, or the builder with the approval of the 4208
department, shall appoint an architect or engineer licensed in 4209
this state to prepare such further detailed plans, specifications, 4210
and bills of materials as are required to construct the building, 4211
structure, or improvement. The department shall adopt such rules 4212
as are necessary to give effect to this section. The department 4213
may reject any bid. Where there is reason to believe there is 4214
collusion or combination among bidders, the bids of those 4215
concerned therein shall be rejected. 4216

(15) To acquire by purchase, gift, devise, or grant and to 4217
transfer, lease, or otherwise dispose of all real property 4218
required to assist in the development of a conversion facility as 4219
defined in section 5709.30 of the Revised Code as that section 4220
existed before its repeal by H.B. 95 of the 125th general 4221

assembly; 4222

(16) To lease for a period not to exceed forty years, 4223
notwithstanding any other division of this section, the 4224
state-owned property located at 408-450 East Town Street, 4225
Columbus, Ohio, formerly the state school for the deaf, to a 4226
developer in accordance with this section. "Developer," as used in 4227
this section, has the same meaning as in section 123.77 of the 4228
Revised Code. 4229

Such a lease shall be for the purpose of development of the 4230
land for use by senior citizens by constructing, altering, 4231
renovating, repairing, expanding, and improving the site as it 4232
existed on June 25, 1982. A developer desiring to lease the land 4233
shall prepare for submission to the department a plan for 4234
development. Plans shall include provisions for roads, sewers, 4235
water lines, waste disposal, water supply, and similar matters to 4236
meet the requirements of state and local laws. The plans shall 4237
also include provision for protection of the property by insurance 4238
or otherwise, and plans for financing the development, and shall 4239
set forth details of the developer's financial responsibility. 4240

The department may employ, as employees or consultants, 4241
persons needed to assist in reviewing the development plans. Those 4242
persons may include attorneys, financial experts, engineers, and 4243
other necessary experts. The department shall review the 4244
development plans and may enter into a lease if it finds all of 4245
the following: 4246

(a) The best interests of the state will be promoted by 4247
entering into a lease with the developer; 4248

(b) The development plans are satisfactory; 4249

(c) The developer has established the developer's financial 4250
responsibility and satisfactory plans for financing the 4251
development. 4252

The lease shall contain a provision that construction or 4253
renovation of the buildings, roads, structures, and other 4254
necessary facilities shall begin within one year after the date of 4255
the lease and shall proceed according to a schedule agreed to 4256
between the department and the developer or the lease will be 4257
terminated. The lease shall contain such conditions and 4258
stipulations as the director considers necessary to preserve the 4259
best interest of the state. Moneys received by the state pursuant 4260
to this lease shall be paid into the general revenue fund. The 4261
lease shall provide that at the end of the lease period the 4262
buildings, structures, and related improvements shall become the 4263
property of the state without cost. 4264

(17) To lease to any person any tract of land owned by the 4265
state and under the control of the department, or any part of such 4266
a tract, for the purpose of drilling for or the pooling of oil or 4267
gas. Such a lease shall be granted for a period not exceeding 4268
forty years, with the full power to contract for, determine the 4269
conditions governing, and specify the amount the state shall 4270
receive for the purposes specified in the lease, and shall be 4271
prepared as in other cases. 4272

(18) Biennially implement, by state agency location, a census 4273
of agency employees assigned space; 4274

(19) Require each state agency to categorize periodically the 4275
use of space allotted to the agency between office space, common 4276
areas, storage space, and other uses and report its findings to 4277
the department; 4278

(20) Create and update periodically a master space 4279
utilization plan for all space allotted to state agencies. The 4280
plan shall incorporate space utilization metrics. 4281

(21) Conduct periodically a cost-benefit analysis to 4282
determine the effectiveness of state-owned buildings; 4283

<u>(22) Assess periodically the alternatives associated with</u>	4284
<u>consolidating the commercial leases for buildings located in</u>	4285
<u>Columbus;</u>	4286
<u>(23) Commission a comprehensive space utilization and</u>	4287
<u>capacity study in order to determine the feasibility of</u>	4288
<u>consolidating existing commercially leased space used by state</u>	4289
<u>agencies into a new state-owned facility.</u>	4290
(B) This section and section 125.02 of the Revised Code shall	4291
not interfere with any of the following:	4292
(1) The power of the adjutant general to purchase military	4293
supplies, or with the custody of the adjutant general of property	4294
leased, purchased, or constructed by the state and used for	4295
military purposes, or with the functions of the adjutant general	4296
as director of state armories;	4297
(2) The power of the director of transportation in acquiring	4298
rights-of-way for the state highway system, or the leasing of	4299
lands for division or resident district offices, or the leasing of	4300
lands or buildings required in the maintenance operations of the	4301
department of transportation, or the purchase of real property for	4302
garage sites or division or resident district offices, or in	4303
preparing plans and specifications for and constructing such	4304
buildings as the director may require in the administration of the	4305
department;	4306
(3) The power of the director of public safety and the	4307
registrar of motor vehicles to purchase or lease real property and	4308
buildings to be used solely as locations to which a deputy	4309
registrar is assigned pursuant to division (B) of section 4507.011	4310
of the Revised Code and from which the deputy registrar is to	4311
conduct the deputy registrar's business, the power of the director	4312
of public safety to purchase or lease real property and buildings	4313
to be used as locations for division or district offices as	4314

required in the maintenance of operations of the department of 4315
public safety, and the power of the superintendent of the state 4316
highway patrol in the purchase or leasing of real property and 4317
buildings needed by the patrol, to negotiate the sale of real 4318
property owned by the patrol, to rent or lease real property owned 4319
or leased by the patrol, and to make or cause to be made repairs 4320
to all property owned or under the control of the patrol; 4321

(4) The power of the division of liquor control in the 4322
leasing or purchasing of retail outlets and warehouse facilities 4323
for the use of the division; 4324

(5) The power of the director of development to enter into 4325
leases of real property, buildings, and office space to be used 4326
solely as locations for the state's foreign offices to carry out 4327
the purposes of section 122.05 of the Revised Code. 4328

(C) Purchases for, and the custody and repair of, buildings 4329
under the management and control of the capitol square review and 4330
advisory board, the rehabilitation services commission, the bureau 4331
of workers' compensation, or the departments of public safety, job 4332
and family services, mental health, mental retardation and 4333
developmental disabilities, and rehabilitation and correction, and 4334
buildings of educational and benevolent institutions under the 4335
management and control of boards of trustees, are not subject to 4336
the control and jurisdiction of the department of administrative 4337
services. 4338

(D) Any instrument by which real property is acquired 4339
pursuant to this section shall identify the agency of the state 4340
that has the use and benefit of the real property as specified in 4341
section 5301.012 of the Revised Code. 4342

Sec. 123.152. (A) As used in this section, "EDGE business 4343
enterprise" means a sole proprietorship, association, partnership, 4344
corporation, limited liability corporation, or joint venture 4345

certified as a participant in the encouraging diversity, growth, 4346
and equity program by the director of administrative services 4347
under this section of the Revised Code. 4348

(B) The director of administrative services shall establish a 4349
business assistance program known as the encouraging diversity, 4350
growth, and equity program and shall adopt rules in accordance 4351
with Chapter 119. of the Revised Code to administer the program 4352
and that do all of the following: 4353

(1) Establish procedures by which a sole proprietorship, 4354
association, partnership, corporation, limited liability 4355
corporation, or joint venture may apply for certification as an 4356
EDGE business enterprise; 4357

(2) Establish agency procurement goals for contracting with 4358
EDGE business enterprises in the award of contracts under Chapters 4359
123., 125., and 153. of the Revised Code based on the availability 4360
of eligible program participants by region or geographic area, as 4361
determined by the director, and by standard industrial code. 4362

(a) Goals established under division (B)(2) of this section 4363
shall be based on a percentage level of participation and a 4364
percentage of contractor availability. 4365

(b) Goals established under division (B)(2) of this section 4366
shall be applied at the contract level, relative to an overall 4367
dollar goal for each state agency, in accordance with the 4368
following certification categories: construction, architecture, 4369
and engineering; professional services; goods and services; and 4370
information technology services. 4371

(3) Establish a system of certifying EDGE business 4372
enterprises based on a requirement that the business owner or 4373
owners show both social and economic disadvantage based on the 4374
following, as determined to be sufficient by the director: 4375

(a) Relative wealth of the business seeking certification as 4376

<u>well as the personal wealth of the owner or owners of the</u>	4377
<u>business;</u>	4378
<u>(b) Social disadvantage based on any of the following:</u>	4379
<u>(i) A rebuttable presumption when the business owner or</u>	4380
<u>owners demonstrate membership in a racial minority group or show</u>	4381
<u>personal disadvantage due to color, ethnic origin, gender,</u>	4382
<u>physical disability, long-term residence in an environment</u>	4383
<u>isolated from the mainstream of American society, location in an</u>	4384
<u>area of high unemployment;</u>	4385
<u>(ii) Some other demonstration of personal disadvantage not</u>	4386
<u>common to other small businesses;</u>	4387
<u>(iii) By business location in a qualified census tract.</u>	4388
<u>(c) Economic disadvantage based on economic and business size</u>	4389
<u>thresholds and eligibility criteria designed to stimulate economic</u>	4390
<u>development through contract awards to businesses located in</u>	4391
<u>qualified census tracts.</u>	4392
<u>(4) Establish standards to determine when an EDGE business</u>	4393
<u>enterprise no longer qualifies for EDGE business enterprise</u>	4394
<u>certification;</u>	4395
<u>(5) Develop a process for evaluating and adjusting goals</u>	4396
<u>established by this section to determine what adjustments are</u>	4397
<u>necessary to achieve participation goals established by the</u>	4398
<u>director;</u>	4399
<u>(6) Establish a point system to evaluate bid proposals to</u>	4400
<u>encourage EDGE business enterprises to participate in the</u>	4401
<u>procurement of professional design and information technology</u>	4402
<u>services;</u>	4403
<u>(7) Establish a system to track data and analyze each</u>	4404
<u>certification category established under division (B)(2)(b) of</u>	4405
<u>this section;</u>	4406

<u>(8) Establish a process to mediate complaints and to review</u>	4407
<u>EDGE business enterprise certification appeals;</u>	4408
<u>(9) Implement an outreach program to educate potential</u>	4409
<u>participants about the encouraging diversity, growth, and equity</u>	4410
<u>program;</u>	4411
<u>(10) Establish a system to assist state agencies in</u>	4412
<u>identifying and utilizing EDGE business enterprises in their</u>	4413
<u>contracting processes;</u>	4414
<u>(11) Implement a system of self-reporting by EDGE business</u>	4415
<u>enterprises as well as an on-site inspection process to validate</u>	4416
<u>the qualifications of an EDGE business enterprise;</u>	4417
<u>(12) Establish a waiver mechanism to waive program goals or</u>	4418
<u>participation requirements for those companies that, despite their</u>	4419
<u>best-documented efforts, are unable to contract with certified</u>	4420
<u>EDGE business enterprises;</u>	4421
<u>(13) Establish a process for monitoring overall program</u>	4422
<u>compliance in which equal employment opportunity officers</u>	4423
<u>primarily are responsible for monitoring their respective</u>	4424
<u>agencies.</u>	4425
<u>(C) Not later than December 31, 2003, the director of</u>	4426
<u>administrative services shall prepare a detailed report to the</u>	4427
<u>governor outlining and evaluating the progress made in</u>	4428
<u>implementing the encouraging diversity, growth, and equity</u>	4429
<u>program.</u>	4430
Sec. 124.03. The state personnel board of review shall	4431
exercise the following powers and perform the following duties:	4432
(A) Hear appeals, as provided by law, of employees in the	4433
classified state service from final decisions of appointing	4434
authorities or the director of administrative services relative to	4435
reduction in pay or position, job abolishments, layoff,	4436

suspension, discharge, assignment or reassignment to a new or 4437
different position classification, or refusal of the director, or 4438
anybody authorized to perform the director's functions, to 4439
reassign an employee to another classification or to reclassify 4440
the employee's position with or without a job audit under division 4441
(D) of section 124.14 of the Revised Code. As used in this 4442
division, "discharge" includes disability separations. ~~The~~ 4443

The board may affirm, disaffirm, or modify the decisions of 4444
the appointing authorities or the director, as the case may be, 4445
and its decision is final. The board's decisions shall be 4446
consistent with the applicable classification specifications. ~~The~~ 4447

The board shall not be deprived of jurisdiction to hear any 4448
appeal due to the failure of an appointing authority to file its 4449
decision with the board. Any final decision of an appointing 4450
authority or of the director not filed in the manner provided in 4451
this chapter shall be disaffirmed. ~~The~~ 4452

The board may place an exempt employee, as defined in section 4453
124.152 of the Revised Code, into a bargaining unit 4454
classification, if the board determines that the bargaining unit 4455
classification is the proper classification for that employee. 4456
Notwithstanding Chapter 4117. of the Revised Code or instruments 4457
and contracts negotiated under it, such placements are at the 4458
board's discretion. 4459

In any hearing before the board, including any hearing at 4460
which a record is taken that may be the basis of an appeal to a 4461
court, an employee may be represented by a person permitted to 4462
practice before the board who is not an attorney at law ~~so~~ as long 4463
as the person does not receive any compensation from the employee 4464
for ~~such~~ the representation. 4465

(B) Hear appeals, as provided by law, of appointing 4466
authorities from final decisions of the director relative to the 4467

classification or reclassification of any position in the 4468
classified state service under the jurisdiction of ~~such~~ that 4469
appointing authority. The board may affirm, disaffirm, or modify 4470
the decisions of the director, and its decision is final. The 4471
board's decisions shall be consistent with the applicable 4472
classification specifications. 4473

(C) Exercise the authority provided by section 124.40 of the 4474
Revised Code, for appointment, removal, and supervision of 4475
municipal and civil service township civil service commissions; 4476

(D) Appoint a secretary, referees, examiners, and whatever 4477
other employees are necessary in the exercise of its powers and 4478
performance of its duties and functions. The board shall determine 4479
appropriate education and experience requirements for its 4480
secretary, referees, examiners, and other employees and shall 4481
prescribe their duties. A referee or examiner does not need to 4482
have been admitted to the practice of law. 4483

(E) Maintain a journal ~~which~~ that shall be open to public 4484
inspection, in which it shall keep a record of all of its 4485
proceedings and of the vote of each of its members upon every 4486
action taken by it; 4487

(F) Adopt rules in accordance with Chapter 119. of the 4488
Revised Code relating to the procedure of the board in 4489
administering the laws ~~which~~ it has the authority or duty to 4490
administer and for the purpose of invoking the jurisdiction of the 4491
board in hearing appeals of appointing authorities and employees 4492
in matters set forth in divisions (A) and (B) of this section; 4493

(G) Subpoena and require the attendance and testimony of 4494
witnesses and the production of books, papers, public records, and 4495
other documentary evidence pertinent to any matter ~~which~~ it has 4496
authority to investigate, inquire into, or hear in the same manner 4497
and to the same extent as provided by division (G) of section 4498

124.09 of the Revised Code. All witness fees shall be paid in the 4499
manner set forth in that division. 4500

(H) The board shall be funded by general revenue fund 4501
appropriations. All moneys received by the board for copies of 4502
documents, rule books, and transcriptions shall be paid into the 4503
state treasury to the credit of the transcript and other documents 4504
fund, which is hereby created to defray the cost of ~~furnishing or~~ 4505
~~making available such copies, rule books, and transcriptions~~ 4506
producing an administrative record. 4507

Sec. 124.15. (A) Board and commission members appointed prior 4508
to July 1, 1991, shall be paid a salary or wage in accordance with 4509
the following schedules of rates: 4510

Schedule B 4511

Pay Ranges and Step Values 4512

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	4513
Annually	11897.60	12292.80	12688.00	13124.80	4514
	Step 5	Step 6			4515
Hourly	6.52	6.75			4516
Annually	13561.60	14040.00			4517
	Step 1	Step 2	Step 3	Step 4	4518
24 Hourly	6.00	6.20	6.41	6.63	4519
Annually	12480.00	12896.00	13332.80	13790.40	4520
	Step 5	Step 6			4521
Hourly	6.87	7.10			4522
Annually	14289.60	14768.00			4523
	Step 1	Step 2	Step 3	Step 4	4524
25 Hourly	6.31	6.52	6.75	6.99	4525
Annually	13124.80	13561.60	14040.00	14539.20	4526
	Step 5	Step 6			4527
Hourly	7.23	7.41			4528
					4529

	Annually	15038.40	15412.80			4530
		Step 1	Step 2	Step 3	Step 4	4531
26	Hourly	6.63	6.87	7.10	7.32	4532
	Annually	13790.40	14289.60	14768.00	15225.60	4533
		Step 5	Step 6			4534
	Hourly	7.53	7.77			4535
	Annually	15662.40	16161.60			4536
		Step 1	Step 2	Step 3	Step 4	4537
27	Hourly	6.99	7.23	7.41	7.64	4538
	Annually	14534.20	15038.40	15412.80	15891.20	4539
		Step 5	Step 6	Step 7		4540
	Hourly	7.88	8.15	8.46		4541
	Annually	16390.40	16952.00	17596.80		4542
		Step 1	Step 2	Step 3	Step 4	4543
28	Hourly	7.41	7.64	7.88	8.15	4544
	Annually	15412.80	15891.20	16390.40	16952.00	4545
		Step 5	Step 6	Step 7		4546
	Hourly	8.46	8.79	9.15		4547
	Annually	17596.80	18283.20	19032.00		4548
		Step 1	Step 2	Step 3	Step 4	4549
29	Hourly	7.88	8.15	8.46	8.79	4550
	Annually	16390.40	16952.00	17596.80	18283.20	4551
		Step 5	Step 6	Step 7		4552
	Hourly	9.15	9.58	10.01		4553
	Annually	19032.00	19926.40	20820.80		4554
		Step 1	Step 2	Step 3	Step 4	4555
30	Hourly	8.46	8.79	9.15	9.58	4556
	Annually	17596.80	18283.20	19032.00	19926.40	4557
		Step 5	Step 6	Step 7		4558
	Hourly	10.01	10.46	10.99		4559
	Annually	20820.80	21756.80	22859.20		4560
		Step 1	Step 2	Step 3	Step 4	4561
31	Hourly	9.15	9.58	10.01	10.46	4562

	Annually	19032.00	19962.40	20820.80	21756.80	4563
		Step 5	Step 6	Step 7		4564
	Hourly	10.99	11.52	12.09		4565
	Annually	22859.20	23961.60	25147.20		4566
		Step 1	Step 2	Step 3	Step 4	4567
32	Hourly	10.01	10.46	10.99	11.52	4568
	Annually	20820.80	21756.80	22859.20	23961.60	4569
		Step 5	Step 6	Step 7	Step 8	4570
	Hourly	12.09	12.68	13.29	13.94	4571
	Annually	25147.20	26374.40	27643.20	28995.20	4572
		Step 1	Step 2	Step 3	Step 4	4573
33	Hourly	10.99	11.52	12.09	12.68	4574
	Annually	22859.20	23961.60	25147.20	26374.40	4575
		Step 5	Step 6	Step 7	Step 8	4576
	Hourly	13.29	13.94	14.63	15.35	4577
	Annually	27643.20	28995.20	30430.40	31928.00	4578
		Step 1	Step 2	Step 3	Step 4	4579
34	Hourly	12.09	12.68	13.29	13.94	4580
	Annually	25147.20	26374.40	27643.20	28995.20	4581
		Step 5	Step 6	Step 7	Step 8	4582
	Hourly	14.63	15.35	16.11	16.91	4583
	Annually	30430.40	31928.00	33508.80	35172.80	4584
		Step 1	Step 2	Step 3	Step 4	4585
35	Hourly	13.29	13.94	14.63	15.35	4586
	Annually	27643.20	28995.20	30430.40	31928.00	4587
		Step 5	Step 6	Step 7	Step 8	4588
	Hourly	16.11	16.91	17.73	18.62	4589
	Annually	33508.80	35172.80	36878.40	38729.60	4590
		Step 1	Step 2	Step 3	Step 4	4591
36	Hourly	14.63	15.35	16.11	16.91	4592
	Annually	30430.40	31928.00	33508.80	35172.80	4593
		Step 5	Step 6	Step 7	Step 8	4594
	Hourly	17.73	18.62	19.54	20.51	4595

Annually	36878.40	38729.60	40643.20	42660.80	4596
Schedule C					4597
	Pay Range and Values				4598
Range		Minimum		Maximum	4599
41 Hourly		10.44		15.72	4600
Annually		21715.20		32697.60	4601
42 Hourly		11.51		17.35	4602
Annually		23940.80		36088.00	4603
43 Hourly		12.68		19.12	4604
Annually		26374.40		39769.60	4605
44 Hourly		13.99		20.87	4606
Annually		29099.20		43409.60	4607
45 Hourly		15.44		22.80	4608
Annually		32115.20		47424.00	4609
46 Hourly		17.01		24.90	4610
Annually		35380.80		51792.00	4611
47 Hourly		18.75		27.18	4612
Annually		39000.00		56534.40	4613
48 Hourly		20.67		29.69	4614
Annually		42993.60		61755.20	4615
49 Hourly		22.80		32.06	4616
Annually		47424.00		66684.80	4617

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 4618
4619

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 4620
4621
4622

(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee, the 4623
4624
4625
4626
4627

actual costs or fair market value of the personal services shall 4628
be paid by the employee in such amounts and manner as determined 4629
by the director of administrative services and approved by the 4630
director of budget and management, and those personal services 4631
shall not be considered as a part of the employee's compensation. 4632
An appointing authority, with the approval of the director of 4633
administrative services and the director of budget and management, 4634
may establish payments to employees for uniforms, tools, 4635
equipment, and other requirements of the department and payments 4636
for the maintenance of them. 4637

The director of administrative services may review collective 4638
bargaining agreements entered into under Chapter 4117. of the 4639
Revised Code that cover state employees and determine whether 4640
certain benefits or payments provided to state employees covered 4641
by those agreements should also be provided to employees who are 4642
exempt from collective bargaining coverage and are paid in 4643
accordance with section 124.152 of the Revised Code or are listed 4644
in division (B)(2) or (4) of section 124.14 of the Revised Code. 4645
On completing the review, the director of administrative services, 4646
with the approval of the director of budget and management, may 4647
provide to some or all of these employees any payment or benefit, 4648
except for salary, contained in such a collective bargaining 4649
agreement even if it is similar to a payment or benefit already 4650
provided by law to some or all of these employees. Any payment or 4651
benefit so provided shall not exceed the highest level for that 4652
payment or benefit specified in such a collective bargaining 4653
agreement. The director of administrative services shall not 4654
provide, and the director of budget and management shall not 4655
approve, any payment or benefit to such an employee under this 4656
division unless the payment or benefit is provided pursuant to a 4657
collective bargaining agreement to a state employee who is in a 4658
position with similar duties as, is supervised by, or is employed 4659
by the same appointing authority as, the employee to whom the 4660

benefit or payment is to be provided. 4661

As used in this division, "payment or benefit already 4662
provided by law" includes, but is not limited to, bereavement, 4663
personal, vacation, administrative, and sick leave, disability 4664
benefits, holiday pay, and pay supplements provided under the 4665
Revised Code, but does not include wages or salary. 4666

(E) New employees paid under schedule B of division (A) of 4667
this section or under schedule E-1 of section 124.152 of the 4668
Revised Code shall be employed at the minimum rate established for 4669
the range unless otherwise provided. Employees with qualifications 4670
that are beyond the minimum normally required for the position and 4671
that are determined by the director to be exceptional may be 4672
employed in, or may be transferred or promoted to, a position at 4673
an advanced step of the range. Further, in time of a serious labor 4674
market condition when it is relatively impossible to recruit 4675
employees at the minimum rate for a particular classification, the 4676
entrance rate may be set at an advanced step in the range by the 4677
director of administrative services. This rate may be limited to 4678
geographical regions of the state. Appointments made to an 4679
advanced step under the provision regarding exceptional 4680
qualifications shall not affect the step assignment of employees 4681
already serving. However, anytime the hiring rate of an entire 4682
classification is advanced to a higher step, all incumbents of 4683
that classification being paid at a step lower than that being 4684
used for hiring, shall be advanced beginning at the start of the 4685
first pay period thereafter to the new hiring rate, and any time 4686
accrued at the lower step will be used to calculate advancement to 4687
a succeeding step. If the hiring rate of a classification is 4688
increased for only a geographical region of the state, only 4689
incumbents who work in that geographical region shall be advanced 4690
to a higher step. When an employee in the unclassified service 4691
changes from one state position to another or is appointed to a 4692

position in the classified service, or if an employee in the 4693
classified service is appointed to a position in the unclassified 4694
service, the employee's salary or wage in the new position shall 4695
be determined in the same manner as if the employee were an 4696
employee in the classified service. When an employee in the 4697
unclassified service who is not eligible for step increases is 4698
appointed to a classification in the classified service under 4699
which step increases are provided, future step increases shall be 4700
based on the date on which the employee last received a pay 4701
increase. If the employee has not received an increase during the 4702
previous year, the date of the appointment to the classified 4703
service shall be used to determine the employee's annual step 4704
advancement eligibility date. In reassigning any employee to a 4705
classification resulting in a pay range increase or to a new pay 4706
range as a result of a promotion, an increase pay range 4707
adjustment, or other classification change resulting in a pay 4708
range increase, the director shall assign such employee to the 4709
step in the new pay range that will provide an increase of 4710
approximately four per cent if the new pay range can accommodate 4711
the increase. When an employee is being assigned to a 4712
classification or new pay range as the result of a class plan 4713
change, if the employee has completed a probationary period, the 4714
employee shall be placed in a step no lower than step two of the 4715
new pay range. If the employee has not completed a probationary 4716
period, the employee may be placed in step one of the new pay 4717
range. Such new salary or wage shall become effective on such date 4718
as the director determines. 4719

(F) If employment conditions and the urgency of the work 4720
require such action, the director of administrative services may, 4721
upon the application of a department head, authorize payment at 4722
any rate established within the range for the class of work, for 4723
work of a casual or intermittent nature or on a project basis. 4724
Payment at such rates shall not be made to the same individual for 4725

more than three calendar months in any one calendar year. Any such 4726
action shall be subject to the approval of the director of budget 4727
and management as to the availability of funds. This section and 4728
sections 124.14 and 124.152 of the Revised Code do not repeal any 4729
authority of any department or public official to contract with or 4730
fix the compensation of professional persons who may be employed 4731
temporarily for work of a casual nature or for work on a project 4732
basis. 4733

(G) ~~Each~~ (1) Except as provided in division (G)(2) of this 4734
section, each state employee paid under schedule B of this section 4735
or under schedule E-1 of section 124.152 of the Revised Code shall 4736
be eligible for advancement to succeeding steps in the range for 4737
the employee's class according to the schedule established in this 4738
division. Beginning on the first day of the pay period within 4739
which the employee completes the prescribed probationary period in 4740
the employee's classification with the state, each employee shall 4741
receive an automatic salary adjustment equivalent to the next 4742
higher step within the pay range for the employee's class or 4743
grade. 4744

Each employee paid under schedule E-1 of section 124.152 of 4745
the Revised Code shall be eligible to advance to the next higher 4746
step until the employee reaches step six, if the employee has 4747
maintained satisfactory performance in accordance with criteria 4748
established by the employee's appointing authority. Those step 4749
~~increases~~ advancements shall not occur more frequently than once 4750
in any twelve-month period. An employee only may advance to step 4751
seven upon performing at an exemplary level as determined in the 4752
employee's performance evaluation. An employee's advancement to 4753
step seven is at the discretion of the employee's appointing 4754
authority. An employee may not appeal the denial of advancement to 4755
step seven to the state personnel board of review. 4756

When an employee is promoted or reassigned to a higher pay 4757

range, the employee's step indicator shall return to "0" or be 4758
adjusted to account for a probationary period, as appropriate. 4759
Step advancement shall not be affected by demotion. A promoted 4760
employee shall advance to the next higher step of the pay range on 4761
the first day of the pay period in which the required probationary 4762
period is completed. Step advancement shall become effective at 4763
the beginning of the pay period within which the employee attains 4764
the necessary length of service. Time spent on authorized leave of 4765
absence shall be counted for this purpose. 4766

If determined to be in the best interest of the state 4767
service, the director of administrative services may, either 4768
statewide or in selected agencies, adjust the dates on which 4769
annual step ~~increases~~ advancements are received by employees paid 4770
under schedule E-1 of section 124.152 of the Revised Code. 4771

(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of 4772
this section, there shall be a moratorium on step advancements 4773
under division (G)(1) of this section from the pay period 4774
beginning June 29, 2003, through the pay period ending June 25, 4775
2005. Step advancements shall resume with the pay period beginning 4776
June 26, 2005. Upon the resumption of step advancements, there 4777
shall be no retroactive step advancements for the period the 4778
moratorium was in effect. The moratorium shall not affect an 4779
employee's performance evaluation schedule. 4780

(ii) During the moratorium under division (G)(2)(a)(i) of 4781
this section, an employee who is hired or promoted and serves a 4782
probationary period in the employee's new position shall advance 4783
to the next step in the employee's pay range upon successful 4784
completion of the employee's probationary period. Thereafter, the 4785
employee is subject to the moratorium. 4786

(b) The moratorium under division (G)(2)(a)(i) of this 4787
section shall apply to the employees of the secretary of state, 4788
the auditor of state, the treasurer of state, and the attorney 4789

general, who are subject to this section unless the secretary of 4790
state, the auditor of state, the treasurer of state, or the 4791
attorney general decides to exempt the office's employees from the 4792
moratorium and so notifies the director of administrative services 4793
in writing on or before July 1, 2003. 4794

(H) Employees in appointive managerial or professional 4795
positions paid under salary schedule C of this section or under 4796
salary schedule E-2 of section 124.152 of the Revised Code may be 4797
appointed at any rate within the appropriate pay range. This rate 4798
of pay may be adjusted higher or lower within the respective pay 4799
range at any time the appointing authority so desires as long as 4800
the adjustment is based on the employee's ability to successfully 4801
administer those duties assigned to the employee. Salary 4802
adjustments shall not be made more frequently than once in any 4803
six-month period under this provision to incumbents holding the 4804
same position and classification. 4805

(I) When an employee is assigned to duty outside this state, 4806
the employee may be compensated, upon request of the department 4807
head and with the approval of the director of administrative 4808
services, at a rate not to exceed fifty per cent in excess of the 4809
employee's current base rate for the period of time spent on that 4810
duty. 4811

(J) Unless compensation for members of a board or commission 4812
is otherwise specifically provided by law, the director of 4813
administrative services shall establish the rate and method of 4814
payment for members of boards and commissions pursuant to the pay 4815
schedules listed in section 124.152 of the Revised Code. 4816

(K) Regular full-time employees in positions assigned to 4817
classes within the instruction and education administration series 4818
under the rules of the director of administrative services, except 4819
certificated employees on the instructional staff of the state 4820
school for the blind or the state school for the deaf, whose 4821

positions are scheduled to work on the basis of an academic year 4822
rather than a full calendar year, shall be paid according to the 4823
pay range assigned by such rules but only during those pay periods 4824
included in the academic year of the school where the employee is 4825
located. 4826

(1) Part-time or substitute teachers or those whose period of 4827
employment is other than the full academic year shall be 4828
compensated for the actual time worked at the rate established by 4829
this section. 4830

(2) Employees governed by this division are exempt from 4831
sections 124.13 and 124.19 of the Revised Code. 4832

(3) Length of service for the purpose of determining 4833
eligibility for step ~~increases~~ advancements as provided by 4834
division (G) of this section and for the purpose of determining 4835
eligibility for longevity pay supplements as provided by division 4836
~~(F)~~(E) of section 124.181 of the Revised Code shall be computed on 4837
the basis of one full year of service for the completion of each 4838
academic year. 4839

(L) The superintendent of the state school for the deaf and 4840
the superintendent of the state school for the blind shall, 4841
subject to the approval of the superintendent of public 4842
instruction, carry out both of the following: 4843

(1) Annually, between the first day of April and the last day 4844
of June, establish for the ensuing fiscal year a schedule of 4845
hourly rates for the compensation of each certificated employee on 4846
the instructional staff of that superintendent's respective school 4847
constructed as follows: 4848

(a) Determine for each level of training, experience, and 4849
other professional qualification for which an hourly rate is set 4850
forth in the current schedule, the per cent that rate is of the 4851
rate set forth in such schedule for a teacher with a bachelor's 4852

degree and no experience. If there is more than one such rate for 4853
such a teacher, the lowest rate shall be used to make the 4854
computation. 4855

(b) Determine which six city, local, and exempted village 4856
school districts with territory in Franklin county have in effect 4857
on, or have adopted by, the first day of April for the school year 4858
that begins on the ensuing first day of July, teacher salary 4859
schedules with the highest minimum salaries for a teacher with a 4860
bachelor's degree and no experience; 4861

(c) Divide the sum of such six highest minimum salaries by 4862
ten thousand five hundred sixty; 4863

(d) Multiply each per cent determined in division (L)(1)(a) 4864
of this section by the quotient obtained in division (L)(1)(c) of 4865
this section; 4866

(e) One hundred five per cent of each product thus obtained 4867
shall be the hourly rate for the corresponding level of training, 4868
experience, or other professional qualification in the schedule 4869
for the ensuing fiscal year. 4870

(2) Annually, assign each certificated employee on the 4871
instructional staff of the superintendent's respective school to 4872
an hourly rate on the schedule that is commensurate with the 4873
employee's training, experience, and other professional 4874
qualifications. 4875

If an employee is employed on the basis of an academic year, 4876
the employee's annual salary shall be calculated by multiplying 4877
the employee's assigned hourly rate times one thousand seven 4878
hundred sixty. If an employee is not employed on the basis of an 4879
academic year, the employee's annual salary shall be calculated in 4880
accordance with the following formula: 4881

(a) Multiply the number of days the employee is required to 4882
work pursuant to the employee's contract by eight; 4883

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the schools are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

~~Sec. 124.152. (A) Beginning on the first day of the pay~~ 4914
~~period that includes July 1, 2000, each exempt employee shall be~~ 4915
~~paid a salary or wage in accordance with the following schedule of~~ 4916
~~rates:~~ 4917

~~Schedule E 1~~ 4918

~~Pay Ranges and Step Values~~ 4919

		Step	Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	7	
1	Hourly	8.15	8.51	8.88	9.27				4922
	Annually	16952	17701	18470	19282				4923
2	Hourly	9.88	10.30	10.75	11.23				4924
	Annually	20550	21424	22360	23358				4925
3	Hourly	10.35	10.82	11.29	11.79				4926
	Annually	21528	22506	23483	24523				4927
4	Hourly	10.87	11.36	11.90	12.43				4928
	Annually	22610	23629	24752	25854				4929
5	Hourly	11.41	11.93	12.43	12.98				4930
	Annually	23733	24814	25854	26998				4931
6	Hourly	12.02	12.51	13.07	13.60				4932
	Annually	25002	26021	27186	28288				4933
7	Hourly	12.76	13.25	13.78	14.26	14.81			4934
	Annually	26541	27560	28662	29661	30805			4935
8	Hourly	13.50	14.09	14.71	15.35	16.01			4936
	Annually	28080	29307	30597	31928	33301			4937
9	Hourly	14.40	15.14	15.89	16.68	17.53			4938
	Annually	29952	31491	33051	34694	36462			4939
10	Hourly	15.54	16.38	17.27	18.25	19.23			4940
	Annually	32323	34070	35922	37960	39998			4941
11	Hourly	16.91	17.90	18.94	20.00	21.14			4942
	Annually	35173	37232	39395	41600	43971			4943
12	Hourly	18.66	19.70	20.76	21.91	23.13	24.40	25.74	4944
	Annually	38813	40976	43181	45573	48110	50752	53539	4945

13	Hourly	20.56	21.69	22.88	24.11	25.46	26.85	28.33	4946
	Annually	42765	45115	47590	50149	52957	55848	58926	4947
14	Hourly	22.62	23.89	25.18	26.56	28.06	29.61	31.24	4948
	Annually	47050	49691	52374	55245	58365	61589	64979	4949
15	Hourly	24.84	26.23	27.72	29.25	30.86	32.57	34.36	4950
	Annually	51667	54558	57658	60840	64189	67746	71469	4951
16	Hourly	27.39	28.91	30.51	32.21	33.99	35.92	37.90	4952
	Annually	56971	60133	63461	66997	70699	74714	78832	4953
17	Hourly	30.18	31.85	33.63	35.49	37.47	39.56	41.74	4954
	Annually	62774	66248	69950	73819	77938	82285	86819	4955
18	Hourly	33.26	35.10	37.07	39.12	41.28	43.59	45.99	4956
	Annually	69181	73008	77106	81370	85862	90667	95659	4957
	Schedule E-2								4958
	Range			Minimum				Maximum	4959
41	Hourly			16.23				30.15	4960
	Annually			33758				62712	4961
42	Hourly			17.89				33.31	4962
	Annually			37211				69285	4963
43	Hourly			19.70				36.69	4964
	Annually			40976				76315	4965
44	Hourly			21.73				40.07	4966
	Annually			45198				83346	4967
45	Hourly			24.01				43.75	4968
	Annually			49941				91000	4969
46	Hourly			26.43				47.81	4970
	Annually			54974				99445	4971
47	Hourly			29.14				52.17	4972
	Annually			60611				108514	4973
48	Hourly			32.14				56.94	4974
	Annually			66851				118435	4975
49	Hourly			35.44				61.48	4976
	Annually			73715				127878	4977

~~(B) Beginning on the first day of the pay period that includes July 1, 2001, each exempt employee shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1~~

~~Pay Ranges and Step Values~~

		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	
	Range	1	2	3	4	5	6	7	
1	Hourly	8.44	8.81	9.19	9.59				
	Annually	17555	18325	19115	19947				
2	Hourly	10.23	10.66	11.13	11.62				
	Annually	21278	22173	23150	24170				
3	Hourly	10.71	11.20	11.69	12.20				
	Annually	22277	23296	24315	25376				
4	Hourly	11.25	11.76	12.32	12.87				
	Annually	23400	24461	25626	26770				
5	Hourly	11.81	12.35	12.87	13.43				
	Annually	24565	25688	26770	27934				
6	Hourly	12.44	12.95	13.53	14.08				
	Annually	25875	26936	28142	29286				
7	Hourly	13.21	13.71	14.26	14.76	15.33			
	Annually	27477	28517	29661	30701	31886			
8	Hourly	13.97	14.58	15.22	15.89	16.57			
	Annually	29058	30326	31658	33051	34466			
9	Hourly	14.90	15.67	16.45	17.26	18.14			
	Annually	30992	32594	34216	35901	37731			
10	Hourly	16.08	16.95	17.87	18.89	19.90			
	Annually	33446	35256	37170	39291	41392			
11	Hourly	17.50	18.53	19.60	20.70	21.88			
	Annually	36400	38542	40768	43056	45510			
12	Hourly	19.31	20.39	21.49	22.68	23.94	25.25	26.64	
	Annually	40165	42411	44699	47174	49795	52520	55411	
13	Hourly	21.28	22.45	23.68	24.95	26.35	27.79	29.32	

includes July 1, 2002, each exempt employee shall be paid a salary 5042
 or wage in accordance with the following schedule of rates: 5043

Schedule E-1 5044

Pay Ranges and Step Values 5045

		Step	Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	7	
1	Hourly	8.78	9.16	9.56	9.97				5048
	Annually	18262	19053	19885	20738				5049
2	Hourly	10.64	11.09	11.58	12.08				5050
	Annually	22131	23067	24086	25126				5051
3	Hourly	11.14	11.65	12.16	12.69				5052
	Annually	23171	24232	25293	26395				5053
4	Hourly	11.70	12.23	12.81	13.38				5054
	Annually	24336	25438	26645	27830				5055
5	Hourly	12.28	12.84	13.38	13.97				5056
	Annually	25542	26707	27830	29058				5057
6	Hourly	12.94	13.47	14.07	14.64				5058
	Annually	26915	28018	29266	30451				5059
7	Hourly	13.74	14.26	14.83	15.35	15.94			5060
	Annually	28579	29661	30846	31928	33155			5061
8	Hourly	14.53	15.16	15.83	16.53	17.23			5062
	Annually	30222	31533	32926	34382	35838			5063
9	Hourly	15.50	16.30	17.11	17.95	18.87			5064
	Annually	32240	33904	35589	37336	39250			5065
10	Hourly	16.72	17.63	18.58	19.65	20.70			5066
	Annually	34778	36670	38646	40872	43056			5067
11	Hourly	18.20	19.27	20.38	21.53	22.76			5068
	Annually	37856	40082	42390	44782	47341			5069
12	Hourly	20.08	21.21	22.35	23.59	24.90	26.26	27.71	5070
	Annually	41766	44117	46488	49067	51792	54621	57637	5071
13	Hourly	22.13	23.35	24.63	25.95	27.40	28.90	30.49	5072
	Annually	46030	48568	51230	53976	56992	60112	63419	5073
14	Hourly	24.35	25.72	27.10	28.59	30.20	31.88	33.62	5074

	Annually	50648	53498	56368	59467	62816	66310	69930	5075
15	Hourly	26.74	28.24	29.84	31.48	33.22	35.06	36.98	5076
	Annually	55619	58739	62067	65478	69098	72925	76918	5077
16	Hourly	29.48	31.12	32.84	34.67	36.59	38.67	40.80	5078
	Annually	61318	64730	68307	72114	76107	80434	84864	5079
17	Hourly	32.49	34.28	36.20	38.20	40.33	42.58	44.93	5080
	Annually	67579	71302	75296	79456	83886	88566	93454	5081
18	Hourly	35.80	37.78	39.90	42.11	44.43	46.92	49.50	5082
	Annually	74464	78582	82992	87589	92414	97594	102960	5083
Schedule E-2									5084
	Range			Minimum				Maximum	5085
41	Hourly			16.23				32.46	5086
	Annually			33758				67517	5087
42	Hourly			17.89				35.86	5088
	Annually			37211				74589	5089
43	Hourly			19.70				39.49	5090
	Annually			40976				82139	5091
44	Hourly			21.73				43.13	5092
	Annually			45198				89710	5093
45	Hourly			24.01				47.09	5094
	Annually			49941				97947	5095
46	Hourly			26.43				51.46	5096
	Annually			54974				107037	5097
47	Hourly			29.14				56.16	5098
	Annually			60611				116813	5099
48	Hourly			32.14				61.29	5100
	Annually			66851				127483	5101
49	Hourly			35.44				66.18	5102
	Annually			73715				137654	5103
	<u>(D)(B) Beginning on the first day of the pay period that</u>								5104
	<u>includes July 1, 2005, each exempt employee shall be paid a salary</u>								5105
	<u>or wage in accordance with the following schedule of rates:</u>								5106

<u>Schedule E-1</u>		<u>Pay Ranges and Step Values</u>							
	<u>Range</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Step 6</u>	<u>Step 7</u>	
									5107
									5108
									5109
									5110
<u>1</u>	<u>Hourly</u>	<u>9.13</u>	<u>9.53</u>	<u>9.94</u>	<u>10.37</u>				5111
	<u>Annually</u>	<u>18990</u>	<u>19822</u>	<u>20675</u>	<u>21570</u>				5112
<u>2</u>	<u>Hourly</u>	<u>11.07</u>	<u>11.53</u>	<u>12.04</u>	<u>12.56</u>				5113
	<u>Annually</u>	<u>23026</u>	<u>23982</u>	<u>25043</u>	<u>26125</u>				5114
<u>3</u>	<u>Hourly</u>	<u>11.59</u>	<u>12.12</u>	<u>12.65</u>	<u>13.20</u>				5115
	<u>Annually</u>	<u>24107</u>	<u>25210</u>	<u>26312</u>	<u>27456</u>				5116
<u>4</u>	<u>Hourly</u>	<u>12.17</u>	<u>12.72</u>	<u>13.32</u>	<u>13.92</u>				5117
	<u>Annually</u>	<u>25314</u>	<u>26458</u>	<u>27706</u>	<u>28954</u>				5118
<u>5</u>	<u>Hourly</u>	<u>12.77</u>	<u>13.35</u>	<u>13.92</u>	<u>14.53</u>				5119
	<u>Annually</u>	<u>26562</u>	<u>27768</u>	<u>28954</u>	<u>30222</u>				5120
<u>6</u>	<u>Hourly</u>	<u>13.46</u>	<u>14.01</u>	<u>14.63</u>	<u>15.23</u>				5121
	<u>Annually</u>	<u>27997</u>	<u>29141</u>	<u>30430</u>	<u>31678</u>				5122
<u>7</u>	<u>Hourly</u>	<u>14.29</u>	<u>14.83</u>	<u>15.42</u>	<u>15.96</u>	<u>16.58</u>			5123
	<u>Annually</u>	<u>29723</u>	<u>30846</u>	<u>32074</u>	<u>33197</u>	<u>34486</u>			5124
<u>8</u>	<u>Hourly</u>	<u>15.11</u>	<u>15.77</u>	<u>16.46</u>	<u>17.19</u>	<u>17.92</u>			5125
	<u>Annually</u>	<u>31429</u>	<u>32802</u>	<u>34237</u>	<u>35755</u>	<u>37274</u>			5126
<u>9</u>	<u>Hourly</u>	<u>16.12</u>	<u>16.95</u>	<u>17.79</u>	<u>18.67</u>	<u>19.62</u>			5127
	<u>Annually</u>	<u>33530</u>	<u>35256</u>	<u>37003</u>	<u>38834</u>	<u>40810</u>			5128
<u>10</u>	<u>Hourly</u>	<u>17.39</u>	<u>18.34</u>	<u>19.32</u>	<u>20.44</u>	<u>21.53</u>			5129
	<u>Annually</u>	<u>36171</u>	<u>38147</u>	<u>40186</u>	<u>42515</u>	<u>44782</u>			5130
<u>11</u>	<u>Hourly</u>	<u>18.93</u>	<u>20.04</u>	<u>21.20</u>	<u>22.39</u>	<u>23.67</u>			5131
	<u>Annually</u>	<u>39374</u>	<u>41683</u>	<u>44096</u>	<u>46571</u>	<u>49234</u>			5132
<u>12</u>	<u>Hourly</u>	<u>20.88</u>	<u>22.06</u>	<u>23.24</u>	<u>24.53</u>	<u>25.90</u>	<u>27.31</u>	<u>28.82</u>	5133
	<u>Annually</u>	<u>43430</u>	<u>45885</u>	<u>48339</u>	<u>51022</u>	<u>53872</u>	<u>56805</u>	<u>59946</u>	5134
<u>13</u>	<u>Hourly</u>	<u>23.02</u>	<u>24.28</u>	<u>25.62</u>	<u>26.99</u>	<u>28.50</u>	<u>30.06</u>	<u>31.71</u>	5135
	<u>Annually</u>	<u>47882</u>	<u>50502</u>	<u>53290</u>	<u>56139</u>	<u>59280</u>	<u>62525</u>	<u>65957</u>	5136
<u>14</u>	<u>Hourly</u>	<u>25.32</u>	<u>26.75</u>	<u>28.18</u>	<u>29.73</u>	<u>31.41</u>	<u>33.16</u>	<u>34.96</u>	5137
	<u>Annually</u>	<u>52666</u>	<u>55640</u>	<u>58614</u>	<u>61838</u>	<u>65333</u>	<u>68973</u>	<u>72717</u>	5138
<u>15</u>	<u>Hourly</u>	<u>27.81</u>	<u>29.37</u>	<u>31.03</u>	<u>32.74</u>	<u>34.55</u>	<u>36.46</u>	<u>38.46</u>	5139

	<u>Annually</u>	<u>57845</u>	<u>61090</u>	<u>64542</u>	<u>68099</u>	<u>71864</u>	<u>75837</u>	<u>79997</u>	5140
<u>16</u>	<u>Hourly</u>	<u>30.66</u>	<u>32.36</u>	<u>34.15</u>	<u>36.06</u>	<u>38.05</u>	<u>40.22</u>	<u>42.43</u>	5141
	<u>Annually</u>	<u>63773</u>	<u>67309</u>	<u>71032</u>	<u>75005</u>	<u>79144</u>	<u>83658</u>	<u>88254</u>	5142
<u>17</u>	<u>Hourly</u>	<u>33.79</u>	<u>35.65</u>	<u>37.65</u>	<u>39.73</u>	<u>41.94</u>	<u>44.28</u>	<u>46.73</u>	5143
	<u>Annually</u>	<u>70283</u>	<u>74152</u>	<u>78312</u>	<u>82638</u>	<u>87235</u>	<u>92102</u>	<u>97198</u>	5144
<u>18</u>	<u>Hourly</u>	<u>37.23</u>	<u>39.29</u>	<u>41.50</u>	<u>43.79</u>	<u>46.21</u>	<u>48.80</u>	<u>51.48</u>	5145
	<u>Annually</u>	<u>77438</u>	<u>81723</u>	<u>86320</u>	<u>91083</u>	<u>96117</u>	<u>101504</u>	<u>107078</u>	5146

Schedule E-2 5147

	<u>Range</u>	<u>Minimum</u>	<u>Maximum</u>	5148
<u>41</u>	<u>Hourly</u>	<u>16.23</u>	<u>33.76</u>	5149
	<u>Annually</u>	<u>33758</u>	<u>70221</u>	5150
<u>42</u>	<u>Hourly</u>	<u>17.89</u>	<u>37.29</u>	5151
	<u>Annually</u>	<u>37211</u>	<u>77563</u>	5152
<u>43</u>	<u>Hourly</u>	<u>19.70</u>	<u>41.07</u>	5153
	<u>Annually</u>	<u>40976</u>	<u>85426</u>	5154
<u>44</u>	<u>Hourly</u>	<u>21.73</u>	<u>44.86</u>	5155
	<u>Annually</u>	<u>45198</u>	<u>93309</u>	5156
<u>45</u>	<u>Hourly</u>	<u>24.01</u>	<u>48.97</u>	5157
	<u>Annually</u>	<u>49941</u>	<u>101858</u>	5158
<u>46</u>	<u>Hourly</u>	<u>26.43</u>	<u>53.52</u>	5159
	<u>Annually</u>	<u>54974</u>	<u>111322</u>	5160
<u>47</u>	<u>Hourly</u>	<u>29.14</u>	<u>58.41</u>	5161
	<u>Annually</u>	<u>60611</u>	<u>121493</u>	5162
<u>48</u>	<u>Hourly</u>	<u>32.14</u>	<u>63.74</u>	5163
	<u>Annually</u>	<u>66851</u>	<u>132579</u>	5164
<u>49</u>	<u>Hourly</u>	<u>35.44</u>	<u>68.83</u>	5165
	<u>Annually</u>	<u>73715</u>	<u>143166</u>	5166

(C) As used in this section, "exempt employee" means a 5167
 permanent full-time or permanent part-time employee paid directly 5168
 by warrant of the auditor of state whose position is included in 5169
 the job classification plan established under division (A) of 5170
 section 124.14 of the Revised Code but who is not considered a 5171

public employee for the purposes of Chapter 4117. of the Revised 5172
Code. As used in this section, "exempt employee" also includes a 5173
permanent full-time or permanent part-time employee of the 5174
secretary of state, auditor of state, treasurer of state, or 5175
attorney general who has not been placed in an appropriate 5176
bargaining unit by the state employment relations board. 5177

Sec. 124.181. (A) Except as provided in division (M) of this 5178
section, any employee paid under schedule B of section 124.15 or 5179
under schedule E-1 of section 124.152 of the Revised Code is 5180
eligible for the pay supplements provided in this section upon 5181
application by the appointing authority substantiating the 5182
employee's qualifications for the supplement and with the approval 5183
of the director of administrative services except as provided in 5184
division (E) of this section. 5185

(B) ~~In~~ Except as provided in section 124.183 of the Revised 5186
Code, in computing any of the pay supplements provided in this 5187
section, the classification salary base shall be the minimum 5188
hourly rate of the pay range, provided in section 124.15 or 5189
124.152 of the Revised Code, in which the employee is assigned at 5190
the time of computation. 5191

(C) The effective date of any pay supplement, except as 5192
provided in section 124.183 of the Revised Code or unless 5193
otherwise provided in this section, shall be determined by the 5194
director. 5195

(D) The director shall, by rule, establish standards 5196
regarding the administration of this section. 5197

(E)(1) Except as otherwise provided in this division, 5198
beginning on the first day of the pay period within which the 5199
employee completes five years of total service with the state 5200
government or any of its political subdivisions, each employee in 5201
positions paid under salary schedule B of section 124.15 or under 5202

salary schedule E-1 of section 124.152 of the Revised Code shall 5203
receive an automatic salary adjustment equivalent to two and 5204
one-half per cent of the classification salary base, to the 5205
nearest whole cent. Each employee shall receive thereafter an 5206
annual adjustment equivalent to one-half of one per cent of the 5207
employee's classification salary base, to the nearest whole cent, 5208
for each additional year of qualified employment until a maximum 5209
of ten per cent of the employee's classification salary base is 5210
reached. The granting of longevity adjustments shall not be 5211
affected by promotion, demotion, or other changes in 5212
classification held by the employee, nor by any change in pay 5213
range for the employee's class. Longevity pay adjustments shall 5214
become effective at the beginning of the pay period within which 5215
the employee completes the necessary length of service, except 5216
that when an employee requests credit for prior service, the 5217
effective date of the prior service credit and of any longevity 5218
adjustment shall be the first day of the pay period following 5219
approval of the credit by the director of administrative services. 5220
No employee, other than an employee who submits proof of prior 5221
service within ninety days after the date of the employee's 5222
hiring, shall receive any longevity adjustment for the period 5223
prior to the director's approval of a prior service credit. Time 5224
spent on authorized leave of absence shall be counted for this 5225
purpose. 5226

(2) An employee who has retired in accordance with the 5227
provisions of any retirement system offered by the state and who 5228
is employed by the state or any political subdivision of the state 5229
on or after June 24, 1987, shall not have prior service with the 5230
state or any political subdivision of the state counted for the 5231
purpose of determining the amount of the salary adjustment 5232
provided under this division. 5233

(3) There shall be a moratorium on employees' receipt under 5234

this division of credit for service with the state government or 5235
any of its political subdivisions during the period from July 1, 5236
2003, through June 30, 2005. In calculating the number of years of 5237
total service under this division, no credit shall be included for 5238
service during the moratorium. The moratorium shall apply to the 5239
employees of the secretary of state, the auditor of state, the 5240
treasurer of state, and the attorney general, who are subject to 5241
this section unless the secretary of state, the auditor of state, 5242
the treasurer of state, or the attorney general decides to exempt 5243
the office's employees from the moratorium and so notifies the 5244
director of administrative services in writing on or before July 5245
1, 2003. 5246

If an employee is exempt from the moratorium, receives credit 5247
for a period of service during the moratorium, and takes a 5248
position with another entity in the state government or any of its 5249
political subdivisions, either during or after the moratorium, and 5250
if that entity's employees are or were subject to the moratorium, 5251
the employee shall continue to retain the credit. However, if the 5252
moratorium is in effect upon the taking of the new position, the 5253
employee shall cease receiving additional credit as long as the 5254
employee is in the position, until the moratorium expires. 5255

(F) When an exceptional condition exists that creates a 5256
temporary or a permanent hazard for one or more positions in a 5257
class paid under schedule B of section 124.15 or under salary 5258
schedule E-1 of section 124.152 of the Revised Code, a special 5259
hazard salary adjustment may be granted for the time the employee 5260
is subjected to the hazardous condition. All special hazard 5261
conditions shall be identified for each position and incidence 5262
from information submitted to the director on an appropriate form 5263
provided by the director and categorized into standard conditions 5264
of: some unusual hazard not common to the class; considerable 5265
unusual hazard not common to the class; and exceptional hazard not 5266

common to the class. 5267

(1) A hazardous salary adjustment of five per cent of the 5268
employee's classification salary base may be applied in the case 5269
of some unusual hazardous condition not common to the class for 5270
those hours worked, or a fraction thereof, while the employee was 5271
subject to the unusual hazard condition. 5272

(2) A hazardous salary adjustment of seven and one-half per 5273
cent of the employee's classification salary base may be applied 5274
in the case of some considerable hazardous condition not common to 5275
the class for those hours worked, or a fraction thereof, while the 5276
employee was subject to the considerable hazard condition. 5277

(3) A hazardous salary adjustment of ten per cent of the 5278
employee's classification salary base may be applied in the case 5279
of some exceptional hazardous condition not common to the class 5280
for those hours worked, or a fraction thereof, when the employee 5281
was subject to the exceptional hazard condition. 5282

(4) Each claim for temporary hazard pay shall be submitted as 5283
a separate payment and shall be subject to an administrative audit 5284
by the director as to the extent and duration of the employee's 5285
exposure to the hazardous condition. 5286

(G) When a full-time employee whose salary or wage is paid 5287
directly by warrant of the auditor of state and who also is 5288
eligible for overtime under the "Fair Labor Standards Act of 5289
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is ordered 5290
by the appointing authority to report back to work after 5291
termination of the employee's regular work schedule and the 5292
employee reports, the employee shall be paid for such time. The 5293
employee shall be entitled to four hours at the employee's total 5294
rate of pay or overtime compensation for the actual hours worked, 5295
whichever is greater. This division does not apply to work that is 5296
a continuation of or immediately preceding an employee's regular 5297

work schedule. 5298

(H) When a certain position or positions paid under schedule 5299
B of section 124.15 or under salary schedule E-1 of section 5300
124.152 of the Revised Code require the ability to speak or write 5301
a language other than English, a special pay supplement may be 5302
granted to attract bilingual individuals, to encourage present 5303
employees to become proficient in other languages, or to retain 5304
qualified bilingual employees. The bilingual pay supplement 5305
provided in this division may be granted in the amount of five per 5306
cent of the employee's classification salary base for each 5307
required foreign language and shall remain in effect as long as 5308
the bilingual requirement exists. 5309

(I) The director may establish a shift differential for 5310
employees. Such differential shall be paid to employees in 5311
positions working in other than the regular or first shift. In 5312
those divisions or agencies where only one shift prevails, no 5313
shift differential shall be paid regardless of the hours of the 5314
day that are worked. The director and the appointing authority 5315
shall designate which positions shall be covered by this division. 5316

(J) Whenever an employee is assigned to work in a higher 5317
level position for a continuous period of more than two weeks but 5318
no more than two years because of a vacancy, the employee's pay 5319
may be established at a rate that is approximately four per cent 5320
above the employee's current base rate for the period the employee 5321
occupies the position, provided that this temporary occupancy is 5322
approved by the director. Employees paid under this division shall 5323
continue to receive any of the pay supplements due them under 5324
other divisions of this section based on the step one base rate 5325
for their normal classification. 5326

(K) If a certain position, or positions, within a class paid 5327
under schedule B of section 124.15 or under salary schedule E-1 of 5328
section 124.152 of the Revised Code are mandated by state or 5329

federal law or regulation or other regulatory agency or other 5330
certification authority to have special technical certification, 5331
registration, or licensing to perform the functions which are 5332
under the mandate, a special professional achievement pay 5333
supplement may be granted. This special professional achievement 5334
pay supplement shall not be granted when all incumbents in all 5335
positions in a class require license as provided in the 5336
classification description published by the department of 5337
administrative services; to licensees where no special or 5338
extensive training is required; when certification is granted upon 5339
completion of a stipulated term of in-service training; when an 5340
appointing authority has required certification; or any other 5341
condition prescribed by the director. 5342

(1) Before this supplement may be applied, evidence as to the 5343
requirement must be provided by the agency for each position 5344
involved, and certification must be received from the director as 5345
to the director's concurrence for each of the positions so 5346
affected. 5347

(2) The professional achievement pay supplement provided in 5348
this division shall be granted in an amount up to ten per cent of 5349
the employee's classification salary base and shall remain in 5350
effect as long as the mandate exists. 5351

(L) Those employees assigned to teaching supervisory, 5352
principal, assistant principal, or superintendent positions who 5353
have attained a higher educational level than a basic bachelor's 5354
degree may receive an educational pay supplement to remain in 5355
effect as long as the employee's assignment and classification 5356
remain the same. 5357

(1) An educational pay supplement of two and one-half per 5358
cent of the employee's classification salary base may be applied 5359
upon the achievement of a bachelor's degree plus twenty quarter 5360
hours of postgraduate work. 5361

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director.

Notwithstanding section 124.11 of the Revised Code, such personnel 5393
are in the unclassified civil service. 5394

(2) The director of administrative services may approve 5395
supplementary compensation for the director of health, if the 5396
director is a licensed physician, in accordance with a 5397
supplementary compensation schedule approved under division (M)(1) 5398
of this section or in accordance with another supplementary 5399
compensation schedule the director of administrative services 5400
considers appropriate. The supplementary compensation shall not 5401
exceed twenty per cent of the director of health's base rate of 5402
pay. 5403

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 5404
117.42, and 131.02 of the Revised Code, the state shall not 5405
institute any civil action to recover and shall not seek 5406
reimbursement for overpayments made in violation of division (E) 5407
of this section or division (C) of section 9.44 of the Revised 5408
Code for the period starting after June 24, 1987, and ending on 5409
October 31, 1993. 5410

(O) Employees of the office of the treasurer of state who are 5411
exempt from collective bargaining coverage may be granted a merit 5412
pay supplement of up to one and one-half per cent of their step 5413
rate. The rate at which this supplement is granted shall be based 5414
on performance standards established by the treasurer of state. 5415
Any supplements granted under this division shall be administered 5416
on an annual basis. 5417

Sec. 124.183. (A) As used in this section, "active payroll" 5418
means when an employee is actively working; on military, worker's 5419
compensation, occupational injury, or disability leave; or on an 5420
approved leave of absence. 5421

(B) Each permanent employee paid under schedule E-1 of 5422
section 124.152 of the Revised Code who was appointed on or before 5423

March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based on the annualization of the top step of the pay range that the employee is in on November 14, 2004.

Each permanent employee paid under schedule E-2 of section 124.152 of the Revised Code who was appointed on or before March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the maximum hourly rate of the pay range that the employee is in on November 14, 2004.

(C) Each permanent employee who is exempt from collective bargaining, is not covered by division (B) of this section, was appointed on or before March 6, 2003, and is on the active payroll as of November 14, 2004, shall receive a one-time pay supplement. The supplement shall be a two per cent lump sum payment that is based upon the annualization of the base rate of the employee's pay on November 14, 2004.

(D) A part-time employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.

An employee who is eligible to receive a one-time pay supplement under division (B) or (C) of this section and was on a voluntary leave of absence shall have the employee's one-time pay supplement pro-rated based on the number of hours worked in the twenty-six pay periods prior to November 14, 2004.

(E) A one-time pay supplement under this section shall be paid in the employee's first paycheck in December of 2004.

(F) Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be subject to withholding for deposit into any state retirement system.

Notwithstanding any provision of law to the contrary, a one-time pay supplement under this section shall not be used for calculation purposes in determining an employee's retirement benefits in any state retirement system.

(G)(1) This section does not apply to employees of the general assembly, legislative agencies, the supreme court, or state boards or commissions.

(2) This section does not apply to employees of the secretary of state, the auditor of state, the treasurer of state, or the attorney general unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides that the office's employees should be eligible for the one-time pay supplement and so notifies the director of administrative services in writing on or before July 1, 2004.

Sec. 125.05. Except as provided in division (E) of this section, no state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section.

(A) Subject to division (D) of this section, a state agency may, without competitive selection, make any purchase of services that cost fifty thousand dollars or less or any purchase of supplies that cost twenty-five thousand dollars or less. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The department shall establish written procedures to assist state agencies when they make direct purchases. If the agency makes the purchase directly, it shall make the purchase by a term contract whenever possible.

(B) ~~Subject (1) Except as provided in division (B)(2) of this section and subject~~ to division (D) of this section, a state agency wanting to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall, unless otherwise authorized by law, make the purchase from or through the department. The department shall make the purchase by competitive selection under section 125.07 of the Revised Code. If the director of administrative services determines that it is not possible or not advantageous to the state for the department to make the purchase, the department shall grant the agency a release and permit under section 125.06 of the Revised Code to make the purchase. Section 127.16 of the Revised Code does not apply to purchases the department makes under this section.

(2) Subject to division (D) of this section, a state agency desiring to purchase services that cost more than fifty thousand dollars or supplies that cost more than twenty-five thousand dollars shall solicit, pursuant to the competitive selection requirements specified in section 125.07 of the Revised Code, at least three bids or proposals for the services or supplies and make the purchase directly from the lowest bidder or offeror instead of from or through the department, but only if the state agency determines that it is possible to purchase the services or supplies directly from that bidder or offeror at a lower price than making the purchase from or through the department. If the agency makes a purchase pursuant to division (B)(2) of this section, it shall provide the department with written notification of the subject and amount of the purchase.

(C) An agency that has been granted a release and permit to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (F) of section 127.16 of the

Revised Code would: 5517

(1) Be exceeded and the controlling board approves the 5518
purchase; or 5519

(2) Not be exceeded and the department of administrative 5520
services approves the purchase. 5521

(D) Not later than January 31, 1997, the amounts specified in 5522
divisions (A) and (B) of this section and, not later than the 5523
thirty-first day of January of each second year thereafter, any 5524
amounts computed by adjustments made under this division, shall be 5525
increased or decreased by the average percentage increase or 5526
decrease in the consumer price index prepared by the United States 5527
bureau of labor statistics (U.S. City Average for Urban Wage 5528
Earners and Clerical Workers: "All Items 1982-1984=100") for the 5529
twenty-four calendar month period prior to the immediately 5530
preceding first day of January over the immediately preceding 5531
twenty-four calendar month period, as reported by the bureau. The 5532
director of administrative services shall make this determination 5533
and adjust the appropriate amounts accordingly. 5534

(E) If the Ohio SchoolNet commission, the department of 5535
education, or the Ohio education computer network determines that 5536
it can purchase software services or supplies for specified school 5537
districts at a price less than the price for which the districts 5538
could purchase the same software services or supplies for 5539
themselves, the office, department, or network shall certify that 5540
fact to the department of administrative services and, acting as 5541
an agent for the specified school districts, shall make that 5542
purchase without following the provisions in divisions (A) to (D) 5543
of this section. 5544

Sec. 125.06. The department of administrative services may, 5545
pursuant to division (B)(1) of section 125.05 of the Revised Code 5546
and subject to such rules as the director of administrative 5547

services may adopt, issue a release and permit to ~~the~~ a state 5548
agency to secure supplies or services. A release and permit shall 5549
specify the supplies or services to which it applies, the time 5550
during which it is operative, and the reason for its issuance. A 5551
release and permit for computer services ~~shall~~ also shall specify 5552
the type of services to be rendered, and the number and type of 5553
machines to be employed, and may specify the amount of ~~such~~ the 5554
services to be performed. One copy of every release and permit 5555
shall be filed with the agency to which it is issued, and one copy 5556
shall be retained by the department. 5557

Sec. 125.07. The department of administrative services, in 5558
making a purchase by competitive selection pursuant to division 5559
(B)(1) of section 125.05 of the Revised Code, or a state agency, 5560
in making a purchase by competitive selection pursuant to division 5561
(B)(2) of section 125.02 of the Revised Code, shall give notice in 5562
the following manner: 5563

(A) The department or state agency shall advertise the 5564
intended purchases by notice that is posted by mail or electronic 5565
means and that is for the benefit of competing persons producing 5566
or dealing in the supplies or services to be purchased, including, 5567
but not limited to, the persons whose names appear on the 5568
appropriate list provided for in section 125.08 of the Revised 5569
Code. The notice may be in the form of the bid or proposal 5570
document or of a listing in a periodic bulletin, or in any other 5571
form the director of administrative services or state agency head 5572
considers appropriate to sufficiently notify qualified competing 5573
persons of the intended purchases. 5574

(B) The notice required under division (A) of this section 5575
shall include the time and place where bids or proposals will be 5576
accepted and opened, or, when bids are made in a reverse auction, 5577
the time when bids will be accepted; the conditions under which 5578

bids or proposals will be received; the terms of the proposed 5579
purchases; and an itemized list of the supplies or services to be 5580
purchased and the estimated quantities or amounts of them. 5581

(C) The posting of the notice required under division (A) of 5582
this section shall be completed by the number of days the director 5583
or state agency head determines preceding the day when the bids or 5584
proposals will be opened or accepted. 5585

(D) The department or state agency also shall maintain, in a 5586
public place in its office, a bulletin board upon which it shall 5587
post and maintain a copy of the notice required under division (A) 5588
of this section for at least the number of days the director or 5589
state agency head determines under division (C) of this section 5590
preceding the day of the opening or acceptance of the bids or 5591
proposals. The failure to so additionally post the notice shall 5592
invalidate all proceedings had and any contract entered into 5593
pursuant to the proceedings. 5594

Sec. 125.073. (A) The department of administrative services 5595
shall actively promote and accelerate the use of electronic 5596
procurement, including reverse auctions as defined by section 5597
125.072 of the Revised Code, by implementing the relevant 5598
recommendations concerning electronic procurement from the "2000 5599
Management Improvement Commission Report to the Governor" when 5600
exercising its statutory powers. 5601

(B) Beginning July 1, 2004, the department shall annually on 5602
or before the first day of July report to the committees in each 5603
house of the general assembly dealing with finance indicating the 5604
effectiveness of electronic procurement. 5605

Sec. 125.15. All state agencies required to secure any 5606
equipment, materials, supplies, or services, ~~or contracts of~~ 5607
~~insurance~~ from the department of administrative services shall 5608

make acquisition in the manner and upon forms prescribed by the 5609
director of administrative services and shall reimburse the 5610
department for the equipment, materials, supplies, or services, ~~or~~ 5611
~~contracts of insurance~~, including a reasonable sum to cover the 5612
department's administrative costs, whenever reimbursement is 5613
required by the department. The money so paid shall be deposited 5614
in the state treasury to the credit of the general services fund 5615
or the information technology fund, as appropriate. ~~Such~~ Those 5616
funds are hereby created. 5617

Sec. 125.831. As used in sections 125.831 to 125.833 of the 5618
Revised Code: 5619

(A) "Law enforcement officer" means an officer, agent, or 5620
employee of a state agency upon whom, by statute, a duty to 5621
conserve the peace or to enforce all or certain laws is imposed 5622
and the authority to arrest violators is conferred, within the 5623
limits of that statutory duty and authority. 5624

(B)(1) "Motor vehicle" means any automobile, car minivan, 5625
passenger van, sport utility vehicle, or pickup truck with a gross 5626
vehicle weight of under twelve thousand pounds. 5627

(2) "Motor vehicle" does not include any vehicle described in 5628
division (B)(1) of this section that is used by a law enforcement 5629
officer and law enforcement agency or any vehicle that is so 5630
described and that is equipped with specialized equipment that is 5631
not normally found in such a vehicle and that is used to carry out 5632
a state agency's specific and specialized duties and 5633
responsibilities. 5634

(C) "Specialized equipment" does not include standard mobile 5635
radios with no capabilities other than voice communication, 5636
exterior and interior lights, or roof-mounted caution lights. 5637

(D) "State agency" means every organized body, office, or 5638

agency established by the laws of the state for the exercise of 5639
any function of state government, other than any state-supported 5640
institution of higher education, the office of the governor, 5641
lieutenant governor, auditor of state, treasurer of state, 5642
secretary of state, or attorney general, the general assembly or 5643
any legislative agency, or the courts or any judicial agency. 5644

Sec. 125.832. (A) The department of administrative services 5645
is granted exclusive authority over the acquisition and management 5646
of all motor vehicles used by state agencies. In carrying out this 5647
authority, the department shall do both of the following: 5648

(1) Approve the purchase or lease of each motor vehicle for 5649
use by a state agency. The department shall decide if a motor 5650
vehicle shall be leased or purchased for that use. 5651

(2) Direct and approve all funds that are expended for the 5652
purchase, lease, repair, maintenance, registration, insuring, and 5653
other costs related to the possession and operation of motor 5654
vehicles for the use of state agencies. 5655

(B) The director of administrative services shall establish 5656
and operate a fleet management program. The director shall operate 5657
the program for purposes including, but not limited to, 5658
cost-effective acquisition, maintenance, management, analysis, and 5659
disposal of all motor vehicles owned or leased by the state. All 5660
state agencies shall comply with statewide fleet management 5661
policies and procedures established by the director for the 5662
program, including, but not limited to, motor vehicle assignments, 5663
additions of motor vehicles to fleets or motor vehicle 5664
replacements, motor vehicle fueling, and motor vehicle repairs. 5665

(C) The director shall establish and maintain a fleet 5666
reporting system and shall require state agencies to submit to the 5667
department information relative to state motor vehicles, to be 5668
used in operating the fleet management program. State agencies 5669

shall provide to the department fleet data and information, 5670
including, but not limited to, mileage and costs. The information 5671
shall be submitted in formats and in a manner determined by the 5672
department. 5673

(D) All state agency purchases or leases of motor vehicles 5674
are subject to the prior approval of the director under division 5675
(A)(1) of this section. 5676

(E) State agencies that utilize state motor vehicles or pay 5677
mileage reimbursements to employees shall provide a fleet plan to 5678
the department as directed by the department. 5679

(F)(1) The fleets of state agencies that consist of one 5680
hundred or less vehicles on July 1, 2004, shall be managed by the 5681
department's fleet management program on a time schedule 5682
determined by the department, unless the state agency has received 5683
delegated authority as described in division (G) of this section. 5684

(2) The fleets of state agencies that consist of greater than 5685
one hundred motor vehicles, but less than five hundred motor 5686
vehicles, on July 1, 2005, also shall be managed by the 5687
department's fleet management program on a time schedule 5688
determined by the department, unless the state agency has received 5689
delegated authority as described in division (G) of this section. 5690

(G)(1) The department may delegate any or all of its duties 5691
regarding fleet management to a state agency, if the state agency 5692
demonstrates to the satisfaction of the department both of the 5693
following: 5694

(a) Capabilities to institute and manage a fleet management 5695
program, including, but not limited to, the presence of a 5696
certified fleet manager; 5697

(b) Fleet management performance, as demonstrated by fleet 5698
data and other information submitted pursuant to annual reporting 5699
requirements and any other criteria the department considers 5700

necessary in evaluating the performance. 5701

(2) The department may determine that a state agency is not in compliance with this section and direct that the agency's fleet management duties be transferred to the department. 5702
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(H) The proceeds derived from the disposition of any motor vehicles under this section shall be paid to whichever of the following applies: 5705
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(1) The fund that originally provided moneys for the purchase or lease of the motor vehicles; 5708
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(2) If the motor vehicles were originally purchased with moneys derived from the general revenue fund, the state treasury for credit to the fleet management fund created by section 125.83 of the Revised Code. 5710
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(I)(1) The department shall create and maintain a certified fleet manager program. 5714
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(2) State agencies that have received delegated authority as described in division (G) of this section shall have a certified fleet manager. 5716
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(J) The department annually shall prepare and submit a statewide fleet report to the governor, the speaker of the house of representatives, and the president of the senate. The report shall be submitted not later than the thirty-first day of January following the end of each fiscal year. It may include, but is not limited to, the numbers and types of motor vehicles, their mileage, miles per gallon, and cost per mile, mileage reimbursements, accident and insurance data, and information regarding compliance by state agencies having delegated authority under division (G) of this section with applicable fleet management requirements. 5719
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(K) The director shall adopt rules for implementing the fleet 5730

management program that are consistent with recognized best 5731
practices. The program shall be supported by reasonable fee 5732
charges for the services provided. The director shall collect 5733
these fees and deposit them into the state treasury to the credit 5734
for the fleet management fund created by section 125.83 of the 5735
Revised Code. The setting and collection of fees under this 5736
division is not subject to any restriction imposed by law upon the 5737
director's or the department's authority to set or collect fees. 5738

(L) The director also shall adopt rules that prohibit, except 5739
in very limited circumstances, the exclusive assignment of 5740
state-owned, leased, or pooled motor vehicles to state employees. 5741
Beginning on the effective date of this section, no such motor 5742
vehicle shall be personally assigned as any form of compensation 5743
or benefit of state employment, and no such motor vehicle shall be 5744
assigned to an employee solely for commuting to and from home and 5745
work. 5746

(M) The director shall do both of the following: 5747

(1) Implement to the greatest extent possible the 5748
recommendations from the 2002 report entitled "Administrative 5749
Analysis of the Ohio Fleet Management Program" in connection with 5750
the authority granted to the department by this section; 5751

(2) Attempt to reduce the number of passenger vehicles used 5752
by state agencies during the fiscal years ending on June 30, 2004, 5753
and June 30, 2005. 5754

(N) Each state agency shall reimburse the department for all 5755
costs incurred in the assignment of motor vehicles to the state 5756
agency. 5757

(O) The director shall do all of the following in managing 5758
the fleet management program: 5759

(1) Determine how motor vehicles will be maintained, insured, 5760
operated, financed, and licensed; 5761

(2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use; 5762
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(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division: 5767
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(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used. 5772
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 5775
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 5778
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used. 5781
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 5785
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Sec. 125.833. (A) There is hereby established within the department of administrative services the vehicle management commission. 5789
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5791

(B) The commission shall consist of the director of administrative services and eight other members. These other members shall be two members of the house of representatives appointed by the speaker of the house of representatives, two members of the senate appointed by the president of the senate, and four persons with experience in the vehicle leasing, purchasing, and maintenance industry in this state appointed by the governor and serving at the governor's pleasure. The governor shall appoint the commission's chairperson.

Initial appointments of the members to the commission shall be made by September 1, 2003, in the manner prescribed in this section. Thereafter, appointments of legislative members to the commission shall be made within fifteen days after the commencement of the first regular session of the general assembly in the manner prescribed in this section. The terms of legislative members on the commission shall be for the duration of the session of the general assembly in which they are appointed; they shall continue to serve on the commission until the appointments are made in the following session of the general assembly, unless they cease to be members of the general assembly. A vacancy on the commission shall be filled for the unexpired term in the same manner as the original appointment.

(C) The commission shall periodically review the implementation of the fleet management program by the department of administrative services under section 125.832 of the Revised Code and may recommend to the department and the general assembly modifications to the department's procedures and functions and other statutory changes.

Sec. 125.91. As used in sections 125.92 to 125.98 of the Revised Code:

(A) "State agency" includes every department, bureau, board,

commission, office, or other organized body established by the 5823
constitution and laws of the state for the exercise of any 5824
function of state government, but does not include any 5825
state-supported institution of higher education, the general 5826
assembly or any legislative agency, the attorney general, the 5827
auditor of state, the secretary of state, the treasurer of state, 5828
the bureau of workers' compensation, any court or judicial agency, 5829
or any political subdivision or agency ~~thereof~~ of a political 5830
subdivision. 5831

(B) "Form" means any document, device, or item used to convey 5832
information, regardless of medium, that has blank spaces for the 5833
insertion of information and that may have a predetermined format 5834
and data elements to guide the entry, ~~interpretation~~ 5835
interpretation, and use of the information. "Form" does not 5836
include letterheads, envelopes, labels, tags, tickets, or note 5837
pads, or forms mandated by the federal government, but does 5838
include all computer-generated forms except those mandated by the 5839
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 5840
~~Revised Code, "form" applies only to a form that is used by a~~ 5841
~~state agency and that is completed in whole or in part by private~~ 5842
~~business, political subdivisions, or the public.~~ 5843

Sec. 125.92. There is hereby established in the department of 5844
administrative services a state forms management ~~control center~~ 5845
program, which shall be under the control and supervision of the 5846
director of administrative services, ~~who shall appoint an~~ 5847
~~administrator of the center~~ or the director's designee. 5848

The ~~center~~ state forms management program shall develop, 5849
~~implement, and maintain a statewide forms management program that~~ 5850
~~involves~~ be developed, implemented, and maintained for all state 5851
agencies and ~~is~~ be designed to simplify, consolidate, or 5852
eliminate, when expedient, forms, surveys, and other documents 5853

used by state agencies. In developing the program, particular 5854
emphasis shall be placed upon determining the actual need for any 5855
information, records, and reports sought from private business, 5856
agriculture, and local governments through the use of ~~such~~ forms, 5857
surveys, and other documents. 5858

Sec. 125.93. The state forms management ~~control center~~ 5859
program shall do each of the following: 5860

(A) Assist state agencies in establishing internal forms 5861
management capabilities; 5862

(B) Study, develop, coordinate, and initiate forms of 5863
interagency and common administrative usage, and establish basic 5864
design and specification criteria to standardize state forms; 5865

(C) Assist state agencies to design economical forms ~~and~~ 5866
~~compose art work for forms;~~ 5867

(D) ~~Establish and supervise control procedures to prevent the~~ 5868
~~undue creation and reproduction of state forms;~~ 5869

~~(E)~~ Assist, train, and instruct state agencies and their 5870
forms management representatives in forms management techniques, 5871
and provide direct forms management assistance to new state 5872
agencies as they are created; 5873

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 5874
state forms to facilitate standardization of the forms, eliminate 5875
redundant forms, and provide a central source of information on 5876
forms usage and availability; 5877

~~(G)~~ Utilize existing functions within the department of 5878
~~administrative services to design economical forms and compose art~~ 5879
~~work, as well as use appropriate procurement techniques to take~~ 5880
~~advantage of competitive selection, consolidated orders, and~~ 5881
~~contract procurement of forms;~~ 5882

~~(H)~~ Conduct an annual evaluation of the effectiveness of the 5883

~~forms management program and the forms management practices of~~ 5884
~~individual state agencies, and maintain records that indicate~~ 5885
~~dollar savings resulting from, and the number of forms eliminated,~~ 5886
~~simplified, or standardized through, centralized forms management.~~ 5887
~~The results of the evaluation shall be reported to the speaker of~~ 5888
~~the house of representatives and president of the senate not later~~ 5889
~~than the fifteenth day of January each year. The center shall~~ 5890
~~report on the first day of each month to the state records~~ 5891
~~administrator on its activities during the preceding month.~~ 5892

Sec. 125.95. (A) ~~The administrator of the state forms~~ 5893
~~management control center program~~ program may permit any state agency to 5894
manage fully any forms used or proposed to be used by it, whenever 5895
the ~~administrator~~ program determines that the delegation will 5896
result in the most timely and economical method of accomplishing 5897
the objectives of the ~~forms management~~ program as set forth in 5898
section 125.93 of the Revised Code. A determination to delegate to 5899
a state agency authority to manage forms may, among other matters, 5900
take into consideration the benefits of central management of any 5901
form in relation to the costs associated with ~~such~~ that 5902
management. 5903

(B) To expedite the collection and disposition of general 5904
state and local revenue, the ~~administrator~~ state forms management 5905
program shall permit, without prior authorization, the tax 5906
commissioner to design, print or have printed, distribute, and 5907
require the use of those forms ~~which~~ that the tax commissioner 5908
determines are necessary for the proper administration of those 5909
taxes and programs ~~he~~ the tax commissioner administers except as 5910
provided in division (A) of section 4307.05 of the Revised Code. 5911
The tax commissioner shall report to the ~~administrator~~ program not 5912
later than fifteen days after the close of each calendar quarter 5913
with respect to the forms activities occurring within ~~his~~ the tax 5914
commissioner's agency during the preceding calendar quarter. 5915

Sec. 125.96. The director of administrative services may 5916
adopt, amend, or rescind rules necessary to carry out the powers 5917
and duties imposed upon the state forms management ~~control center~~ 5918
~~and its administrator~~ program and state agencies by sections 5919
125.92 to 125.98 of the Revised Code. The director shall adopt, 5920
and may amend or rescind, rules providing ~~that~~ each of the 5921
following: 5922

(A) After a date to be determined by the ~~administrator~~ state 5923
forms management program, no state agency shall utilize any form, 5924
other than a form subject to division (B) of section 125.95 of the 5925
Revised Code, the management of which has not been delegated to 5926
the agency by the ~~administrator~~ program under division (A) of that 5927
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 5928
by the ~~center~~ program. 5929

(B) The notice required by section 125.97 of the Revised Code 5930
shall appear in a standard place and a standard manner on each 5931
form to which the notice applies, and shall include specified 5932
indicia of approval by the ~~administrator~~ state forms management 5933
program. 5934

(C) Any form required by a state agency on an emergency basis 5935
may be given interim approval by the ~~administrator~~ state forms 5936
management program if the form is accompanied by a letter from the 5937
director or other head of the agency setting forth the nature of 5938
the emergency and requesting interim approval. 5939

Sec. 125.98. (A) Each state agency shall appoint a forms 5940
management representative, who may be from existing personnel. The 5941
appointee shall cooperate with, and provide other necessary 5942
assistance to, the director of administrative services and the 5943
~~administrator of the~~ state forms management ~~control center~~ program 5944
in implementing the ~~state forms management~~ program. A forms 5945

management representative shall do all of the following: 5946

(1) Manage the agency's forms management program and 5947
cooperate with and provide other necessary assistance to the 5948
director of administrative services in implementing the state 5949
forms management program; 5950

(2) Monitor the use and reproduction of all forms to ensure 5951
that all policies, procedures, guidelines, and standards 5952
established by the agency and the director of administrative 5953
services are followed; 5954

(3) Ensure that every form used by the agency is presented to 5955
the state forms management ~~control center~~ program for registration 5956
prior to its reproduction; 5957

(4) Maintain a master forms file history file, in numeric 5958
order, of all agency forms; 5959

(5) Verify and update the information on all forms ~~computer~~ 5960
~~file reports returned to the agency by the state forms management~~ 5961
~~control center~~ in the central forms repository database. 5962

(B) Any state agency, as ~~such term is~~ defined in section 1.60 5963
of the Revised Code, not included within the definition of a state 5964
agency in section 125.91 of the Revised Code may elect to 5965
participate in the state forms management program. The ~~center~~ 5966
program may provide to any such agency any service required or 5967
authorized by sections 125.92 to 125.98 of the Revised Code to be 5968
performed for a state agency. 5969

Sec. 127.16. (A) Upon the request of either a state agency or 5970
the director of budget and management and after the controlling 5971
board determines that an emergency or a sufficient economic reason 5972
exists, the controlling board may approve the making of a purchase 5973
without competitive selection as provided in division (B) of this 5974
section. 5975

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

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

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

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

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

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

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

(3) Applying to the purchase of examinations from a sole 6007
supplier by a state licensing board under Title XLVII of the 6008
Revised Code; 6009

(4) Applying to entertainment contracts for the Ohio state 6010
fair entered into by the Ohio expositions commission, provided 6011
that the controlling board has given its approval to the 6012
commission to enter into such contracts and has approved a total 6013
budget amount for such contracts as agreed upon by commission 6014
action, and that the commission causes to be kept itemized records 6015
of the amounts of money spent under each contract and annually 6016
files those records with the clerk of the house of representatives 6017
and the clerk of the senate following the close of the fair; 6018

(5) Limiting the authority of the chief of the division of 6019
mineral resources management to contract for reclamation work with 6020
an operator mining adjacent land as provided in section 1513.27 of 6021
the Revised Code; 6022

(6) Applying to investment transactions and procedures of any 6023
state agency, except that the agency shall file with the board the 6024
name of any person with whom the agency contracts to make, broker, 6025
service, or otherwise manage its investments, as well as the 6026
commission, rate, or schedule of charges of such person with 6027
respect to any investment transactions to be undertaken on behalf 6028
of the agency. The filing shall be in a form and at such times as 6029
the board considers appropriate. 6030

(7) Applying to purchases made with money for the per cent 6031
for arts program established by section 3379.10 of the Revised 6032
Code; 6033

(8) Applying to purchases made by the rehabilitation services 6034
commission of services, or supplies, that are provided to persons 6035
with disabilities, or to purchases made by the commission in 6036
connection with the eligibility determinations it makes for 6037

applicants of programs administered by the social security administration;	6038 6039
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	6040 6041 6042 6043
(10) Applying to any agency of the legislative branch of the state government;	6044 6045
(11) Applying to agreements or contracts entered into under section 5101.11, <u>5101.20</u> , <u>5101.201</u> , 5101.21, or 5101.211 <u>5101.214</u> of the Revised Code;	6046 6047 6048
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	6049 6050 6051 6052
(13) Applying to dues or fees paid for membership in an organization or association;	6053 6054
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	6055 6056
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	6057 6058 6059 6060
(16) Applying to purchases of tickets for passenger air transportation;	6061 6062
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	6063 6064 6065
(18) Applying to the judicial branch of state government;	6066
(19) Applying to purchases of liquor for resale by the	6067

division of liquor control;	6068
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	6069 6070 6071
(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;	6072 6073 6074 6075
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	6076 6077 6078
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	6079 6080
(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;	6081 6082 6083 6084
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	6085 6086
(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;	6087 6088 6089 6090 6091
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 <u>5123.199</u> of the Revised Code;	6092 6093 6094
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	6095 6096 6097

(29) Applying to contracts entered into with persons by the 6098
director of commerce for unclaimed funds collection and remittance 6099
efforts as provided in division (F) of section 169.03 of the 6100
Revised Code. The director shall keep an itemized accounting of 6101
unclaimed funds collected by those persons and amounts paid to 6102
them for their services. 6103

(30) Applying to purchases made by a state institution of 6104
higher education in accordance with the terms of a contract 6105
between the vendor and an inter-university purchasing group 6106
comprised of purchasing officers of state institutions of higher 6107
education; 6108

(31) Applying to the department of job and family services' 6109
purchases of health assistance services under the children's 6110
health insurance program part I provided for under section 5101.50 6111
of the Revised Code or the children's health insurance program 6112
part II provided for under section 5101.51 of the Revised Code; 6113

(32) Applying to payments by the attorney general from the 6114
reparations fund to hospitals and other emergency medical 6115
facilities for performing medical examinations to collect physical 6116
evidence pursuant to section 2907.28 of the Revised Code; 6117

(33) Applying to contracts with a contracting authority or 6118
administrative receiver under division (G)(2) of section 5126.055 6119
of the Revised Code; 6120

(34) Applying to reimbursements paid to the United States 6121
department of veterans affairs for pharmaceutical and patient 6122
supply purchases made on behalf of the Ohio veterans' home agency. 6123

(E) Notwithstanding division (B)(1) of this section, the 6124
cumulative purchase threshold shall be seventy-five thousand 6125
dollars for the departments of mental retardation and 6126
developmental disabilities, mental health, rehabilitation and 6127
correction, and youth services. 6128

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

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

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

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

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

Sec. 131.02. (A) Whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. If the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, and notify the director of budget and management thereof. The attorney general may assess the collection cost to the amount certified in such manner and amount as prescribed by the attorney general.

(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., or 5747. of the Revised

Code, the notice also shall specify all of the following: 6159

(a) The assessment or case number; 6160

(b) The tax pursuant to which the assessment is made; 6161

(c) The reason for the liability, including, if applicable, 6162
that a penalty or interest is due; 6163

(d) An explanation of how and when interest will be added to 6164
the amount assessed; 6165

(e) That the attorney general and tax commissioner, acting 6166
together, have the authority, but are not required, to compromise 6167
the claim and accept payment over a reasonable time, if such 6168
actions are in the best interest of the state. 6169

(C) The attorney general shall collect the claim or secure a 6170
judgment and issue an execution for its collection. 6171

(D) Each claim shall bear interest, from the day on which the 6172
claim became due, at the ~~base rate per annum for advances and~~ 6173
~~discounts to member banks in effect at the federal reserve bank in~~ 6174
~~required by section 5703.47 of the second federal reserve district~~ 6175
Revised Code. 6176

(E) The attorney general and the chief officer of the agency 6177
reporting a claim, acting together, may do ~~either or both~~ any of 6178
the following if such action is in the best interests of the 6179
state: 6180

(1) Compromise the claim; 6181

(2) Extend for a reasonable period the time for payment of 6182
the claim by agreeing to accept monthly or other periodic 6183
payments. The agreement may require security for payment of the 6184
claim. 6185

(3) Add fees to recover the cost of processing checks or 6186
other draft instruments returned for insufficient funds and the 6187
cost of providing electronic payment options. 6188

Sec. 131.23. The various political subdivisions of this state 6189
may issue bonds, and any indebtedness created by such issuance 6190
shall not be subject to the limitations or included in the 6191
calculation of indebtedness prescribed by sections 133.05, 133.06, 6192
133.07, and 133.09 of the Revised Code, but such bonds may be 6193
issued only under the following conditions: 6194

(A) The subdivision desiring to issue such bonds shall obtain 6195
from the county auditor a certificate showing the total amount of 6196
delinquent taxes due and unpayable to such subdivision at the last 6197
semiannual tax settlement. 6198

(B) The fiscal officer of that subdivision shall prepare a 6199
statement, from the books of the subdivision, verified by ~~him~~ the 6200
fiscal officer under oath, which shall contain the following facts 6201
of such subdivision: 6202

(1) The total bonded indebtedness; 6203

(2) The aggregate amount of notes payable or outstanding 6204
accounts of the subdivision, incurred prior to the commencement of 6205
the current fiscal year, which shall include all evidences of 6206
indebtedness issued by the subdivision except notes issued in 6207
anticipation of bond issues and the indebtedness of any 6208
nontax-supported public utility; 6209

(3) Except in the case of school districts, the aggregate 6210
current year's requirement for disability financial assistance and 6211
disability medical assistance provided under Chapter 5115. of the 6212
Revised Code that the subdivision is unable to finance except by 6213
the issue of bonds; 6214

(4) The indebtedness outstanding through the issuance of any 6215
bonds or notes pledged or obligated to be paid by any delinquent 6216
taxes; 6217

(5) The total of any other indebtedness; 6218

(6) The net amount of delinquent taxes unpledged to pay any 6219
bonds, notes, or certificates, including delinquent assessments on 6220
improvements on which the bonds have been paid; 6221

(7) The budget requirements for the fiscal year for bond and 6222
note retirement; 6223

(8) The estimated revenue for the fiscal year. 6224

(C) The certificate and statement provided for in divisions 6225
(A) and (B) of this section shall be forwarded to the tax 6226
commissioner together with a request for authority to issue bonds 6227
of such subdivision in an amount not to exceed seventy per cent of 6228
the net unobligated delinquent taxes and assessments due and owing 6229
to such subdivision, as set forth in division (B)(6) of this 6230
section. 6231

(D) No subdivision may issue bonds under this section in 6232
excess of a sufficient amount to pay the indebtedness of the 6233
subdivision as shown by division (B)(2) of this section and, 6234
except in the case of school districts, to provide funds for 6235
disability financial assistance and disability medical assistance, 6236
as shown by division (B)(3) of this section. 6237

(E) The tax commissioner shall grant to such subdivision 6238
authority requested by such subdivision as restricted by divisions 6239
(C) and (D) of this section and shall make a record of the 6240
certificate, statement, and grant in a record book devoted solely 6241
to such recording and which shall be open to inspection by the 6242
public. 6243

(F) The commissioner shall immediately upon issuing the 6244
authority provided in division (E) of this section notify the 6245
proper authority having charge of the retirement of bonds of such 6246
subdivision by forwarding a copy of such grant of authority and of 6247
the statement provided for in division (B) of this section. 6248