

(E) The granting of a security interest in all or any part of a lottery prize award for consideration is subject to the prohibition of division ~~(A)(3)(C)~~ of section 3770.07 of the Revised Code. The sale, assignment, or other redirection of a lottery prize award for consideration is subject to the provisions of division ~~(A)(4)(D)~~ of section 3770.07 and sections 3770.10 to 3770.14 of the Revised Code.

Sec. 1317.07. No retail installment contract authorized by section 1317.03 of the Revised Code that is executed in connection with any retail installment sale shall evidence any indebtedness in excess of the time balance fixed in the written instrument in compliance with section 1317.04 of the Revised Code, but it may evidence in addition any agreements of the parties for the payment of delinquent charges, as provided for in section 1317.06 of the Revised Code, taxes, and any lawful fee actually paid out, or to be paid out, by the retail seller to any public officer for filing, recording, or releasing any instrument securing the payment of the obligation owed on any retail installment contract. No retail seller, directly or indirectly, shall charge, contract for, or receive from any retail buyer, any further or other amount for examination, service, brokerage, commission, expense, fee, or other thing of value. A documentary service charge customarily and presently being paid on May 9, 1949, in a particular business and area may be charged if the charge does not exceed ~~fifty one~~ hundred dollars per sale.

No retail seller shall use multiple agreements with respect to a single item or related items purchased at the same time, with intent to obtain a higher charge than would otherwise be permitted by Chapter 1317. of the Revised Code or to avoid disclosure of an annual percentage rate, nor by use of such agreements make any charge greater than that which would be permitted by Chapter 1317.

of the Revised Code had a single agreement been used. 12439

Sec. 1321.21. All fees, charges, penalties, and forfeitures 12440
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 12441
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 12442
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 12443
the superintendent of financial institutions and shall be 12444
deposited by the superintendent into the state treasury to the 12445
credit of the consumer finance fund, which is hereby created. The 12446
fund may be expended or obligated by the superintendent for the 12447
defrayment of the costs of administration of Chapters 1321., 12448
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 12449
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 12450
the Revised Code by the division of financial institutions. All 12451
actual and necessary expenses incurred by the superintendent, 12452
including any services rendered by the department of commerce for 12453
the division's administration of Chapters 1321., 1322., 4712., 12454
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 12455
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 12456
Code, shall be paid from the fund. The fund shall be assessed a 12457
proportionate share of the administrative costs of the department 12458
and the division. The proportionate share of the administrative 12459
costs of the division of financial institutions shall be 12460
determined in accordance with procedures prescribed by the 12461
superintendent and approved by the director of budget and 12462
management. Such assessment shall be paid from the consumer 12463
finance fund to the division of administration fund or the 12464
financial institutions fund. 12465

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 12466
1333.04 of the Revised Code is guilty of a minor misdemeanor. 12467

(B) Whoever violates section 1333.12 of the Revised Code is 12468
guilty of a misdemeanor of the fourth degree. 12469

(C) Whoever violates section 1333.36 of the Revised Code is 12470
guilty of a misdemeanor of the third degree. 12471

(D) A prosecuting attorney may file an action to restrain any 12472
person found in violation of section 1333.36 of the Revised Code. 12473
Upon the filing of such an action, the common pleas court may 12474
receive evidence of such violation and forthwith grant a temporary 12475
restraining order as may be prayed for, pending a hearing on the 12476
merits of said cause. 12477

(E) Whoever violates division (A)(1) of section 1333.52 or 12478
section 1333.81 of the Revised Code is guilty of a misdemeanor of 12479
the first degree. 12480

(F) Whoever violates division (A)(2) or (B) of section 12481
1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised 12482
Code is guilty of a misdemeanor of the second degree. 12483

(G) Except as otherwise provided in this division, whoever 12484
violates section 1333.92 of the Revised Code is guilty of a 12485
misdemeanor of the first degree. If the value of the compensation 12486
is five hundred dollars or more and less than five thousand 12487
dollars, whoever violates section 1333.92 of the Revised Code is 12488
guilty of a felony of the fifth degree. If the value of the 12489
compensation is five thousand dollars or more and less than one 12490
hundred thousand dollars, whoever violates section 1333.92 of the 12491
Revised Code is guilty of a felony of the fourth degree. If the 12492
value of the compensation is one hundred thousand dollars or more, 12493
whoever violates section 1333.92 of the Revised Code is guilty of 12494
a felony of the third degree. 12495

~~(H) Whoever violates division (B), (C), or (I) of section 12496
1333.96 of the Revised Code is guilty of a misdemeanor of the 12497
third degree. 12498~~

~~(I) Any person not registered as a travel agency or tour 12499
promoter as provided in divisions (B) and (C) of section 1333.96 12500~~

~~of the Revised Code who states that the person is so registered is~~ 12501
~~guilty of a misdemeanor of the first degree.~~ 12502

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 12503
Revised Code: 12504

(A) "Adult" means a person who is eighteen years of age or 12505
older. 12506

(B) "Attending physician" means the physician to whom a 12507
principal or the family of a principal has assigned primary 12508
responsibility for the treatment or care of the principal or, if 12509
the responsibility has not been assigned, the physician who has 12510
accepted that responsibility. 12511

(C) "Comfort care" means any of the following: 12512

(1) Nutrition when administered to diminish the pain or 12513
discomfort of a principal, but not to postpone death; 12514

(2) Hydration when administered to diminish the pain or 12515
discomfort of a principal, but not to postpone death; 12516

(3) Any other medical or nursing procedure, treatment, 12517
intervention, or other measure that is taken to diminish the pain 12518
or discomfort of a principal, but not to postpone death. 12519

(D) "Consulting physician" means a physician who, in 12520
conjunction with the attending physician of a principal, makes one 12521
or more determinations that are required to be made by the 12522
attending physician, or to be made by the attending physician and 12523
one other physician, by an applicable provision of sections 12524
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 12525
medical certainty and in accordance with reasonable medical 12526
standards. 12527

(E) "Guardian" means a person appointed by a probate court 12528
pursuant to Chapter 2111. of the Revised Code to have the care and 12529
management of the person of an incompetent. 12530

(F) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or treat an individual's physical or mental condition.	12531 12532 12533
(G) "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to health care.	12534 12535 12536
(H) "Health care facility" means any of the following:	12537
(1) A hospital;	12538
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	12539 12540 12541
(3) A nursing home;	12542
(4) A home health agency;	12543
(5) An intermediate care facility for the mentally retarded.	12544
(I) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	12545 12546 12547 12548 12549 12550
(J) "Home health agency" has the same meaning as in section 3701.88 <u>3701.881</u> of the Revised Code.	12551 12552
(K) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	12553 12554
(L) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	12555 12556
(M) "Hydration" means fluids that are artificially or technologically administered.	12557 12558
(N) "Incompetent" has the same meaning as in section 2111.01	12559

of the Revised Code.	12560
(O) "Intermediate care facility for the mentally retarded"	12561
has the same meaning as in section 5111.20 of the Revised Code.	12562
(P) "Life-sustaining treatment" means any medical procedure,	12563
treatment, intervention, or other measure that, when administered	12564
to a principal, will serve principally to prolong the process of	12565
dying.	12566
(Q) "Medical claim" has the same meaning as in section	12567
2305.11 of the Revised Code.	12568
(R) "Nursing home" has the same meaning as in section 3721.01	12569
of the Revised Code.	12570
(S) "Nutrition" means sustenance that is artificially or	12571
technologically administered.	12572
(T) "Permanently unconscious state" means a state of	12573
permanent unconsciousness in a principal that, to a reasonable	12574
degree of medical certainty as determined in accordance with	12575
reasonable medical standards by the principal's attending	12576
physician and one other physician who has examined the principal,	12577
is characterized by both of the following:	12578
(1) Irreversible unawareness of one's being and environment.	12579
(2) Total loss of cerebral cortical functioning, resulting in	12580
the principal having no capacity to experience pain or suffering.	12581
(U) "Person" has the same meaning as in section 1.59 of the	12582
Revised Code and additionally includes political subdivisions and	12583
governmental agencies, boards, commissions, departments,	12584
institutions, offices, and other instrumentalities.	12585
(V) "Physician" means a person who is authorized under	12586
Chapter 4731. of the Revised Code to practice medicine and surgery	12587
or osteopathic medicine and surgery.	12588
(W) "Political subdivision" and "state" have the same	12589

meanings as in section 2744.01 of the Revised Code. 12590

(X) "Professional disciplinary action" means action taken by 12591
the board or other entity that regulates the professional conduct 12592
of health care personnel, including the state medical board and 12593
the board of nursing. 12594

(Y) "Terminal condition" means an irreversible, incurable, 12595
and untreatable condition caused by disease, illness, or injury 12596
from which, to a reasonable degree of medical certainty as 12597
determined in accordance with reasonable medical standards by a 12598
principal's attending physician and one other physician who has 12599
examined the principal, both of the following apply: 12600

(1) There can be no recovery. 12601

(2) Death is likely to occur within a relatively short time 12602
if life-sustaining treatment is not administered. 12603

(Z) "Tort action" means a civil action for damages for 12604
injury, death, or loss to person or property, other than a civil 12605
action for damages for a breach of contract or another agreement 12606
between persons. 12607

Sec. 1346.02. Any tobacco product manufacturer selling 12608
cigarettes to consumers within the state (whether directly or 12609
through a distributor, retailer or similar intermediary or 12610
intermediaries) after ~~the effective date of this section~~ June 30, 12611
1999 shall do one of the following: 12612

(A) Become a participating manufacturer (as that term is 12613
defined in section II(jj) of the Master Settlement Agreement) and 12614
generally perform its financial obligations under the Master 12615
Settlement Agreement; or 12616

(B)(1) Place into a qualified escrow fund by April 15 of the 12617
year following the year in question the following amounts (as such 12618
amounts are adjusted for inflation): 12619

1999: \$.0094241 per unit sold after ~~the effective date of~~ 12620
~~this section June 30, 1999;~~ 12621

2000: \$.0104712 per unit sold; 12622

For each of 2001 and 2002: \$.0136125 per unit sold; 12623

For each of 2003 through 2006: \$.0167539 per unit sold; 12624

For each of 2007 and each year thereafter: \$.0188482 per unit 12625
sold. 12626

(2) A tobacco product manufacturer that places funds into 12627
escrow pursuant to division (B)(1) of this section shall receive 12628
the interest or other appreciation on such funds as earned. Such 12629
funds themselves shall be released from escrow only under the 12630
following circumstances: 12631

(a) To pay a judgment or settlement on any released claim 12632
brought against such tobacco product manufacturer by the state or 12633
any releasing party located or residing in the state. Funds shall 12634
be released from escrow under division (B)(2)(a) of this section: 12635

(i) In the order in which they were placed into escrow; and 12636

(ii) Only to the extent and at the time necessary to make 12637
payments required under such judgment or settlement. 12638

(b) To the extent that a tobacco product manufacturer 12639
establishes that the amount it was required to place into escrow 12640
on account of units sold in the state in a particular year was 12641
greater than the ~~state's allocable share of the total payments~~ 12642
~~that such manufacturer would have been required to make in that~~ 12643
~~year under the Master Settlement Agreement~~ (payments, as 12644
determined pursuant to section ~~IX(i)(2)~~ IX(i) of ~~the Master~~ 12645
~~Settlement that~~ Agreement, ~~and before any of the adjustments or~~ 12646
~~offsets described in section IX(i)(3) of that Agreement other than~~ 12647
~~the inflation adjustment)~~ including after final determination of 12648
all adjustments, that such manufacturer would have been required 12649

to make on account of such units sold had it been a participating 12650
manufacturer, the excess shall be released from escrow and revert 12651
back to such tobacco product manufacturer; or 12652

(c) To the extent not released from escrow under division 12653
(B)(2)(a) or (b) of this section, funds shall be released from 12654
escrow and revert back to such tobacco product manufacturer 12655
twenty-five years after the date on which they were placed into 12656
escrow. 12657

(3) Each tobacco product manufacturer that elects to place 12658
funds into escrow pursuant to division (B) of this section shall 12659
annually certify to the attorney general that it is in compliance 12660
with division (B) of this section. The attorney general may bring 12661
a civil action on behalf of the state against any tobacco product 12662
manufacturer that fails to place into escrow the funds required 12663
under this section. Any tobacco product manufacturer that fails in 12664
any year to place into escrow the funds required under this 12665
section shall: 12666

(a) Be required within fifteen days to place such funds into 12667
escrow as shall bring it into compliance with this section. The 12668
court, upon a finding of a violation of division (B) of this 12669
section, may impose a civil penalty to be paid to the general 12670
revenue fund of the state in an amount not to exceed five per cent 12671
of the amount improperly withheld from escrow per day of the 12672
violation and in a total amount not to exceed one hundred per cent 12673
of the original amount improperly withheld from escrow; 12674

(b) In the case of a knowing violation, be required within 12675
fifteen days to place such funds into escrow as shall bring it 12676
into compliance with this section. The court, upon a finding of a 12677
knowing violation of division (B) of this section, may impose a 12678
civil penalty to be paid to the general revenue fund of the state 12679
in an amount not to exceed fifteen per cent of the amount 12680
improperly withheld from escrow per day of the violation and in a 12681

total amount not to exceed three hundred per cent of the original 12682
amount improperly withheld from escrow; and 12683

(c) In the case of a second knowing violation, be prohibited 12684
from selling cigarettes to consumers within the state (whether 12685
directly or through a distributor, retailer or similar 12686
intermediary) for a period not to exceed two years. 12687

Each failure to make an annual deposit required under this 12688
section shall constitute a separate violation. 12689

Sec. 1346.04. As used in this section and sections 1346.05 to 12690
1346.10 of the Revised Code: 12691

(A) "Brand family" means all styles of cigarettes sold under 12692
the same trademark and differentiated from one another by means of 12693
additional modifiers or descriptors, including, but not limited 12694
to, "menthol," "lights," "kings," and "100s." "Brand family" 12695
includes cigarettes sold under any brand name (whether that name 12696
is used alone or in conjunction with any other word), trademark, 12697
logo, symbol, motto, selling message, recognizable pattern of 12698
colors, or other indicia of product identification identical or 12699
similar to, or identifiable with, a previous brand of cigarettes. 12700

(B) "Cigarette," "Master Settlement Agreement," "qualified 12701
escrow fund," "tobacco product manufacturer," and "units sold" 12702
have the same meanings as in section 1346.01 of the Revised Code. 12703

(C) "Nonparticipating manufacturer" means any tobacco product 12704
manufacturer that is not a participating manufacturer. 12705

(D) "Participating manufacturer" means a participating 12706
manufacturer as that term is defined in section II(jj) of the 12707
Master Settlement Agreement and all amendments to that agreement. 12708

(E) "Stamping agent" means a person who is authorized to 12709
affix tax stamps to packages or other containers of cigarettes 12710
under section 5743.03 of the Revised Code or a person who is 12711

required to pay the excise tax imposed on cigarettes and other 12712
tobacco products under sections 5743.03 and 5743.51 of the Revised 12713
Code. 12714

Sec. 1346.05. (A)(1) Every tobacco product manufacturer whose 12715
cigarettes are sold in this state either directly or through a 12716
distributor, retailer, or other intermediary shall execute and 12717
deliver to the attorney general an annual certification, made 12718
under penalty of falsification, stating that, as of the date of 12719
the certification, the tobacco manufacturer is either a 12720
participating manufacturer or a nonparticipating manufacturer in 12721
full compliance with section 1346.02 of the Revised Code, 12722
including full compliance with all quarterly installment payment 12723
requirements, if required to make such payments by an 12724
administrative rule adopted by the attorney general. The 12725
certification shall be on a form prescribed by the attorney 12726
general and shall be filed not later than the thirtieth day of 12727
April in each year. 12728

(2) Each participating manufacturer shall include in its 12729
certification a list of its brand families. Thirty days before 12730
making any additions to or modifications of its brand families, a 12731
participating manufacturer shall update its brand family list by 12732
executing and delivering a supplemental certification to the 12733
attorney general. 12734

(3) Each nonparticipating manufacturer shall include all of 12735
the following in its certification: 12736

(a) A list of all of its brand families and the number of 12737
units sold during the preceding calendar year for each brand 12738
family, and a list of all of its brand families that have been 12739
sold in the state at any time during the current calendar year. 12740
The list shall indicate, by an asterisk, any brand family that was 12741
sold in the state during the preceding calendar year and that is 12742

no longer being sold in the state as of the date of the 12743
certification. The list shall identify by name and address any 12744
other manufacturer in the preceding or current year of the brand 12745
families included on the list. Thirty days before making any 12746
additions to or modifications of its brand families, a 12747
nonparticipating manufacturer shall update its brand family list 12748
by executing and delivering a supplemental certification to the 12749
attorney general. 12750

(b) A statement that the nonparticipating manufacturer is 12751
registered to do business in this state, or has appointed an agent 12752
for service of process in this state and provided notice of that 12753
appointment as required by section 1346.06 of the Revised Code; 12754

(c) A certification that the nonparticipating manufacturer 12755
has established and continues to maintain a qualified escrow fund 12756
under section 1346.02 of the Revised Code and that the qualified 12757
escrow fund is governed by a qualified escrow agreement executed 12758
by the nonparticipating manufacturer and reviewed and approved by 12759
the attorney general; 12760

(d) All of the following information regarding the qualified 12761
escrow fund the nonparticipating manufacturer is required to 12762
establish and maintain under section 1346.02 of the Revised Code 12763
and the rules adopted under that section: 12764

(i) The name, address, and telephone number of the financial 12765
institution at which the nonparticipating manufacturer has 12766
established its qualified escrow fund; 12767

(ii) The account number of the qualified escrow fund and any 12768
subaccount number for the state; 12769

(iii) The amount that the nonparticipating manufacturer 12770
deposited in the qualified escrow fund for cigarettes sold in the 12771
state during the preceding calendar year, the date and amount of 12772
each deposit, and any evidence or verification the attorney 12773

<u>general deems necessary to confirm those deposits;</u>	12774
<u>(iv) The amount and date of any withdrawal or transfer of funds the nonparticipating manufacturer made at any time from any qualified escrow fund into which it ever made payments under section 1346.02 of the Revised Code and the rules adopted under that section.</u>	12775 12776 12777 12778 12779
<u>(e) A statement that the nonparticipating manufacturer is in full compliance with this section and sections 1346.02, 1346.06, and 1346.07 of the Revised Code and any rules adopted under those sections.</u>	12780 12781 12782 12783
<u>(4)(a) No tobacco product manufacturer shall include a brand family in its certification unless either of the following applies:</u>	12784 12785 12786
<u>(i) In the case of a participating manufacturer, the participating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of calculating its payments under the Master Settlement Agreement for the relevant year in the volume and shares determined pursuant to that agreement.</u>	12787 12788 12789 12790 12791 12792
<u>(ii) In the case of a nonparticipating manufacturer, the nonparticipating manufacturer affirms that the cigarettes in the brand family shall be deemed to be its cigarettes for the purpose of section 1346.02 of the Revised Code.</u>	12793 12794 12795 12796
<u>(b) Nothing in this section limits or shall be construed to limit the state's authority to determine that the cigarettes in a brand family constitute the cigarettes of another tobacco product manufacturer for the purpose of calculating payments under the Master Settlement Agreement or for the purpose of section 1346.02 of the Revised Code.</u>	12797 12798 12799 12800 12801 12802
<u>(5) Each tobacco product manufacturer shall maintain all invoices and documentations of sales and other information relied</u>	12803 12804

upon for its certification for a period of at least five years. 12805

(B)(1) Except as otherwise provided in division (B)(3) of 12806
this section, the attorney general shall develop and publish on 12807
its web site a directory listing all tobacco product manufacturers 12808
that have provided current and accurate certifications under 12809
division (A) of this section and all brand families listed in 12810
those certifications. 12811

(2)(a) The attorney general shall update the directory as 12812
necessary to correct mistakes or to add or remove a tobacco 12813
product manufacturer or brand family to keep the directory in 12814
conformity with the requirements of this section. At least ten 12815
days before any tobacco product manufacturer or brand family is 12816
added to or removed from the directory, the attorney general shall 12817
publish notice of the pending addition or removal online in the 12818
directory and shall notify the tax commissioner of those pending 12819
changes. At least ten days before such addition or removal, the 12820
tax commissioner shall transmit by electronic mail or other 12821
practicable means to each stamping agent notice of the pending 12822
addition or removal. 12823

(b) Unless an agreement between a stamping agent and a 12824
tobacco product manufacturer provides otherwise, a tobacco product 12825
manufacturer that is removed from the directory or whose brand 12826
family is removed from the directory shall refund to the stamping 12827
agent any money paid by the stamping agent to the tobacco product 12828
manufacturer for cigarettes of that tobacco product manufacturer 12829
that are in the possession of the stamping agent at the time the 12830
stamping agent receives notice of the pending removal of the 12831
tobacco product manufacturer or a brand family of that tobacco 12832
product manufacturer from the directory under division (B)(2)(a) 12833
of this section. 12834

(c) The tax commissioner shall notify the attorney general of 12835
any tobacco product manufacturer that fails to refund money to a 12836

stamping agent under division (B)(2)(b) of this section. The 12837
attorney general shall not restore to the directory any tobacco 12838
product manufacturer or brand family of a tobacco product 12839
manufacturer until the tobacco product manufacturer has paid the 12840
stamping agent any required refund. Once a required refund has 12841
been so paid, the tax commissioner shall notify the attorney 12842
general of that payment. 12843

(3) The attorney general shall not include or retain in the 12844
directory a nonparticipating manufacturer or a brand family of a 12845
nonparticipating manufacturer if any of the following applies: 12846

(a) The nonparticipating manufacturer fails to provide the 12847
required certification under this section, or the attorney general 12848
determines that the certification is not in compliance with the 12849
requirements of this section, unless the attorney general 12850
determines that the violation has been cured to the attorney 12851
general's satisfaction. 12852

(b) The attorney general determines that any escrow payment 12853
required under section 1346.02 of the Revised Code for any period 12854
for any brand family of the nonparticipating manufacturer, 12855
regardless of whether the brand family is listed by the 12856
nonparticipating manufacturer in its certification under this 12857
section, has not been fully paid into a qualified escrow fund 12858
governed by a qualified escrow agreement that has been approved by 12859
the attorney general. 12860

(c) The attorney general determines that the nonparticipating 12861
manufacturer has not fully satisfied any outstanding final 12862
judgment, including interest, for a violation of section 1346.02 12863
of the Revised Code. 12864

(4) Each stamping agent shall provide an electronic mail 12865
address to the tax commissioner for the purpose of receiving 12866
notifications under division (B)(2) of this section. As necessary, 12867

<u>each stamping agent shall update the agent's electronic mail</u>	12868
<u>address with the tax commissioner.</u>	12869
<u>(C)(1) No person shall do any of the following:</u>	12870
<u>(a) Affix a tax stamp to a package or other container of</u>	12871
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12872
<u>that is not included in the directory;</u>	12873
<u>(b) Sell, offer for sale, or possess for sale in this state</u>	12874
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12875
<u>that is not included in the directory;</u>	12876
<u>(c) Sell or distribute cigarettes that have had a tax stamp</u>	12877
<u>affixed while the tobacco product manufacturer or brand family of</u>	12878
<u>those cigarettes was not included in the directory;</u>	12879
<u>(d) Acquire, hold, own, possess, transport, import, or cause</u>	12880
<u>to be imported cigarettes that the person knows or should know are</u>	12881
<u>intended for distribution or sale in this state and that have had</u>	12882
<u>a tax stamp affixed while the tobacco product manufacturer or</u>	12883
<u>brand family of those cigarettes was not included in the</u>	12884
<u>directory;</u>	12885
<u>(e) Acquire, hold, own, possess, transport, import, or cause</u>	12886
<u>to be imported cigarettes that the person knows or should know are</u>	12887
<u>intended for distribution or sale in this state and that are the</u>	12888
<u>cigarettes of a tobacco product manufacturer or a brand family</u>	12889
<u>that is not included in the directory.</u>	12890
<u>(2) Except as otherwise provided in this division, a</u>	12891
<u>violation of division (C)(1) of this section is a misdemeanor of</u>	12892
<u>the first degree. If the offender has a previous conviction for a</u>	12893
<u>violation of that division, a violation of division (C)(1) of this</u>	12894
<u>section is a felony of the fourth degree.</u>	12895
<u>(3) Any cigarettes sold, offered for sale, or possessed for</u>	12896
<u>sale in violation of division (C)(1) of this section shall be</u>	12897

considered contraband under section 5743.21 of the Revised Code, 12898
and those cigarettes shall be subject to seizure and forfeiture 12899
under that section. Cigarettes so seized and forfeited shall not 12900
be resold and shall be destroyed. 12901

Sec. 1346.06. (A)(1) Any nonresident or foreign 12902
nonparticipating manufacturer that has not registered to do 12903
business in the state as a foreign corporation or business entity, 12904
as a condition precedent to having its brand families included or 12905
retained in the directory developed and published by the attorney 12906
general under section 1346.05 of the Revised Code, shall appoint, 12907
and continually engage without interruption the services of, an 12908
agent in the state to act as agent for the service, in any manner 12909
authorized by law, of all process pertaining to any action or 12910
proceeding in the courts of this state against the manufacturer 12911
concerning or arising out of the enforcement of this chapter. 12912

(2) Service on a nonparticipating manufacturer's agent shall 12913
constitute legal and valid service of process on the manufacturer. 12914

(3) A nonparticipating manufacturer shall provide the 12915
attorney general, to the satisfaction of the attorney general, 12916
with proof of the appointment of, and notice of the name, address, 12917
telephone number, and availability of, the manufacturer's agent. 12918

(B)(1) If a nonparticipating manufacturer decides to 12919
terminate its agent's appointment, the manufacturer shall provide 12920
notice of the termination to the attorney general thirty calendar 12921
days prior to the termination and shall provide proof, to the 12922
satisfaction of the attorney general, of the appointment of a new 12923
agent not less than five calendar days prior to the termination. 12924

(2) If a nonparticipating manufacturer's agent terminates the 12925
agent's appointment, the manufacturer shall provide notice of the 12926
termination to the attorney general and include proof, to the 12927
satisfaction of the attorney general, of the appointment of a new 12928

agent within five calendar days of the termination. 12929

(C)(1) Any nonparticipating manufacturer whose cigarettes are 12930
sold in the state and who has not appointed and continually 12931
engaged an agent in accordance with divisions (A) and (B) of this 12932
section shall be deemed to have appointed the secretary of state 12933
as the manufacturer's agent and may be proceeded against in any 12934
action or proceeding in the courts of the state described in 12935
division (A) of this section by service of process on the 12936
secretary of state. 12937

(2) The deemed appointment of the secretary of state as a 12938
nonparticipating manufacturer's agent does not satisfy the 12939
requirements of divisions (A)(3)(b) and (B)(1) of section 1346.05 12940
of the Revised Code that a nonparticipating manufacturer that has 12941
not registered to do business in the state shall appoint an agent 12942
for service of process as a condition precedent to the existence 12943
of an accurate certification permitting the manufacturer's brand 12944
families to be included or retained in the directory. 12945

Sec. 1346.07. (A) Not later than the last day of each month 12946
or less frequently if so directed by the tax commissioner, each 12947
stamping agent shall submit information for the previous month or 12948
for the relevant time period, if directed by the tax commissioner 12949
to make the submission less frequently, which the tax commissioner 12950
requires to facilitate compliance with sections 1346.05 to 1346.10 12951
of the Revised Code. The information shall include, but is not 12952
limited to, a list by brand family of the total number of 12953
cigarettes, or, in the case of roll-your-own, the equivalent stick 12954
count, for which the stamping agent during the period covered by 12955
the report affixed stamps or otherwise paid the tax due. 12956

The stamping agent shall maintain and make available to the 12957
tax commissioner all invoices and documentations of sales of all 12958
nonparticipating manufacturer cigarettes and any other information 12959

the agent relies upon in submitting information under this 12960
division to the tax commissioner. This duty shall be for a period 12961
of five years from the date of each submission of information 12962
under this division. 12963

(B) The attorney general at any time may require a 12964
nonparticipating manufacturer to provide proof, from the financial 12965
institution in which the manufacturer has established a qualified 12966
escrow fund under section 1346.02 of the Revised Code, of the 12967
amount of money in the fund, exclusive of interest, the amount and 12968
date of each deposit in the fund, and the amount and date of each 12969
withdrawal from the fund. 12970

(C) In addition to the information required to be submitted 12971
or provided to the tax commissioner and the attorney general under 12972
divisions (A) and (B) of this section, the attorney general may 12973
require a stamping agent or tobacco product manufacturer to submit 12974
any additional information necessary to enable the attorney 12975
general to determine whether a manufacturer is in compliance with 12976
sections 1346.05 to 1346.10 of the Revised Code. The information 12977
shall include, but is not limited to, samples of the packaging or 12978
labeling of each brand family. 12979

(D) The tax commissioner and the attorney general shall share 12980
information received under sections 1346.05 to 1346.10 of the 12981
Revised Code for purposes of determining compliance with and 12982
enforcement of those sections. The tax commissioner and the 12983
attorney general also may share information received under these 12984
sections with federal, state, or local agencies for purposes of 12985
the enforcement of this chapter or corresponding laws of other 12986
states. 12987

Sec. 1346.08. (A) The tax commissioner and the attorney 12988
general may adopt administrative rules necessary to implement 12989
sections 1346.05 to 1346.10 of the Revised Code. 12990

(B) Subject to the requirements of section 1346.05 of the Revised Code, the attorney general may adopt an administrative rule requiring a tobacco product manufacturer to make required escrow deposits in quarterly installments during the year in which the sales covered by the deposits are made. If the attorney general adopts such a rule, the tax commissioner may require a tobacco product manufacturer or a stamping agent to produce information sufficient to enable the tax commissioner and the attorney general to determine the adequacy of the amount of an installment deposit. 12991
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Sec. 1346.09. (A) The attorney general, on behalf of the tax commissioner, may seek an injunction to restrain a threatened or actual violation of division (C)(1) of section 1346.05 of the Revised Code or division (A) or (C) of section 1346.07 of the Revised Code by a stamping agent and to compel the stamping agent to comply with those divisions. 13001
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(B) In any action brought by the state to enforce sections 1346.05 to 1346.10 of the Revised Code, the state shall be entitled to recover the costs of the investigation, expert witness fees, court costs, and reasonable attorney's fees. 13007
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(C) If a court determines that a person has violated any prohibition or other provision of sections 1346.05 to 1346.10 of the Revised Code, the court shall order that the person's profits, gain, gross receipts, or other benefit from the violation be disgorged and paid to the general revenue fund of the state. 13011
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(D) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the state. 13016
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Sec. 1346.10. (A) In lieu of or in addition to any other 13020

remedy provided by law, upon a determination that a stamping agent 13021
has violated division (C)(1) of section 1346.05 of the Revised 13022
Code or any administrative rule adopted under sections 1346.05 to 13023
1346.10 of the Revised Code, the tax commissioner may revoke the 13024
license of the stamping agent in the manner provided by section 13025
5743.18 of the Revised Code. 13026

(B) For each violation of division (C)(1) of section 1346.05 13027
of the Revised Code, in addition to any other penalty provided by 13028
law, the tax commissioner may impose a fine in an amount not to 13029
exceed the greater of five hundred per cent of the retail value of 13030
the cigarettes involved or five thousand dollars. The fine shall 13031
be imposed in the manner provided by section 5743.081 of the 13032
Revised Code. 13033

For the purpose of this division, each stamp affixed to a 13034
package of cigarettes and each sale or offer for sale of 13035
cigarettes in violation of division (C)(1) of section 1346.05 of 13036
the Revised Code shall constitute a separate violation. 13037

Sec. 1501.04. There is hereby created in the department of 13038
natural resources a recreation and resources commission composed 13039
of the ~~chairman~~ chairperson of the wildlife council created under 13040
section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of 13041
the parks and recreation council created under section 1541.40 of 13042
the Revised Code, the ~~chairman~~ chairperson of the waterways safety 13043
council created under section 1547.73 of the Revised Code, the 13044
~~chairman~~ chairperson of the technical advisory council on oil and 13045
gas created under section 1509.38 of the Revised Code, the 13046
chairman of the forestry advisory council created under section 13047
1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13048
soil and water conservation commission created under section 13049
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 13050
natural areas council created under section 1517.03 of the Revised 13051

Code, the ~~chairman~~ chairperson of the Ohio water advisory council 13052
created under section 1521.031 of the Revised Code, the 13053
chairperson of the recycling and litter prevention advisory 13054
council created under section 1502.04 of the Revised Code, ~~the~~ 13055
~~chairperson of the civilian conservation advisory council created~~ 13056
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 13057
chairperson of the Ohio geology advisory council created under 13058
section 1505.11 of the Revised Code, and five members appointed by 13059
the governor with the advice and consent of the senate, not more 13060
than three of whom shall belong to the same political party. The 13061
director of natural resources shall be an ex officio member of the 13062
commission, with a voice in its deliberations, but without the 13063
power to vote. 13064

Terms of office of members of the commission appointed by the 13065
governor shall be for five years, commencing on the second day of 13066
February and ending on the first day of February. Each member 13067
shall hold office from the date of ~~his~~ appointment until the end 13068
of the term for which ~~he~~ the member was appointed. 13069

In the event of the death, removal, resignation, or 13070
incapacity of a member of the commission, the governor, with the 13071
advice and consent of the senate, shall appoint a successor who 13072
shall hold office for the remainder of the term for which ~~his~~ the 13073
member's predecessor was appointed. Any member shall continue in 13074
office subsequent to the expiration date of ~~his~~ the member's term 13075
until ~~his~~ the member's successor takes office, or until a period 13076
of sixty days has elapsed, whichever occurs first. 13077

The governor may remove any appointed member of the 13078
commission for misfeasance, nonfeasance, or malfeasance in office. 13079

The commission shall exercise no administrative function, but 13080
may: 13081

(A) Advise with and recommend to the director ~~of natural~~ 13082

~~resources~~ as to plans and programs for the management, 13083
development, utilization, and conservation of the natural 13084
resources of the state; 13085

(B) Advise with and recommend to the director as to methods 13086
of coordinating the work of the divisions of the department; 13087

(C) Consider and make recommendations upon any matter ~~which~~ 13088
that the director may submit to it; 13089

(D) Submit to the governor biennially recommendations for 13090
amendments to the conservation laws of the state. 13091

~~Before~~ Each member of the commission, before entering upon 13092
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 13093
~~commission~~ shall take and subscribe to an oath of office, which 13094
oath, in writing, shall be filed in the office of the secretary of 13095
state. 13096

The members of the commission shall serve without 13097
compensation, but shall be entitled to receive their actual and 13098
necessary expenses incurred in the performance of their official 13099
duties. 13100

The commission, by a majority vote of all its members, shall 13101
adopt and amend bylaws. 13102

To be eligible for appointment, a person shall be a citizen 13103
of the United States and an elector of the state and shall possess 13104
a knowledge of and have an interest in the natural resources of 13105
this state. 13106

The commission shall hold at least four regular quarterly 13107
meetings each year. Special meetings shall be held at such times 13108
as the bylaws of the commission provide. Notices of all meetings 13109
shall be given in such manner as the bylaws provide. The 13110
commission shall choose annually from among its members a ~~chairman~~ 13111
chairperson to preside over its meetings and a secretary to keep a 13112

record of its proceedings. A majority of the members of the 13113
commission constitutes a quorum. No advice shall be given or 13114
recommendation made without a majority of the members of the 13115
commission concurring therein. 13116

Sec. 1501.25. (A) There is hereby created the Muskingum river 13117
advisory council consisting of the following members: 13118

(1) Two members of the house of representatives, one from 13119
each party to be appointed by the speaker of the house of 13120
representatives after conferring with the minority leader of the 13121
house, and two members of the senate, one from each party to be 13122
appointed by the president of the senate after conferring with the 13123
minority leader of the senate; 13124

(2) Four persons interested in the development of 13125
recreational and commercial uses of the Muskingum river, to be 13126
appointed by the governor; 13127

(3) Two representatives of the department of natural 13128
resources to be appointed by the director of natural resources, 13129
one representative of the department of development to be 13130
appointed by the director of development, one representative of 13131
the environmental protection agency to be appointed by the 13132
director of environmental protection, one representative of the 13133
department of transportation to be appointed by the director of 13134
transportation, and one representative of the Ohio historical 13135
society to be appointed by the director of the society; 13136

(4) Twelve persons to be appointed from the four counties 13137
through which the Muskingum river flows, who shall be appointed in 13138
the following manner. The board of county commissioners of 13139
Coshocton county shall appoint two members, and the mayor of the 13140
city of Coshocton shall appoint one member. The board of county 13141
commissioners of Muskingum county shall appoint two members, and 13142
the mayor of the city of Zanesville shall appoint one member. The 13143

board of county commissioners of Morgan county shall appoint two 13144
members, and the mayor of the city of McConnelsville shall appoint 13145
one member. The board of county commissioners of Washington county 13146
shall appoint two members, and the mayor of the city of Marietta 13147
shall appoint one member. 13148

(5) One member representing the Muskingum watershed 13149
conservancy district, to be appointed by the board of directors of 13150
the district. 13151

Members shall serve at the pleasure of their appointing 13152
authority. Vacancies shall be filled in the manner of the original 13153
appointment. 13154

The council biennially shall elect from among its members a 13155
chairperson and a vice-chairperson. One of the representatives of 13156
the department of natural resources shall serve as secretary of 13157
the council unless a majority of the members elect another member 13158
to that position. The council shall meet at least once each year 13159
for the purpose of taking testimony from residents of the 13160
Muskingum river area, users of the river and adjacent lands, and 13161
the general public and may hold additional meetings at the call of 13162
the chairperson. 13163

The chairperson may appoint members of the council and other 13164
persons to committees and study groups as needed. 13165

The council shall submit an annual report to the general 13166
assembly, the governor, and the director of natural resources. The 13167
report shall include, without limitation, a description of the 13168
conditions of the Muskingum river area, a discussion of the 13169
council's activities, any recommendations for actions by the 13170
general assembly or any state agency that the council determines 13171
are needed, and estimates of the costs of those recommendations. 13172

The department of natural resources shall provide staff 13173
assistance to the council as needed. 13174

<u>(B) The council may do any of the following:</u>	13175
<u>(1) Provide coordination among political subdivisions, state agencies, and federal agencies involved in dredging, debris removal or disposal, and recreational, commercial, tourism, and economic development;</u>	13176 13177 13178 13179
<u>(2) Provide aid to civic groups and individuals who want to make improvements to the Muskingum river if the council determines that the improvements would be beneficial to the residents of the area and to the state;</u>	13180 13181 13182 13183
<u>(3) Provide information and planning aid to state and local agencies responsible for historic, commercial, and recreational development of the Muskingum river area, including, without limitation, suggestions as to priorities for pending Muskingum river projects of the department of natural resources;</u>	13184 13185 13186 13187 13188
<u>(4) Provide updated information to the United States army corps of engineers, the department of natural resources, and the Muskingum conservancy district established under Chapter 6101. of the Revised Code concerning potential hazards to flood control or navigation, erosion problems, debris accumulation, and deterioration of locks or dams.</u>	13189 13190 13191 13192 13193 13194
Sec. 1503.05. (A) The chief of the division of forestry may sell timber and other forest products from the state forest and state forest nurseries whenever the chief considers such a sale desirable and, with the approval of the attorney general and the director of natural resources, may sell portions of the state forest lands when such a sale is advantageous to the state.	13195 13196 13197 13198 13199 13200
(B) Except as otherwise provided in this section, a timber sale agreement shall not be executed unless the person or governmental entity bidding on the sale executes and files a surety bond conditioned on completion of the timber sale in	13201 13202 13203 13204

accordance with the terms of the agreement in an amount equal to 13205
twenty-five per cent of the highest value cutting section. All 13206
bonds shall be given in a form prescribed by the chief and shall 13207
run to the state as obligee. 13208

The chief shall not approve any bond until it is personally 13209
signed and acknowledged by both principal and surety, or as to 13210
either by the attorney in fact thereof, with a certified copy of 13211
the power of attorney attached. The chief shall not approve the 13212
bond unless there is attached a certificate of the superintendent 13213
of insurance that the company is authorized to transact a fidelity 13214
and surety business in this state. 13215

In lieu of a bond, the bidder may deposit any of the 13216
following: 13217

(1) Cash in an amount equal to the amount of the bond; 13218

(2) United States government securities having a par value 13219
equal to or greater than the amount of the bond; 13220

(3) Negotiable certificates of deposit or irrevocable letters 13221
of credit issued by any bank organized or transacting business in 13222
this state having a par value equal to or greater than the amount 13223
of the bond. 13224

The cash or securities shall be deposited on the same terms 13225
as bonds. If one or more certificates of deposit are deposited in 13226
lieu of a bond, the chief shall require the bank that issued any 13227
of the certificates to pledge securities of the aggregate market 13228
value equal to the amount of the certificate or certificates that 13229
is in excess of the amount insured by the federal deposit 13230
insurance corporation. The securities to be pledged shall be those 13231
designated as eligible under section 135.18 of the Revised Code. 13232
The securities shall be security for the repayment of the 13233
certificate or certificates of deposit. 13234

Immediately upon a deposit of cash, securities, certificates 13235

of deposit, or letters of credit, the chief shall deliver them to 13236
the treasurer of state, who shall hold them in trust for the 13237
purposes for which they have been deposited. The treasurer of 13238
state is responsible for the safekeeping of the deposits. A bidder 13239
making a deposit of cash, securities, certificates of deposit, or 13240
letters of credit may withdraw and receive from the treasurer of 13241
state, on the written order of the chief, all or any portion of 13242
the cash, securities, certificates of deposit, or letters of 13243
credit upon depositing with the treasurer of state cash, other 13244
United States government securities, or other negotiable 13245
certificates of deposit or irrevocable letters of credit issued by 13246
any bank organized or transacting business in this state, equal in 13247
par value to the par value of the cash, securities, certificates 13248
of deposit, or letters of credit withdrawn. 13249

A bidder may demand and receive from the treasurer of state 13250
all interest or other income from any such securities or 13251
certificates as it becomes due. If securities so deposited with 13252
and in the possession of the treasurer of state mature or are 13253
called for payment by their issuer, the treasurer of state, at the 13254
request of the bidder who deposited them, shall convert the 13255
proceeds of the redemption or payment of the securities into other 13256
United States government securities, negotiable certificates of 13257
deposit, or cash as the bidder designates. 13258

When the chief finds that a person or governmental agency has 13259
failed to comply with the conditions of the person's or 13260
governmental agency's bond, the chief shall make a finding of that 13261
fact and declare the bond, cash, securities, certificates, or 13262
letters of credit forfeited. The chief thereupon shall certify the 13263
total forfeiture to the attorney general, who shall proceed to 13264
collect the amount of the bond, cash, securities, certificates, or 13265
letters of credit. 13266

In lieu of total forfeiture, the surety, at its option, may 13267

cause the timber sale to be completed or pay to the treasurer of 13268
state the cost thereof. 13269

All moneys collected as a result of forfeitures of bonds, 13270
cash, securities, certificates, and letters of credit under this 13271
section shall be credited to the state forest fund created in this 13272
section. 13273

(C) The chief may grant easements and leases on portions of 13274
the state forest lands and state forest nurseries under terms that 13275
are advantageous to the state, and the chief may grant mineral 13276
rights on a royalty basis on those lands and nurseries, with the 13277
approval of the attorney general and the director. 13278

(D) All moneys received from the sale of state forest lands, 13279
or in payment for easements or leases on or as rents from those 13280
lands or from state forest nurseries, shall be paid into the state 13281
treasury to the credit of the state forest fund, which is hereby 13282
created. All moneys received from the sale of standing timber 13283
taken from the state forest lands shall be deposited into the 13284
state treasury. Twenty-five per cent of the moneys so deposited 13285
shall be credited to the state forest fund. Seventy-five per cent 13286
of the moneys so deposited shall be credited to the general 13287
revenue fund. All moneys received from the sale of forest 13288
products, other than standing timber, and minerals taken from the 13289
state forest lands and state forest nurseries, together with 13290
royalties from mineral rights, shall be paid into the state 13291
treasury to the credit of the state forest fund. 13292

At the time of making such a ~~payment or deposit~~ into the 13293
state treasury to the credit of the general revenue fund, the 13294
chief shall determine the amount and ~~gross net~~ value of all such 13295
~~products standing timber~~ sold ~~or royalties received~~ from lands and 13296
nurseries in each county, in each township within the county, and 13297
in each school district within the county. Afterward the chief 13298
shall send to each county treasurer a copy of the determination 13299

and shall provide for payment to the county treasurer, for the use 13300
of the general fund of that county from the amount so received as 13301
provided in this division, an amount equal to ~~eighty~~ sixty-five 13302
per cent of the ~~gross net~~ value of the ~~products~~ standing timber 13303
sold ~~or royalties received~~ from lands and nurseries located in 13304
that county. The county auditor shall do all of the following: 13305

(1) Retain for the use of the general fund of the county 13306
one-fourth of the amount received by the county under division (D) 13307
of this section; 13308

(2) Pay into the general fund of any township located within 13309
the county and containing such lands and nurseries one-fourth of 13310
the amount received by the county from ~~products~~ standing timber 13311
sold ~~or royalties received~~ from lands and nurseries located in the 13312
township; 13313

(3) Request the board of education of any school district 13314
located within the county and containing such lands and nurseries 13315
to identify which fund or funds of the district should receive the 13316
moneys available to the school district under division (D)(3) of 13317
this section. After receiving notice from the board, the county 13318
auditor shall pay into the fund or funds so identified one-half of 13319
the amount received by the county from ~~products~~ standing timber 13320
sold ~~or royalties received~~ from lands and nurseries located in the 13321
school district, distributed proportionately as identified by the 13322
board. 13323

The division of forestry shall not supply logs, lumber, or 13324
other forest products or minerals, taken from the state forest 13325
lands or state forest nurseries, to any other agency or 13326
subdivision of the state unless payment is made therefor in the 13327
amount of the actual prevailing value thereof. This section is 13328
applicable to the moneys so received. All moneys received from the 13329
sale of reforestation tree stock or other revenues derived from 13330
the operation of the state forests, facilities, or equipment shall 13331

be paid into the state forest fund. 13332

The fund shall not be expended for any purpose other than the 13333
administration, operation, maintenance, development, or 13334
utilization of the state forests, forest nurseries, and forest 13335
programs, for facilities or equipment incident to them, or for the 13336
further purchase of lands for state forest or forest nursery 13337
purposes. 13338

Sec. 1513.05. There is hereby created a reclamation 13339
commission consisting of seven members appointed by the governor 13340
with the advice and consent of the senate. For the purposes of 13341
hearing appeals under section 1513.13 of the Revised Code that 13342
involve mine safety issues, the reclamation commission shall 13343
consist of two additional members appointed specifically for that 13344
function by the governor with the advice and consent of the 13345
senate. All terms of office shall be for five years, commencing on 13346
the twenty-ninth day of June and ending on the twenty-eighth day 13347
of June. Each member shall hold office from the date of 13348
appointment until the end of the term for which the appointment 13349
was made. Each vacancy occurring on the commission shall be filled 13350
by appointment within sixty days after the vacancy occurs. Any 13351
member appointed to fill a vacancy occurring prior to the 13352
expiration of the term for which the member's predecessor was 13353
appointed shall hold office for the remainder of such term. Any 13354
member shall continue in office subsequent to the expiration date 13355
of the member's term until the member's successor takes office, or 13356
until a period of sixty days has elapsed, whichever occurs first. 13357

Two of the appointees to the commission shall be persons who, 13358
at the time of their appointment, own and operate a farm or are 13359
retired farmers. Notwithstanding section 1513.04 of the Revised 13360
Code, one of the appointees to the commission shall be a person 13361
who, at the time of appointment, is the representative of an 13362

operator of a coal mine. One of the appointees to the commission 13363
shall be a person who, by reason of the person's previous 13364
vocation, employment, or affiliations, can be classed as a 13365
representative of the public. One of the appointees to the 13366
commission shall be a person who, by reason of previous training 13367
and experience, can be classed as one learned and experienced in 13368
modern forestry practices. One of the appointees to the commission 13369
shall be a person who, by reason of previous training and 13370
experience, can be classed as one learned and experienced in 13371
agronomy. One of the appointees to the commission shall be either 13372
a person who, by reason of previous training and experience, can 13373
be classed as one capable and experienced in earth-grading 13374
problems, or a civil engineer. Beginning not later than five years 13375
after the effective date of this amendment, at least one of the 13376
seven appointees to the commission shall be an attorney at law who 13377
is admitted to practice in this state and is familiar with mining 13378
issues. Not more than four members shall be members of the same 13379
political party. 13380

The two additional members of the commission who are 13381
appointed specifically to hear appeals that involve mine safety 13382
issues shall be individuals who, because of previous vocation, 13383
employment, or affiliation, can be classified as representatives 13384
of employees currently engaged in mining operations. One shall be 13385
a representative of coal miners, and one shall be a representative 13386
of aggregates miners. Prior to making the appointment, the 13387
governor shall request the highest ranking officer in the major 13388
employee organization representing coal miners in this state to 13389
submit to the governor the names and qualifications of three 13390
nominees and shall request the highest ranking officer in the 13391
major employee organization representing aggregates miners in this 13392
state to do the same. The governor shall appoint one person 13393
nominated by each organization to the commission. The nominees 13394
shall have not less than five years of practical experience in 13395

dealing with mine health and safety issues and at the time of the 13396
nomination shall be employed in positions that involve the 13397
protection of the health and safety of miners. The major employee 13398
organization representing coal miners and the major employee 13399
organization representing aggregates miners shall represent a 13400
membership consisting of the largest number of coal miners and 13401
aggregates miners, respectively, in this state compared to other 13402
employee organizations in the year prior to the year in which the 13403
appointments are made. 13404

When the commission hears an appeal that involves a coal 13405
mining safety issue, one of the commission members who owns and 13406
operates a farm or is a retired farmer shall be replaced by the 13407
additional member who is a representative of coal miners. When the 13408
commission hears an appeal that involves an aggregates mining 13409
safety issue, one of the commission members who owns and operates 13410
a farm or is a retired farmer shall be replaced by the additional 13411
member who is a representative of aggregates miners. Neither of 13412
the additional members who are appointed specifically to hear 13413
appeals that involve mine safety issues shall be considered to be 13414
members of the commission for any other purpose, and they shall 13415
not participate in any other matters that come before the 13416
commission. 13417

The commission may appoint a secretary to hold office at its 13418
pleasure. A commission member may serve as secretary. The 13419
secretary shall perform such duties as the commission prescribes, 13420
and shall receive such compensation as the commission fixes in 13421
accordance with such schedules as are provided by law for the 13422
compensation of state employees. 13423

The commission shall appoint one or more hearing officers who 13424
shall be attorneys at law admitted to practice in this state to 13425
conduct hearings under this chapter. 13426

Four members constitute a quorum, and no action of the 13427

commission shall be valid unless it has the concurrence of at 13428
least four members. The commission shall keep a record of its 13429
proceedings. 13430

Each member shall be paid as compensation for work as a 13431
member one hundred fifty dollars per day when actually engaged in 13432
the performance of work as a member and when engaged in travel 13433
necessary in connection with such work. In addition to such 13434
compensation each member shall be reimbursed for all traveling, 13435
hotel, and other expenses, in accordance with the current travel 13436
rules of the office of budget and management, necessarily incurred 13437
in the performance of the member's work as a member. 13438

Annually one member shall be elected as chairperson and 13439
another member shall be elected as vice-chairperson for terms of 13440
one year. 13441

The governor may remove any member of the commission from 13442
office for inefficiency, neglect of duty, malfeasance, 13443
misfeasance, or nonfeasance, after delivering to the member the 13444
charges against the member in writing with at least ten days' 13445
written notice of the time and place at which the governor will 13446
publicly hear the member, either in person or by counsel, in 13447
defense of the charges against the member. If the member is 13448
removed from office, the governor shall file in the office of the 13449
secretary of state a complete statement of the charges made 13450
against the member and a complete report of the proceedings. The 13451
action of the governor removing a member from office is final. 13452

The commission shall adopt rules governing procedure of 13453
appeals under section 1513.13 of the Revised Code and may, for its 13454
own internal management, adopt rules that do not affect private 13455
rights. 13456

Sec. 1515.08. The supervisors of a soil and water 13457
conservation district have the following powers in addition to 13458

their other powers: 13459

(A) To conduct surveys, investigations, and research relating 13460
to the character of soil erosion, floodwater and sediment damages, 13461
and the preventive and control measures and works of improvement 13462
for flood prevention and the conservation, development, 13463
utilization, and disposal of water needed within the district, and 13464
to publish the results of those surveys, investigations, or 13465
research, provided that no district shall initiate any research 13466
program except in cooperation or after consultation with the Ohio 13467
agricultural research and development center; 13468

(B) To develop plans for the conservation of soil resources, 13469
for the control and prevention of soil erosion, and for works of 13470
improvement for flood prevention and the conservation, 13471
development, utilization, and disposal of water within the 13472
district, and to publish those plans and information; 13473

(C) To implement, construct, repair, maintain, and operate 13474
preventive and control measures and other works of improvement for 13475
natural resource conservation and development and flood 13476
prevention, and the conservation, development, utilization, and 13477
disposal of water within the district on lands owned or controlled 13478
by this state or any of its agencies and on any other lands within 13479
the district, which works may include any facilities authorized 13480
under state or federal programs, and to acquire, by purchase or 13481
gift, to hold, encumber, or dispose of, and to lease real and 13482
personal property or interests in such property for those 13483
purposes; 13484

(D) To cooperate or enter into agreements with any occupier 13485
of lands within the district in the carrying on of natural 13486
resource conservation operations and works of improvement for 13487
flood prevention and the conservation, development, utilization, 13488
and management of natural resources within the district, subject 13489
to such conditions as the supervisors consider necessary; 13490

(E) To accept donations, gifts, grants, and contributions in 13491
money, service, materials, or otherwise, and to use or expend them 13492
according to their terms; 13493

(F) To adopt, amend, and rescind rules to carry into effect 13494
the purposes and powers of the district; 13495

(G) To sue and plead in the name of the district, and be sued 13496
and impleaded in the name of the district, with respect to its 13497
contracts and, as indicated in section 1515.081 of the Revised 13498
Code, certain torts of its officers, employees, or agents acting 13499
within the scope of their employment or official responsibilities, 13500
or with respect to the enforcement of its obligations and 13501
covenants made under this chapter; 13502

(H) To make and enter into all contracts, leases, and 13503
agreements and execute all instruments necessary or incidental to 13504
the performance of the duties and the execution of the powers of 13505
the district under this chapter, provided that all of the 13506
following apply: 13507

(1) Except as provided in section 307.86 of the Revised Code 13508
regarding expenditures by boards of county commissioners, when the 13509
cost under any such contract, lease, or agreement, other than 13510
compensation for personal services or rental of office space, 13511
involves an expenditure of more than the amount established in 13512
that section regarding expenditures by boards of county 13513
commissioners, the supervisors shall make a written contract with 13514
the lowest and best bidder after advertisement, for not less than 13515
two nor more than four consecutive weeks preceding the day of the 13516
opening of bids, in a newspaper of general circulation within the 13517
district and in such other publications as the supervisors 13518
determine. The notice shall state the general character of the 13519
work and materials to be furnished, the place where plans and 13520
specifications may be examined, and the time and place of 13521

receiving bids. 13522

(2) Each bid for a contract shall contain the full name of 13523
every person interested in it. 13524

(3) Each bid for a contract for the construction, demolition, 13525
alteration, repair, or reconstruction of an improvement shall meet 13526
the requirements of section 153.54 of the Revised Code. 13527

(4) Each bid for a contract, other than a contract for the 13528
construction, demolition, alteration, repair, or reconstruction of 13529
an improvement, at the discretion of the supervisors, may be 13530
accompanied by a bond or certified check on a solvent bank in an 13531
amount not to exceed five per cent of the bid, conditioned that, 13532
if the bid is accepted, a contract shall be entered into. 13533

(5) The supervisors may reject any and all bids. 13534

(I) To make agreements with the department of natural 13535
resources giving it control over lands of the district for the 13536
purpose of construction of improvements by the department under 13537
section 1501.011 of the Revised Code; 13538

(J) To charge, alter, and collect rentals and other charges 13539
for the use or services of any works of the district; 13540

(K) To enter, either in person or by designated 13541
representatives, upon lands, private or public, in the necessary 13542
discharge of their duties; 13543

(L) To enter into agreements or contracts with the department 13544
for the determination, implementation, inspection, and funding of 13545
agricultural pollution abatement and urban sediment pollution 13546
abatement measures whereby landowners, operators, managers, and 13547
developers may meet adopted state standards for a quality 13548
environment, except that failure of a district board of 13549
supervisors to negotiate an agreement or contract with the 13550
department shall authorize the division of soil and water 13551

conservation to implement the required program; 13552

(M) To conduct demonstrations and provide information to the 13553
public regarding practices and methods for natural resource 13554
conservation, development, and utilization; 13555

(N) Until June 1, 1996, to conduct surveys and investigations 13556
relating to the incidence of the multiflora rose within the 13557
district and of the nature and extent of the adverse effects of 13558
the multiflora rose on agriculture, forestry, recreation, and 13559
other beneficial land uses; 13560

(O) Until June 1, 1996, to develop plans for the control of 13561
the multiflora rose within the district and to publish those plans 13562
and information related to control of the multiflora rose; 13563

(P) Until June 1, 1996, to enter into contracts or agreements 13564
with the chief of the division of soil and water conservation to 13565
implement and administer a program for control of the multiflora 13566
rose and to receive and expend funds provided by the chief for 13567
that purpose; 13568

(Q) Until June 1, 1996, to enter into cost-sharing agreements 13569
with landowners for control of the multiflora rose. Before 13570
entering into any such agreement, the board of supervisors shall 13571
determine that the landowner's application meets the eligibility 13572
criteria established under division (E)(6) of section 1511.02 of 13573
the Revised Code. The cost-sharing agreements shall contain the 13574
contract provisions required by the rules adopted under that 13575
division and such other provisions as the board of supervisors 13576
considers appropriate to ensure effective control of the 13577
multiflora rose. 13578

(R) To enter into contracts or agreements with the chief to 13579
implement and administer a program for urban sediment pollution 13580
abatement and to receive and expend moneys provided by the chief 13581
for that purpose; 13582

(S) To develop operation and management plans, as defined in 13583
section 1511.01 of the Revised Code, as necessary; 13584

(T) To determine whether operation and management plans 13585
developed under division (A) of section 1511.021 of the Revised 13586
Code comply with the standards established under division (E)(1) 13587
of section 1511.02 of the Revised Code and to approve or 13588
disapprove the plans, based on such compliance. If an operation 13589
and management plan is disapproved, the board shall provide a 13590
written explanation to the person who submitted the plan. The 13591
person may appeal the plan disapproval to the chief, who shall 13592
afford the person a hearing. Following the hearing, the chief 13593
shall uphold the plan disapproval or reverse it. If the chief 13594
reverses the plan disapproval, the plan shall be deemed approved 13595
under this division. In the event that any person operating or 13596
owning agricultural land or a concentrated animal feeding 13597
operation in accordance with an approved operation and management 13598
plan who, in good faith, is following that plan, causes 13599
agricultural pollution, the plan shall be revised in a fashion 13600
necessary to mitigate the agricultural pollution, as determined 13601
and approved by the board of supervisors of the soil and water 13602
conservation district. 13603

(U) With regard to composting conducted in conjunction with 13604
agricultural operations, to do all of the following: 13605

(1) Upon request or upon their own initiative, inspect 13606
composting at any such operation to determine whether the 13607
composting is being conducted in accordance with section 1511.022 13608
of the Revised Code; 13609

(2) If the board determines that composting is not being so 13610
conducted, request the chief to issue an order under division (G) 13611
of section 1511.02 of the Revised Code requiring the person who is 13612
conducting the composting to prepare a composting plan in 13613

accordance with rules adopted under division (E)(10)(c) of that 13614
section and to operate in accordance with that plan or to operate 13615
in accordance with a previously prepared plan, as applicable; 13616

(3) In accordance with rules adopted under division 13617
(E)(10)(c) of section 1511.02 of the Revised Code, review and 13618
approve or disapprove any such composting plan. If a plan is 13619
disapproved, the board shall provide a written explanation to the 13620
person who submitted the plan. 13621

As used in division (U) of this section, "composting" has the 13622
same meaning as in section 1511.01 of the Revised Code. 13623

(V) With regard to conservation activities that are conducted 13624
in conjunction with agricultural operations, to assist the county 13625
auditor, upon request, in determining whether a conservation 13626
activity is a conservation practice for purposes of Chapter 929. 13627
or sections 5713.30 to 5713.37 and 5715.01 of the Revised Code. 13628

As used in this division, "conservation practice" has the 13629
same meaning as in section 5713.30 of the Revised Code. 13630

(W) To do all acts necessary or proper to carry out the 13631
powers granted in this chapter. 13632

The director of natural resources shall make recommendations 13633
to reduce the adverse environmental effects of each project that a 13634
soil and water conservation district plans to undertake under 13635
division (A), (B), (C), or (D) of this section and that will be 13636
funded in whole or in part by moneys authorized under section 13637
1515.16 of the Revised Code and shall disapprove any such project 13638
that the director finds will adversely affect the environment 13639
without equal or greater benefit to the public. The director's 13640
disapproval or recommendations, upon the request of the district 13641
filed in accordance with rules adopted by the Ohio soil and water 13642
conservation commission, shall be reviewed by the commission, 13643
which may confirm the director's decision, modify it, or add 13644

recommendations to or approve a project the director has 13645
disapproved. 13646

Any instrument by which real property is acquired pursuant to 13647
this section shall identify the agency of the state that has the 13648
use and benefit of the real property as specified in section 13649
5301.012 of the Revised Code. 13650

Sec. 1519.05. (A) As used in this section, "local political 13651
subdivision" and "nonprofit organization" have the same meanings 13652
as in section 164.20 of the Revised Code. 13653

(B) There is hereby created in the state treasury the clean 13654
Ohio trail fund. Twelve and one-half per cent of the net proceeds 13655
of obligations issued and sold pursuant to sections 151.01 and 13656
151.09 of the Revised Code shall be deposited into the fund. 13657

Investment earnings of the fund shall be credited to the 13658
fund. ~~For two years after the effective date of this section,~~ 13659
~~investment earnings credited to the fund~~ and may be used to pay 13660
costs incurred by the director of natural resources in 13661
administering this section. 13662

Money in the clean Ohio trail fund shall not be used for the 13663
appropriation of land, rights, rights-of-way, franchises, 13664
easements, or other property through the exercise of the right of 13665
eminent domain. 13666

The director shall use moneys in the fund exclusively to 13667
provide matching grants to nonprofit organizations and to local 13668
political subdivisions for the purposes of purchasing land or 13669
interests in land for recreational trails and for the construction 13670
of such trails. A matching grant may provide up to seventy-five 13671
per cent of the cost of a recreational trail project, and the 13672
recipient of the matching grant shall provide not less than 13673
twenty-five per cent of that cost. 13674

(C) The director shall establish policies for the purposes of 13675
this section. The policies shall establish all of the following: 13676

(1) Procedures for providing matching grants to nonprofit 13677
organizations and local political subdivisions for the purposes of 13678
purchasing land or interests in land for recreational trails and 13679
for the construction of such trails, including, without 13680
limitation, procedures for both of the following: 13681

(a) Developing a grant application form and soliciting, 13682
accepting, and approving grant applications; 13683

(b) Participation by nonprofit organizations and local 13684
political subdivisions in the application process. 13685

(2) A requirement that an application for a matching grant 13686
for a recreational trail project include a copy of a resolution 13687
supporting the project from each county in which the proposed 13688
project is to be conducted and whichever of the following is 13689
applicable: 13690

(a) If the proposed project is to be conducted wholly within 13691
the geographical boundaries of one township, a copy of a 13692
resolution supporting the project from the township; 13693

(b) If the proposed project is to be conducted wholly within 13694
the geographical boundaries of one municipal corporation, a copy 13695
of a resolution supporting the project from the municipal 13696
corporation; 13697

(c) If the proposed project is to be conducted in more than 13698
one, but fewer than five townships or municipal corporations, a 13699
copy of a resolution supporting the project from at least one-half 13700
of the total number of townships and municipal corporations in 13701
which the proposed project is to be conducted; 13702

(d) If the proposed project is to be conducted in five or 13703
more municipal corporations, a copy of a resolution supporting the 13704

project from at least three-fifths of the total number of 13705
townships and municipal corporations in which the proposed project 13706
is to be conducted. 13707

(3) Eligibility criteria that must be satisfied by an 13708
applicant in order to receive a matching grant and that emphasize 13709
the following: 13710

(a) Synchronization with the statewide trail plan; 13711

(b) Complete regional systems and links to the statewide 13712
trail system; 13713

(c) A combination of funds from various state agencies; 13714

(d) The provision of links in urban areas that support 13715
commuter access and show economic impact on local communities; 13716

(e) The linkage of population centers with public outdoor 13717
recreation areas and facilities; 13718

(f) The purchase of rail lines that are linked to the 13719
statewide trail plan; 13720

(g) The preservation of natural corridors. 13721

(4) Items of value, such as in-kind contributions of land, 13722
easements or other interests in land, labor, or materials, that 13723
may be considered as contributing toward the percentage of the 13724
cost of a recreational trails project that must be provided by a 13725
matching grant recipient. 13726

Sec. 1521.06. (A) No dam may be constructed for the purpose 13727
of storing, conserving, or retarding water, or for any other 13728
purpose, nor shall any dike or levee be constructed for the 13729
purpose of diverting or retaining flood water, unless the person 13730
or governmental agency desiring the construction has a 13731
construction permit for the dam, dike, or levee issued by the 13732
chief of the division of water. 13733

A construction permit is not required under this section for: 13734

(1) A dam ~~which~~ that is or will be less than ten feet in 13735
height and ~~which~~ that has or will have a storage capacity of not 13736
more than fifty acre-feet at the elevation of the top of the dam, 13737
as determined by the chief. For the purposes of this section, the 13738
height of a dam shall be measured from the natural stream bed or 13739
lowest ground elevation at the downstream or outside limit of the 13740
dam to the elevation of the top of the dam. 13741

(2) A dam, regardless of height, ~~which~~ that has or will have 13742
a storage capacity of not more than fifteen acre-feet at the 13743
elevation of the top of the dam, as determined by the chief; 13744

(3) A dam, regardless of storage capacity, ~~which~~ that is or 13745
will be six feet or less in height, as determined by the chief; 13746

(4) A dam, dike, or levee ~~which~~ that belongs to a class 13747
exempted by the chief; 13748

(5) The repair, maintenance, improvement, alteration, or 13749
removal of a dam, dike, or levee ~~which~~ that is subject to section 13750
1521.062 of the Revised Code, unless the construction constitutes 13751
an enlargement of the structure as determined by the chief; 13752

(6) A dam or impoundment constructed under Chapter 1513. of 13753
the Revised Code. 13754

(B) Before a construction permit may be issued, three copies 13755
of the plans and specifications, including a detailed cost 13756
estimate, for the proposed construction, prepared by a registered 13757
professional engineer, together with the filing fee specified by 13758
this section and the bond or other security required by section 13759
1521.061 of the Revised Code, shall be filed with the chief. The 13760
detailed estimate of the cost shall include all costs associated 13761
with the construction of the dam, dike, or levee, including 13762
supervision and inspection of the construction by a registered 13763

professional engineer. ~~Except for a political subdivision, the~~ The 13764
filing fee shall be based on the detailed cost estimate for the 13765
proposed construction as filed with and approved by the chief, and 13766
shall be determined by the following schedule unless otherwise 13767
provided by rules adopted under this section: 13768

(1) For the first one hundred thousand dollars of estimated 13769
cost, a fee of ~~two~~ four per cent; 13770

(2) For the next four hundred thousand dollars of estimated 13771
cost, a fee of ~~one and one-half~~ three per cent; 13772

(3) For the next five hundred thousand dollars of estimated 13773
cost, a fee of ~~one~~ two per cent; 13774

(4) For all costs in excess of one million dollars, a fee of 13775
~~one-quarter~~ one-half of one per cent. 13776

In no case shall the filing fee be less than ~~two hundred~~ one 13777
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 13778
If the actual cost exceeds the estimated cost by more than fifteen 13779
per cent, an additional filing fee shall be required equal to the 13780
fee determined by the preceding schedule less the original filing 13781
fee. ~~The filing fee for a political subdivision shall be two~~ 13782
~~hundred dollars.~~ All fees collected pursuant to this section, and 13783
all fines collected pursuant to section 1521.99 of the Revised 13784
Code, shall be deposited in the state treasury to the credit of 13785
the dam safety fund, which is hereby created. Expenditures from 13786
the fund shall be made by the chief for the purpose of 13787
administering this section and sections 1521.061 and 1521.062 of 13788
the Revised Code. 13789

(C) The chief shall, within thirty days from the date of the 13790
receipt of the application, fee, and bond or other security, issue 13791
or deny a construction permit for the construction or may issue a 13792
construction permit conditioned upon the making of such changes in 13793
the plans and specifications for the construction as ~~he~~ the chief 13794

considers advisable if ~~he~~ the chief determines that the 13795
construction of the proposed dam, dike, or levee, in accordance 13796
with the plans and specifications filed, would endanger life, 13797
health, or property. 13798

(D) The chief may deny a construction permit ~~if he finds~~ 13799
after finding that a dam, dike, or levee built in accordance with 13800
the plans and specifications would endanger life, health, or 13801
property, because of improper or inadequate design, or for such 13802
other reasons as the chief may determine. 13803

In the event the chief denies a permit for the construction 13804
of the dam, dike, or levee, or issues a permit conditioned upon a 13805
making of changes in the plans or specifications for the 13806
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 13807
and so notify, in writing, the person or governmental agency 13808
making the application for a permit. If the permit is denied, the 13809
chief shall return the bond or other security to the person or 13810
governmental agency making application for the permit. 13811

The decision of the chief conditioning or denying a 13812
construction permit is subject to appeal as provided in Chapter 13813
119. of the Revised Code. A dam, dike, or levee built 13814
substantially at variance from the plans and specifications upon 13815
which a construction permit was issued is in violation of this 13816
section. The chief may at any time inspect any dam, dike, or 13817
levee, or site upon which any dam, dike, or levee is to be 13818
constructed, in order to determine whether it complies with this 13819
section. 13820

(E) A registered professional engineer shall inspect the 13821
construction for which the permit was issued during all phases of 13822
construction and shall furnish to the chief such regular reports 13823
of ~~his~~ the engineer's inspections as the chief may require. When 13824
the chief finds that construction has been fully completed in 13825
accordance with the terms of the permit and the plans and 13826

specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 13827
approve the construction. When one year has elapsed after approval 13828
of the completed construction, and the chief finds that within 13829
this period no fact has become apparent to indicate that the 13830
construction was not performed in accordance with the terms of the 13831
permit and the plans and specifications approved by the chief, or 13832
that the construction as performed would endanger life, health, or 13833
property, ~~he~~ the chief shall release the bond or other security. 13834
No bond or other security shall be released until one year after 13835
final approval by the chief, unless the dam, dike, or levee has 13836
been modified so that it will not retain water and has been 13837
approved as nonhazardous after determination by the chief that the 13838
dam, dike, or levee as modified will not endanger life, health, or 13839
property. 13840

(F) When inspections required by this section are not being 13841
performed, the chief shall notify the person or governmental 13842
agency to which the permit has been issued that inspections are 13843
not being performed by the registered professional engineer and 13844
that the chief will inspect the remainder of the construction. 13845
Thereafter, the chief shall inspect the construction and the cost 13846
of inspection shall be charged against the owner. Failure of the 13847
registered professional engineer to submit required inspection 13848
reports shall be deemed notice that ~~his~~ the engineer's inspections 13849
are not being performed. 13850

(G) The chief may order construction to cease on any dam, 13851
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 13852
~~provisions of~~ this section, and may prohibit the retention of 13853
water behind any dam, dike, or levee ~~which~~ that has been built in 13854
violation of ~~the provisions of~~ this section. The attorney general, 13855
upon written request of the chief, may bring an action for an 13856
injunction against any person who violates this section or to 13857
enforce an order or prohibition of the chief made pursuant to this 13858

section. 13859

(H) The chief may adopt rules in accordance with Chapter 119. 13860
of the Revised Code, for the design and construction of dams, 13861
dikes, and levees for which a construction permit is required by 13862
this section or for which periodic inspection is required by 13863
section 1521.062 of the Revised Code, for establishing a filing 13864
fee schedule in lieu of the schedule established under division 13865
(B) of this section, for deposit and forfeiture of bonds and other 13866
securities required by section 1521.061 of the Revised Code, for 13867
the periodic inspection, operation, repair, improvement, 13868
alteration, or removal of all dams, dikes, and levees, as 13869
specified in section 1521.062 of the Revised Code, and for 13870
establishing classes of dams, dikes, or levees ~~which~~ that are 13871
exempt from the requirements of sections 1521.06 and 1521.062 of 13872
the Revised Code as being of a size, purpose, or situation ~~which~~ 13873
that does not present a substantial hazard to life, health, or 13874
property. The chief may, by rule, limit the period during which a 13875
construction permit issued under this section is valid. If a 13876
construction permit expires before construction is completed, the 13877
person or agency shall apply for a new permit, and shall not 13878
continue construction until the new permit is issued. 13879

~~(I) As used in this section and section 1521.063 of the~~ 13880
~~Revised Code, "political subdivision" includes townships,~~ 13881
~~municipal corporations, counties, school districts, municipal~~ 13882
~~universities, park districts, sanitary districts, and conservancy~~ 13883
~~districts and subdivisions thereof.~~ 13884

Sec. 1521.063. (A) Except for a ~~political subdivision~~ the 13885
federal government, the owner of any dam subject to section 13886
1521.062 of the Revised Code shall pay an annual fee, based upon 13887
the height of the dam, to the division of water on or before June 13888
30, 1988, and on or before the thirtieth day of June of each 13889

succeeding year. The annual fee shall be as follows until 13890
otherwise provided by rules adopted under this section: 13891

(1) For any dam classified as a class I dam under rules 13892
adopted by the chief of the division of water under section 13893
1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 13894
per foot of height of dam; 13895

(2) For any dam classified as a class II dam under those 13896
rules, thirty dollars plus one dollar per foot of height of dam; 13897

(3) For any dam classified as a class III dam under those 13898
rules, thirty dollars. 13899

For purposes of this section, the height of a dam is the 13900
vertical height, to the nearest foot, as determined by the 13901
division under section 1521.062 of the Revised Code. All fees 13902
collected under this section shall be deposited in the dam safety 13903
fund created in section 1521.06 of the Revised Code. Any owner who 13904
fails to pay any annual fee required by this section within sixty 13905
days after the due date shall be assessed a penalty of ten per 13906
cent of the annual fee plus interest at the rate of one-half per 13907
cent per month from the due date until the date of payment. 13908

(B) The chief shall, in accordance with Chapter 119. of the 13909
Revised Code, adopt, and may amend or rescind, rules for the 13910
collection of fees and the administration, implementation, and 13911
enforcement of this section and for the establishment of an annual 13912
fee schedule in lieu of the schedule established under division 13913
(A) of this section. 13914

(C)(1) No person, political subdivision, or state 13915
governmental agency shall violate or fail to comply with this 13916
section or any rule or order adopted or issued under it. 13917

(2) The attorney general, upon written request of the chief, 13918
may commence an action against any such violator. Any action under 13919
division (C)(2) of this section is a civil action. 13920

(D) As used in this section, "political subdivision" includes 13921
townships, municipal corporations, counties, school districts, 13922
municipal universities, park districts, sanitary districts, and 13923
conservancy districts and subdivisions thereof. 13924

Sec. 1531.26. There is hereby created in the state treasury 13925
the nongame and endangered wildlife fund, which shall consist of 13926
moneys paid into it by the tax commissioner under section 5747.113 13927
of the Revised Code, moneys deposited in the fund from the 13928
issuance of wildlife conservation license plates under section 13929
4503.57 of the Revised Code, moneys deposited in the fund from the 13930
issuance of bald eagle license plates under section 4503.572 of 13931
the Revised Code, moneys credited to the fund under section 13932
1533.151 of the Revised Code, and ~~of~~ contributions made directly 13933
to it. Any person may contribute directly to the fund in addition 13934
to or independently of the income tax refund contribution system 13935
established in section 5747.113 of the Revised Code. Moneys in the 13936
fund shall be disbursed pursuant to vouchers approved by the 13937
director of natural resources for use by the division of wildlife 13938
solely for the purchase, management, preservation, propagation, 13939
protection, and stocking of wild animals that are not commonly 13940
taken for sport or commercial purposes, including the acquisition 13941
of title and easements to lands, biological investigations, law 13942
enforcement, production of educational materials, sociological 13943
surveys, habitat development, and personnel and equipment costs; 13944
and for carrying out section 1531.25 of the Revised Code. Moneys 13945
in the fund also may be used to promote and develop nonconsumptive 13946
wildlife recreational opportunities involving wild animals. Moneys 13947
in the fund from the issuance of bald eagle license plates under 13948
section 4503.572 of the Revised Code shall be expended by the 13949
division only to pay the costs of acquiring, developing, and 13950
restoring habitat for bald eagles within this state. Moneys in the 13951
fund from any other source also may be used to pay the costs of 13952

acquiring, developing, and restoring habitat for bald eagles 13953
within this state. 13954

All investment earnings of the fund shall be credited to the 13955
fund. Subject to the approval of the director, the chief of the 13956
division of wildlife may enter into agreements that the chief 13957
considers appropriate to obtain additional moneys for the 13958
protection of nongame native wildlife under the "Endangered 13959
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 13960
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 13961
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 13962
from the fund are not intended to replace other moneys 13963
appropriated for these purposes. 13964

Sec. 1533.08. Except as otherwise provided by division rule, 13965
any person desiring to collect wild animals that are protected by 13966
law or their nests or eggs for scientific study, school 13967
instruction, other educational uses, or rehabilitation shall make 13968
application to the chief of the division of wildlife for a wild 13969
animal collecting permit on a form furnished by the chief. Each 13970
applicant for a wild animal collecting permit, other than an 13971
applicant desiring to rehabilitate wild animals, shall pay an 13972
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 13973
shall be charged to an applicant desiring to rehabilitate wild 13974
animals. When it appears that the application is made in good 13975
faith, the chief shall issue to the applicant a permit to take, 13976
possess, and transport at any time and in any manner specimens of 13977
wild animals protected by law or their nests and eggs for 13978
scientific study, school instruction, other educational uses, or 13979
rehabilitation and under any additional rules recommended by the 13980
wildlife council. Upon the receipt of a permit, the holder may 13981
take, possess, and transport those wild animals in accordance with 13982
the permit. 13983

Each holder of a permit engaged in collecting such wild animals shall carry the permit at all times and shall exhibit it upon demand to any wildlife officer, constable, sheriff, deputy sheriff, or police officer, to the owner or person in lawful control of the land upon which the permit holder is collecting, or to any other person. Failure to so carry or exhibit the permit constitutes an offense under this section.

Each permit holder shall keep a daily record of all specimens collected under the permit and the disposition of the specimens and shall exhibit the daily record to any official of the division upon demand.

Each permit shall remain in effect for one year from the date of issuance unless it is revoked sooner by the chief.

All moneys received as fees for the issuance of a wild animal collecting permit shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code.

Sec. 1533.10. Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense. Every Except as otherwise provided in this section, every applicant for a hunting license who is a resident of the state and sixteen years of age or more shall procure a resident hunting license, the fee for which shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident hunting license to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty-six years of age or

older shall procure a special senior hunting license, the fee for 14015
which shall be one-half of the regular hunting license fee. Every 14016
applicant who is ~~a resident of the state and~~ under the age of 14017
sixteen years shall procure a special youth hunting license, the 14018
fee for which shall be one-half of the regular hunting license 14019
fee. The owner of lands in the state and the owner's children of 14020
any age and grandchildren under eighteen years of age may hunt on 14021
the lands without a hunting license. The tenant ~~or manager~~ and 14022
children of the tenant ~~or manager~~, residing on lands in the state, 14023
may hunt on them without a hunting license. Every applicant for a 14024
hunting license who is a nonresident of the state and who is 14025
sixteen years of age or older shall procure a nonresident hunting 14026
license, the fee for which shall be ~~ninety~~ one hundred twenty-four 14027
dollars, unless the applicant is a resident of a state that is a 14028
party to an agreement under section 1533.91 of the Revised Code, 14029
in which case the fee shall be ~~fourteen~~ eighteen dollars. 14030

The chief of the division of wildlife may issue a ~~tourist's~~ 14031
small game hunting license expiring three days from the effective 14032
date of the license to a nonresident of the state, the fee for 14033
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 14034
take or possess deer, wild turkeys, fur-bearing animals, ducks, 14035
geese, brant, or any nongame animal while possessing only a 14036
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 14037
hunting license does not authorize the taking or possessing of 14038
ducks, geese, or brant without having obtained, in addition to the 14039
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 14040
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 14041
small game hunting license does not authorize the taking or 14042
possessing of deer, wild turkeys, or fur-bearing animals. A 14043
nonresident of the state who wishes to take or possess deer, wild 14044
turkeys, or fur-bearing animals in this state shall procure, 14045
respectively, a special deer or wild turkey permit as provided in 14046
section 1533.11 of the Revised Code or a fur taker permit as 14047

provided in section 1533.111 of the Revised Code in addition to a 14048
nonresident hunting license or a special youth hunting license, as 14049
applicable, as provided in this section. 14050

No person shall procure or attempt to procure a hunting 14051
license by fraud, deceit, misrepresentation, or any false 14052
statement. 14053

This section does not authorize the taking and possessing of 14054
deer or wild turkeys without first having obtained, in addition to 14055
the hunting license required by this section, a special deer or 14056
wild turkey permit as provided in section 1533.11 of the Revised 14057
Code or the taking and possessing of ducks, geese, or brant 14058
without first having obtained, in addition to the hunting license 14059
required by this section, a wetlands habitat stamp as provided in 14060
section 1533.112 of the Revised Code. 14061

This section does not authorize the hunting or trapping of 14062
fur-bearing animals without first having obtained, in addition to 14063
a hunting license required by this section, a fur taker permit as 14064
provided in section 1533.111 of the Revised Code. 14065

No hunting license shall be issued unless it is accompanied 14066
by a written explanation of the law in section 1533.17 of the 14067
Revised Code and the penalty for its violation, including a 14068
description of terms of imprisonment and fines that may be 14069
imposed. 14070

No hunting license shall be issued unless the applicant 14071
presents to the agent authorized to issue the license a previously 14072
held hunting license or evidence of having held such a license in 14073
content and manner approved by the chief, a certificate of 14074
completion issued upon completion of a hunter education and 14075
conservation course approved by the chief, or evidence of 14076
equivalent training in content and manner approved by the chief. 14077

No person shall issue a hunting license to any person who 14078

fails to present the evidence required by this section. No person 14079
shall purchase or obtain a hunting license without presenting to 14080
the issuing agent the evidence required by this section. Issuance 14081
of a hunting license in violation of the requirements of this 14082
section is an offense by both the purchaser of the illegally 14083
obtained hunting license and the clerk or agent who issued the 14084
hunting license. Any hunting license issued in violation of this 14085
section is void. 14086

The chief, with approval of the wildlife council, shall adopt 14087
rules prescribing a hunter education and conservation course for 14088
first-time hunting license buyers and for volunteer instructors. 14089
The course shall consist of subjects including, but not limited 14090
to, hunter safety and health, use of hunting implements, hunting 14091
tradition and ethics, the hunter and conservation, the law in 14092
section 1533.17 of the Revised Code along with the penalty for its 14093
violation, including a description of terms of imprisonment and 14094
fines that may be imposed, and other law relating to hunting. 14095
Authorized personnel of the division or volunteer instructors 14096
approved by the chief shall conduct such courses with such 14097
frequency and at such locations throughout the state as to 14098
reasonably meet the needs of license applicants. The chief shall 14099
issue a certificate of completion to each person who successfully 14100
completes the course and passes an examination prescribed by the 14101
chief. 14102

Sec. 1533.101. Any person who has been issued a hunting or 14103
fishing license, a wetlands habitat stamp, a deer or wild turkey 14104
permit, or a fur taker permit for the current license, stamp, or 14105
permit year or for the license, stamp, or permit year next 14106
preceding the current such year pursuant to this chapter, and if 14107
the license, stamp, or permit has been lost, destroyed, or stolen, 14108
may be issued a reissued hunting or fishing license, wetlands 14109
habitat stamp, deer or wild turkey permit, or fur taker permit. 14110

The person shall file with the clerk of the court of common pleas 14111
an application in affidavit form or, if the chief of the division 14112
of wildlife authorizes it, apply for a reissued license, stamp, or 14113
permit to an authorized agent designated by the chief, and pay a 14114
fee for each license, stamp, or permit of ~~two~~ four dollars ~~plus~~ 14115
~~one dollar to the clerk or agent, who shall issue a reissued~~ 14116
~~license, stamp, or permit that shall allow the applicant to hunt,~~ 14117
~~fish, or trap, as the case may be.~~ The clerk or agent shall 14118
administer the oath to the applicant, issue a reissued license, 14119
stamp, or permit that shall allow the applicant to hunt, fish, or 14120
trap, as applicable, and ~~shall~~ send a copy of the reissued 14121
license, stamp, or permit to the division of wildlife. 14122

All moneys received as fees for the issuance of reissued 14123
licenses, stamps, or permits shall be transmitted to the director 14124
of natural resources to be paid into the state treasury to the 14125
credit of the funds to which the fees for the original licenses, 14126
stamps, and permits were credited. 14127

No person shall knowingly or willfully secure, attempt to 14128
secure, or use a reissued hunting or fishing license, wetlands 14129
habitat stamp, deer or wild turkey permit, or fur taker permit to 14130
which the person is not entitled. No person shall knowingly or 14131
willfully issue a reissued hunting or fishing license, wetlands 14132
habitat stamp, deer or wild turkey permit, or fur taker permit 14133
under this section to any person who is not entitled to receive 14134
and use such a reissued license, stamp, or permit. 14135

Sec. 1533.11. (A) Except as provided in this section, no 14136
person shall hunt deer on lands of another without first obtaining 14137
an annual special deer permit. Except as provided in this section, 14138
no person shall hunt wild turkeys on lands of another without 14139
first obtaining an annual special wild turkey permit. Each 14140
applicant for a special deer or wild turkey permit shall pay an 14141

annual fee of ~~nineteen~~ twenty-three dollars for each permit, 14142
~~together with one dollar as a fee to the clerk or other issuing~~ 14143
~~agent, for the permit~~ unless the rules adopted under division (B) 14144
of section 1533.12 of the Revised Code provide for issuance of a 14145
deer or wild turkey permit to the applicant free of charge. Except 14146
as provided in rules adopted under division (B)(2) of that 14147
section, each applicant who is a resident of this state and who at 14148
the time of application is sixty-six years of age or older shall 14149
procure a special senior deer or wild turkey permit, the fee for 14150
which shall be one-half of the regular special deer or wild turkey 14151
permit fee. Each applicant who is under the age of sixteen years 14152
shall procure a special youth deer or wild turkey permit, the fee 14153
for which shall be one-half of the regular special deer or wild 14154
turkey permit fee. Except as provided in division (A) of section 14155
1533.12 of the Revised Code, a deer or wild turkey permit shall 14156
run concurrently with the hunting license. The money received, 14157
~~other than the one dollar fee provided for above,~~ shall be paid 14158
into the state treasury to the credit of the wildlife fund, 14159
created in section 1531.17 of the Revised Code, exclusively for 14160
the use of the division of wildlife in the acquisition and 14161
development of land for deer or wild turkey management, for 14162
investigating deer or wild turkey problems, and for the stocking, 14163
management, and protection of deer or wild turkey. Every person, 14164
while hunting deer or wild turkey on lands of another, shall carry 14165
the person's special deer or wild turkey permit and exhibit it to 14166
any enforcement officer so requesting. Failure to so carry and 14167
exhibit such a permit constitutes an offense under this section. 14168
The chief of the division of wildlife shall adopt any additional 14169
rules the chief considers necessary to carry out this section and 14170
section 1533.10 of the Revised Code. 14171

The owner and the children of the owner of lands in this 14172
state may hunt deer or wild turkey thereon without a special deer 14173
or wild turkey permit. The tenant ~~or manager~~ and children of the 14174

tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 14175
reside without a special deer or wild turkey permit. 14176

(B) A special deer or wild turkey permit is not transferable. 14177
No person shall carry a special deer or wild turkey permit issued 14178
in the name of another person. 14179

(C) The wildlife refunds fund is hereby created in the state 14180
treasury. The fund shall consist of money received from 14181
application fees for special deer permits that are not issued. 14182
Money in the fund shall be used to make refunds of such 14183
application fees. 14184

Sec. 1533.111. Except as provided in this section or division 14185
(A) of section 1533.12 of the Revised Code, no person shall hunt 14186
or trap fur-bearing animals on land of another without first 14187
obtaining an annual fur taker permit. Each applicant for a fur 14188
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 14189
~~together with one dollar as a fee to the clerk or other issuing~~ 14190
~~agent,~~ for the permit, except as otherwise provided in this 14191
section or unless the rules adopted under division (B) of section 14192
1533.12 of the Revised Code provide for issuance of a fur taker 14193
permit to the applicant free of charge. Except as provided in 14194
rules adopted under division (B)(2) of that section, each 14195
applicant who is a resident of this state and who at the time of 14196
application is sixty-six years of age or older shall procure a 14197
special senior fur taker permit, the fee for which shall be 14198
one-half of the regular fur taker permit fee. Each applicant who 14199
is a resident of the state and under the age of sixteen years 14200
shall procure a special youth fur taker permit, the fee for which 14201
shall be one-half of the regular fur taker permit fee ~~and which~~ 14202
~~shall be paid together with one dollar as a fee to the clerk or~~ 14203
~~other issuing agent.~~ The fur taker permit shall run concurrently 14204
with the hunting license. The money received, ~~other than the one~~ 14205

~~dollar fee provided for in this section,~~ shall be paid into the 14206
state treasury to the credit of the fund established in section 14207
1533.15 of the Revised Code. 14208

No fur taker permit shall be issued unless it is accompanied 14209
by a written explanation of the law in section 1533.17 of the 14210
Revised Code and the penalty for its violation, including a 14211
description of terms of imprisonment and fines that may be 14212
imposed. 14213

No fur taker permit shall be issued unless the applicant 14214
presents to the agent authorized to issue a fur taker permit a 14215
previously held hunting license or trapping or fur taker permit or 14216
evidence of having held such a license or permit in content and 14217
manner approved by the chief of the division of wildlife, a 14218
certificate of completion issued upon completion of a trapper 14219
education course approved by the chief, or evidence of equivalent 14220
training in content and manner approved by the chief. 14221

No person shall issue a fur taker permit to any person who 14222
fails to present the evidence required by this section. No person 14223
shall purchase or obtain a fur taker permit without presenting to 14224
the issuing agent the evidence required by this section. Issuance 14225
of a fur taker permit in violation of the requirements of this 14226
section is an offense by both the purchaser of the illegally 14227
obtained permit and the clerk or agent who issued the permit. Any 14228
fur taker permit issued in violation of this section is void. 14229

The chief, with approval of the wildlife council, shall adopt 14230
rules prescribing a trapper education course for first-time fur 14231
taker permit buyers and for volunteer instructors. The course 14232
shall consist of subjects that include, but are not limited to, 14233
trapping techniques, animal habits and identification, trapping 14234
tradition and ethics, the trapper and conservation, the law in 14235
section 1533.17 of the Revised Code along with the penalty for its 14236
violation, including a description of terms of imprisonment and 14237

finer that may be imposed, and other law relating to trapping. 14238
Authorized personnel of the division of wildlife or volunteer 14239
instructors approved by the chief shall conduct the courses with 14240
such frequency and at such locations throughout the state as to 14241
reasonably meet the needs of permit applicants. The chief shall 14242
issue a certificate of completion to each person who successfully 14243
completes the course and passes an examination prescribed by the 14244
chief. 14245

Every person, while hunting or trapping fur-bearing animals 14246
on lands of another, shall carry the person's fur taker permit 14247
affixed to the person's hunting license with the person's 14248
signature written across the face of the permit. Failure to carry 14249
such a signed permit constitutes an offense under this section. 14250
The chief shall adopt any additional rules the chief considers 14251
necessary to carry out this section. 14252

The owner and the children of the owner of lands in this 14253
state may hunt or trap fur-bearing animals thereon without a fur 14254
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 14255
~~manager~~ may hunt or trap fur-bearing animals on lands where they 14256
reside without a fur taker permit. 14257

A fur taker permit is not transferable. No person shall carry 14258
a fur taker permit issued in the name of another person. 14259

A fur taker permit entitles a nonresident to take from this 14260
state fur-bearing animals taken and possessed by the nonresident 14261
as provided by law or division rule. 14262

Sec. 1533.112. Except as provided in this section or unless 14263
otherwise provided by division rule, no person shall hunt ducks, 14264
geese, or brant on the lands of another without first obtaining an 14265
annual wetlands habitat stamp. The annual fee for the wetlands 14266
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 14267
~~together with one dollar as a fee to the clerk or other issuing~~ 14268

~~agent,~~ unless the rules adopted under division (B) of section 14269
1533.12 provide for issuance of a wetlands habitat stamp to the 14270
applicant free of charge. 14271

Moneys received from the stamp fee, ~~other than the one-~~ 14272
~~dollar clerk's fee,~~ shall be paid into the state treasury to the 14273
credit of the wetlands habitat fund, which is hereby established. 14274
Moneys shall be paid from the fund on the order of the director of 14275
natural resources for the following purposes: 14276

(A) Sixty per cent for projects that the division approves 14277
for the acquisition, development, management, or preservation of 14278
waterfowl areas within the state; 14279

(B) Forty per cent for contribution by the division to an 14280
appropriate nonprofit organization for the acquisition, 14281
development, management, or preservation of lands and waters 14282
within the United States or Canada that provide or will provide 14283
habitat for waterfowl with migration routes that cross this state. 14284

No moneys derived from the issuance of wetlands habitat 14285
stamps shall be spent for purposes other than those specified by 14286
this section. All investment earnings of the fund shall be 14287
credited to the fund. 14288

Wetlands habitat stamps shall be furnished by and in a form 14289
prescribed by the chief of the division of wildlife and issued by 14290
clerks and other agents authorized to issue licenses and permits 14291
under section 1533.13 of the Revised Code. The record of stamps 14292
kept by the clerks and other agents shall be uniform throughout 14293
the state, in such form or manner as the director prescribes, and 14294
open at all reasonable hours to the inspection of any person. 14295
Unless otherwise provided by rule, each stamp shall remain in 14296
force until midnight of the thirty-first day of August next 14297
ensuing. Wetlands habitat stamps may be issued in any manner to 14298
any person on any date, whether or not that date is within the 14299

period in which they are effective. 14300

Every person to whom this section applies, while hunting 14301
ducks, geese, or brant, shall carry an unexpired wetlands habitat 14302
stamp that is validated by the person's signature written on the 14303
stamp in ink and shall exhibit the stamp to any enforcement 14304
officer so requesting. No person shall fail to carry and exhibit 14305
the person's stamp. 14306

A wetlands habitat stamp is not transferable. 14307

The chief shall establish a procedure to obtain subject 14308
matter to be printed on the wetlands habitat stamp and shall use, 14309
dispose of, or distribute the subject matter as the chief 14310
considers necessary. The chief also shall adopt rules necessary to 14311
administer this section. 14312

This section does not apply to persons under sixteen years of 14313
age nor to persons exempted from procuring a hunting license under 14314
section 1533.10 or division (A) of section 1533.12 of the Revised 14315
Code. 14316

Sec. 1533.12. (A) Every person on active duty in the armed 14317
forces of the United States, while on leave or furlough, may take 14318
or catch fish of the kind lawfully permitted to be taken or caught 14319
within the state, may hunt any wild bird or wild quadruped 14320
lawfully permitted to be hunted within the state, and may trap 14321
fur-bearing animals lawfully permitted to be trapped within the 14322
state, without procuring a fishing license, a hunting license, a 14323
fur taker permit, or a wetlands habitat stamp required by this 14324
chapter, provided that the person shall carry on ~~self~~ the person 14325
when fishing, hunting, or trapping, a card or other evidence 14326
identifying the person as being on active duty in the armed forces 14327
of the United States, and provided that the person is not 14328
otherwise violating any of the hunting, fishing, and trapping laws 14329
of this state. 14330

In order to hunt deer or wild turkey, any such person shall 14331
obtain a special deer or wild turkey permit, as applicable, under 14332
section 1533.11 of the Revised Code. However, the person need not 14333
obtain a hunting license in order to obtain such a permit. 14334

(B) The chief of the division of wildlife shall provide by 14335
rule adopted under section 1531.10 of the Revised Code all of the 14336
following: 14337

(1) Every resident of this state with a disability that has 14338
been determined by the veterans administration to be permanently 14339
and totally disabling, who receives a pension or compensation from 14340
the veterans administration, and who received an honorable 14341
discharge from the armed forces of the United States, and every 14342
veteran to whom the registrar of motor vehicles has issued a set 14343
of license plates under section 4503.41 of the Revised Code, shall 14344
be issued an annual fishing license, hunting license, fur taker 14345
permit, deer or wild turkey permit, or wetlands habitat stamp, or 14346
any combination of those licenses, permits, and stamp, free of 14347
charge when application is made to the chief in the manner 14348
prescribed by and on forms provided by the chief. 14349

(2) Every resident of the state who ~~is sixty six years of age~~ 14350
~~or older~~ was born on or before December 31, 1937, shall be issued 14351
an annual fishing license, hunting license, fur taker permit, deer 14352
or wild turkey permit, or wetlands habitat stamp, or any 14353
combination of those licenses, permits, and stamp, free of charge 14354
when application is made to the chief in the manner prescribed by 14355
and on forms provided by the chief. 14356

(3) Every resident of state or county institutions, 14357
charitable institutions, and military homes in this state shall be 14358
issued an annual fishing license free of charge when application 14359
is made to the chief in the manner prescribed by and on forms 14360
provided by the chief. 14361

(4) Any mobility impaired or blind person, as defined in section 955.011 of the Revised Code, who is a resident of this state and who is unable to engage in fishing without the assistance of another person shall be issued an annual fishing license free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief. The person who is assisting the mobility impaired or blind person may assist in taking or catching fish of the kind permitted to be taken or caught without procuring the license required under section 1533.32 of the Revised Code, provided that only one line is used by both persons.

(5) As used in division (B)(5) of this section, "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States.

Any person who has been a prisoner of war, was honorably discharged from the military forces, and is a resident of this state shall be issued an annual fishing license, hunting license, fur taker permit, or wetlands habitat stamp, or any combination of those licenses, permits, and stamp, free of charge when application is made to the chief in the manner prescribed by and on forms provided by the chief.

(C) The chief shall adopt rules pursuant to section 1531.08 of the Revised Code designating not more than two days, which need not be consecutive, in each year as "free sport fishing days" on which any resident may exercise the privileges accorded the holder of a fishing license issued under section 1533.32 of the Revised Code without procuring such a license, provided that the person is not otherwise violating any of the fishing laws of this state.

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat

stamps, deer and wild turkey permits, ~~and fur taker permits shall,~~ 14393
and any other licenses, permits, or stamps that are required under 14394
this chapter or Chapter 1531. of the Revised Code and any reissued 14395
license, permit, or stamp may be issued by the clerk of the court 14396
of common pleas, village and township clerks, and other authorized 14397
agents designated by the chief of the division of wildlife. When 14398
required by the chief, a clerk or agent shall give bond in the 14399
manner provided by the chief. All bonds, reports, except records 14400
prescribed by the auditor of state, and moneys received by those 14401
persons shall be handled under rules adopted by the director of 14402
natural resources. 14403

The premium of any bond prescribed by the chief under this 14404
section may be paid by the chief. Any person who is designated and 14405
authorized by the chief to issue licenses, stamps, and permits as 14406
provided in this section, except the clerk of the court of common 14407
pleas and the village and township clerks, shall pay to the chief 14408
a premium in an amount that represents the person's portion of the 14409
premium paid by the chief under this section, which amount shall 14410
be established by the chief and approved by the wildlife council 14411
created under section 1531.03 of the Revised Code. The chief shall 14412
pay all moneys that the chief receives as premiums under this 14413
section into the state treasury to the credit of the wildlife fund 14414
created under section 1531.17 of the Revised Code. 14415

Every authorized agent, for the purpose of issuing hunting 14416
and fishing licenses, wetlands habitat stamps, deer and wild 14417
turkey permits, and fur taker permits, may administer oaths to and 14418
take affidavits from applicants for the licenses, stamps, or 14419
permits when required. An authorized agent may appoint deputies to 14420
perform any acts that the agent is authorized to perform, 14421
consistent with division rules. 14422

Every applicant for a hunting or fishing license, wetlands 14423
habitat stamp, deer or wild turkey permit, or fur taker permit, 14424

unless otherwise provided by division rule, shall ~~make and~~ 14425
~~subscribe an affidavit setting forth~~ provide the applicant's name, 14426
~~age~~ date of birth, weight, height, ~~occupation~~, place of residence, 14427
~~personal description~~, and ~~citizenship~~ any other information that 14428
the chief may require. The clerk or other agent authorized to 14429
issue licenses, stamps, and permits shall charge each applicant a 14430
fee of one dollar for taking the ~~affidavit~~ information provided by 14431
the applicant and issuing the license, stamp, or permit. The 14432
application, license, stamp, permit, and other blanks required by 14433
this section shall be prepared and furnished by the chief, in such 14434
form as the chief provides, to the clerk or other agent authorized 14435
to issue them. The licenses and permits shall be issued to 14436
applicants by the clerk or other agent. The record of licenses and 14437
permits kept by the clerk and other authorized agents shall be 14438
uniform throughout the state and in such form or manner as the 14439
auditor of state prescribes and shall be open at all reasonable 14440
hours to the inspection of any person. Unless otherwise provided 14441
by division rule, each hunting license, deer or wild turkey 14442
permit, and fur taker permit issued shall remain in force until 14443
midnight of the thirty-first day of August next ensuing. 14444
Application for any such license or permit may be made and a 14445
license or permit issued prior to the date upon which it becomes 14446
effective. 14447

The chief may require an applicant who wishes to purchase a 14448
license, stamp, or permit by mail or telephone or via the internet 14449
to pay a nominal fee for postage and handling and credit card 14450
transactions. 14451

The court before whom a violator of any laws or division 14452
rules for the protection of wild animals is tried, as a part of 14453
the punishment, shall revoke the license, stamp, or permit of any 14454
person convicted. The license, stamp, or permit fee paid by that 14455
person shall not be returned to the person. The person shall not 14456

procure or use any other license, stamp, or permit or engage in 14457
hunting wild animals or trapping fur-bearing animals during the 14458
period of revocation as ordered by the court. 14459

No person under sixteen years of age shall engage in hunting 14460
unless accompanied by the person's parent or another adult person. 14461

Sec. 1533.151. The chief of the division of wildlife, with 14462
the approval of the director of natural resources, ~~is hereby~~ 14463
~~authorized to~~ may print and issue stamps portraying wild animals 14464
of the state. This stamp shall be identified as a wildlife 14465
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 14466
~~dollars not more than the fee for a wetlands habitat stamp issued~~ 14467
under section 1533.112 of the Revised Code. 14468

The purchase of wildlife conservation stamps shall provide no 14469
privileges to the purchaser, but merely recognizes ~~such~~ the person 14470
as voluntarily contributing to the management, protection, and the 14471
perpetuation of the wildlife resources of the state. All moneys 14472
received from the sale of wildlife conservation stamps shall be 14473
paid into the state treasury to the credit of the nongame and 14474
endangered wildlife fund to be used exclusively by the division of 14475
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 14476
the Revised Code ~~and for the management of all forms of wildlife~~ 14477
~~for its ecological and non-consumptive recreational value.~~ 14478

Sec. 1533.19. Except as otherwise provided by division rule, 14479
recognized field trial clubs may shoot domestically raised quails, 14480
chukar partridges, ducks, pheasants, or other game birds and 14481
common pigeons at any time during the daylight hours from the 14482
first day of September to the thirtieth day of April of the 14483
following year, both dates inclusive. Such domestically raised 14484
quails, chukar partridges, ducks, pheasants, and other game birds 14485
shall be banded prior to release and approved by the division of 14486

wildlife for field trial use, provided that permission for the 14487
holding of such a trial shall be obtained from the division. 14488
Permission shall be requested in writing at least thirty days in 14489
advance of the trial. The request shall contain the name of the 14490
recognized field trial club and the names of its officers, the 14491
date and location of the trial, and the name of the licensed 14492
breeders from whom the quails, chukar partridges, ducks, 14493
pheasants, or other game birds will be obtained. The division may 14494
grant a written permit when it is satisfied that the trial is a 14495
bona fide one conducted by a bona fide club under this section. 14496
When an application is approved, a permit shall be issued after 14497
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 14498
upon which the trials are conducted. Participants in such trials 14499
need not possess a hunter's license while participating in the 14500
trials. The division shall supervise all such trials and shall 14501
enforce all laws and division rules governing them. If unbanded 14502
quails, chukar partridges, ducks, pheasants, or other game birds 14503
are accidentally shot during such trials, they immediately shall 14504
be replaced by the club by the releasing of an equal number of 14505
live quails, chukar partridges, ducks, pheasants, or other game 14506
birds under the supervision of the division. 14507

Sec. 1533.23. No person shall deal in or buy green or dried 14508
furs, skins, or parts thereof, taken from fur-bearing animals of 14509
the state, except domesticated rabbits, without a fur dealer's 14510
permit. Every applicant for a fur dealer's permit shall make and 14511
subscribe a statement setting forth ~~his~~ the applicant's name, 14512
place of residence, and whom ~~he~~ the applicant represents. Every 14513
applicant for a dealer's permit who is a nonresident of the state, 14514
or who is a resident of the state and is an agent or 14515
representative of a nonresident person, firm, or corporation, 14516
shall pay an annual fee of two hundred dollars to the chief of the 14517
division of wildlife issuing such permit, and every applicant for 14518

a dealer's permit who is a resident of the state shall pay an 14519
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 14520
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 14521
dealer shall operate under such additional ~~regulations~~ rules as 14522
are provided by the chief ~~of the division of wildlife~~. The chief 14523
shall pay ~~such~~ the fees into the state treasury to the credit of 14524
the fund created by section 1533.15 of the Revised Code for the 14525
use of the division of wildlife in the purchase, preservation, 14526
protection, and stocking of fur-bearing animals and for the 14527
necessary clerical help and forms required by this section and 14528
section 1533.24 of the Revised Code. 14529

All permits shall be procured from the chief and the 14530
application, license, and other blanks required by this section 14531
and section 1533.24 of the Revised Code shall be in such form as 14532
the chief prescribes. Each such permit shall expire on the 14533
thirtieth day of April next after its issuance. 14534

Sec. 1533.301. Any person may apply for a permit to transport 14535
fish that are for sale, sold, or purchased. The chief of the 14536
division of wildlife shall issue an annual permit granting the 14537
applicant the privilege to transport such fish, upon filing of an 14538
application on a form prescribed by the chief and payment of a fee 14539
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 14540
part thereof that is for sale, sold, or purchased, whether 14541
acquired in or outside this state, unless the consignor has a 14542
permit ~~issued to him~~ for the calendar year in which the fish is 14543
transported, except that no such permit is required for any of the 14544
following: 14545

(A) Fish transported from a point outside this state to 14546
another point outside this state if the fish are not unloaded in 14547
this state. A fish is not to be considered unloaded for purposes 14548
of this section if it remains under the control of a common 14549

carrier. 14550

(B) Fish being transported by a person holding a valid 14551
license under section 1533.34 of the Revised Code from the place 14552
of taking to ~~his~~ the person's usual place of processing or 14553
temporary storage as designated by ~~him~~ the person in the 14554
application for the license under that section; 14555

(C) Fish being transported from a premises designated in a 14556
valid permit issued under section 1533.631 of the Revised Code to 14557
a premises where fish are to be sold at retail, sold for immediate 14558
consumption, or consumed if inspection of the designated premises 14559
as required by that section has not been denied during the 14560
preceding thirty days; 14561

(D) Any quantity of fish the total weight of which does not 14562
exceed five hundred pounds in one vehicle; 14563

(E) Minnows for which a permit is required under section 14564
1533.40 of the Revised Code. 14565

If a fish for which a permit is required under this section 14566
is transported in this state from a consignor who does not have a 14567
valid permit at the time of transportation, or if such a fish is 14568
transported in this state from a consignor who has a valid permit 14569
at the time of transportation, but the fish is part of the 14570
contents of a box, package, or receptacle that was or could be the 14571
basis for conviction of a violation of this chapter or a division 14572
rule, the fish may be seized by any law enforcement officer 14573
authorized by section 1531.13 of the Revised Code to enforce laws 14574
and division rules, and the fish shall escheat to the state unless 14575
a court of this state makes a specific finding that the consignor 14576
at the time of seizure had a valid permit under this section 14577
~~1533.301 of the Revised Code~~ and that the fish are lawful under 14578
the requirements of this chapter or a division rule relating 14579
thereto. 14580

A fish for which a permit is required under this section may 14581
be transported only if each box, package, or other receptacle 14582
bears a label showing the total weight in pounds, the species of 14583
the fish, the name of the consignor and consignee, the initial 14584
point of billing, the destination, and a statement that each 14585
species of fish by weight in the box, package, or other receptacle 14586
that are undersized under ~~the provisions of~~ section 1533.63 of the 14587
Revised Code or division rule is ten per cent or less or is in 14588
excess of ten per cent, whichever the fact may be. If fish are not 14589
boxed or packaged, each compartment of a tank or other receptacle 14590
shall be considered a separate receptacle, but in lieu of a label 14591
on the compartment or tank a written statement containing the same 14592
information required to be contained on a label, and clearly 14593
identifying the tank or receptacle concerned, may be carried in 14594
the vehicle. Species may be designated in any manner, but the 14595
label also shall bear either the common name indicated in section 14596
1533.63 of the Revised Code or the scientific name contained in 14597
section 1531.01 of the Revised Code. The consignor shall ascertain 14598
that labels are attached or statements carried as required herein 14599
and that the facts stated thereon are true. 14600

The permit required by this section may be suspended by the 14601
chief for a period not to exceed five days upon conviction of the 14602
permittee of a violation of this chapter or Chapter 1531. of the 14603
Revised Code or a division rule if the permittee has been 14604
convicted of another such violation during the preceding 14605
twelve-month period. If the permittee has had two or more such 14606
convictions during the twelve-month period preceding such a 14607
conviction, ~~his~~ the permittee's permit may be suspended as 14608
provided herein for a period not to exceed twenty days. A permit 14609
is invalid during the period of suspension, but in no case is a 14610
permit invalid until fifteen days after mailing by certified mail 14611
a notice of the rule of suspension by the chief. 14612

The chief may not suspend more than one permit of the same 14613
permittee, or suspend a permit of the same permittee more than 14614
once, for convictions resulting from violations that occur in a 14615
load in one vehicle. 14616

A driver or other person in charge of a vehicle transporting 14617
fish that are for sale, sold, or purchased, upon demand by any law 14618
enforcement officer authorized by section 1531.13 of the Revised 14619
Code to enforce laws and division rules, shall stop and open the 14620
vehicle and allow inspection of the load, and any box, package, or 14621
receptacle, and the contents thereof, for the purpose of 14622
determining whether this chapter or a division rule is being 14623
violated. 14624

The word "fish" in the English language, at least eight 14625
inches high and maintained in a clear, conspicuous, and legible 14626
condition at all times, shall appear on both sides of the vehicle 14627
body of all vehicles transporting fresh water fish in this state 14628
when the fish are for sale or sold, except those fish exempt from 14629
a transportation permit in divisions (A), (B), and (E) of this 14630
section. 14631

The chief may refuse to issue a permit to any person whose 14632
purpose in applying for the permit is to allow it to be used by 14633
another person to whom a permit has been refused or revoked. The 14634
chief also may revoke a person's permit when it is used for that 14635
purpose. 14636

No civil action may be brought in any court in the state for 14637
the value or agreed price of fish that have escheated to the state 14638
under this section. 14639

No person shall fail to comply with any provision of this 14640
section or a division rule adopted pursuant thereto. 14641

In addition to other penalties provided in the Revised Code, 14642
the permit of any person who is convicted of two violations of 14643

this section that occurred within a twelve-month period is 14644
suspended upon the second such conviction by operation of law for 14645
a period of five fishing season days immediately following that 14646
conviction. 14647

In addition to other penalties provided in the Revised Code, 14648
the permit of any person who is convicted of three or more 14649
violations of this section that occurred within a twelve-month 14650
period is suspended upon the third or subsequent conviction by 14651
operation of law for a period of twenty fishing season days 14652
immediately following that conviction. 14653

During any period of suspension, no person shall use or 14654
engage in hauling or transporting fish with equipment owned, used, 14655
or controlled at the time of conviction by the permittee whose 14656
permit has been suspended. 14657

Sec. 1533.32. Except as provided in this section or division 14658
(A) or (C) of section 1533.12 of the Revised Code, no person, 14659
including nonresidents, shall take or catch any fish by angling in 14660
any of the waters in the state or engage in fishing in those 14661
waters without a license. No person shall take or catch frogs or 14662
turtles without a valid fishing license, except as provided in 14663
this section. Persons fishing in privately owned ponds, lakes, or 14664
reservoirs to or from which fish are not accustomed to migrate are 14665
exempt from the license requirements set forth in this section. 14666
Persons fishing in privately owned ponds, lakes, or reservoirs 14667
that are open to public fishing through an agreement or lease with 14668
the division of wildlife shall comply with the license 14669
requirements set forth in this section. 14670

The fee for an annual license shall be ~~twenty-three~~ 14671
thirty-nine dollars for a resident of a state that is not a party 14672
to an agreement under section 1533.91 of the Revised Code. The fee 14673
for an annual license shall be ~~fourteen~~ eighteen dollars for a 14674

resident of a state that is a party to such an agreement. The fee 14675
for an annual license for residents of this state shall be 14676
~~fourteen~~ eighteen dollars unless the rules adopted under division 14677
(B) of section 1533.12 of the Revised Code provide for issuance of 14678
a resident fishing license to the applicant free of charge. Except 14679
as provided in rules adopted under division (B)(2) of that 14680
section, each applicant who is a resident of this state and who at 14681
the time of application is sixty-six years of age or older shall 14682
procure a special senior fishing license, the fee for which shall 14683
be one-half of the annual resident fishing license fee. 14684

Any person under the age of sixteen years may take or catch 14685
frogs and turtles and take or catch fish by angling without a 14686
license. ~~Any resident of this state sixty-six years of age or~~ 14687
~~older may take or catch frogs and turtles without a license.~~ 14688

The chief of the division of wildlife may issue a tourist's 14689
license expiring three days from the effective date of the license 14690
to a resident of a state that is not a party to an agreement under 14691
section 1533.91 of the Revised Code. The fee for a tourist's 14692
license shall be ~~fourteen~~ eighteen dollars. 14693

The chief shall adopt rules under section 1531.10 of the 14694
Revised Code providing for the issuance of a one-day fishing 14695
license to a resident of this state or of any other state. The fee 14696
for such a license shall be ~~forty~~ fifty-five per cent of the 14697
amount established under this section for a tourist's license, 14698
rounded up to the nearest whole dollar. A one-day fishing license 14699
shall allow the holder to take or catch fish by angling in the 14700
waters in the state, engage in fishing in those waters, or take or 14701
catch frogs or turtles in those waters for one day without 14702
obtaining an annual license or a tourist's license under this 14703
section. At the request of a holder of a one-day fishing license 14704
who wishes to obtain an annual license, a clerk or agent 14705
authorized to issue licenses under section 1533.13 of the Revised 14706

Code, not later than the last day on which the one-day license 14707
would be valid if it were an annual license, shall credit the 14708
amount of the fee paid for the one-day license toward the fee 14709
charged for the annual license if so authorized by the chief. The 14710
clerk or agent shall issue the annual license upon presentation of 14711
the one-day license and payment of a fee in an amount equal to the 14712
difference between the fee for the annual license and the fee for 14713
the one-day license. 14714

~~A fee of one dollar for each license issued under this 14715
section shall be paid to the issuing clerk or agent in accordance 14716
with section 1533.13 of the Revised Code. 14717~~

Unless otherwise provided by division rule, each annual 14718
license shall begin on the first day of March of the current year 14719
and expire on the last day of February of the following year. 14720

No person shall alter a fishing license or possess a fishing 14721
license that has been altered. 14722

No person shall procure or attempt to procure a fishing 14723
license by fraud, deceit, misrepresentation, or any false 14724
statement. 14725

Owners of land over, through, upon, or along which any water 14726
flows or stands, except where the land is in or borders on state 14727
parks or state-owned lakes, together with the members of the 14728
immediate families of such owners, may take frogs and turtles and 14729
may take or catch fish of the kind permitted to be taken or caught 14730
therefrom without procuring a license provided for in this 14731
section. This exemption extends to tenants actually residing upon 14732
such lands and to the members of the immediate families of the 14733
tenants. Residents of state or county institutions, charitable 14734
institutions, and military homes in this state may take frogs and 14735
turtles without procuring the required license, provided that a 14736
member of the institution or home has an identification card, 14737

which shall be carried on that person when fishing. 14738

Every fisher required to be licensed, while fishing or taking 14739
or attempting to take frogs or turtles, shall carry the license 14740
and exhibit it to any person. Failure to so carry and exhibit the 14741
license constitutes an offense under this section. 14742

Sec. 1533.35. (A) Commercial fishing devices shall be 14743
annually licensed as follows: 14744

(1) Trap and fyke nets, for the first twenty nets or any 14745
portion thereof, eight hundred dollars; and for each additional 14746
group of ten such nets or any portion thereof, four hundred 14747
dollars; 14748

(2) For each seine of one hundred fifty rods or less in 14749
length other than an inland fishing district seine, four hundred 14750
dollars; 14751

(3) For each seine over one hundred fifty rods in length 14752
other than an inland fishing district seine, six hundred dollars; 14753

(4) For each inland fishing district seine, one hundred 14754
dollars; 14755

(5) For each carp apron, one hundred dollars; 14756

(6) For one trotline with seventy hooks or less attached 14757
thereto, twenty dollars; 14758

(7) For each trotline, or trotlines, with a total of more 14759
than seventy hooks attached thereto, one hundred dollars; 14760

(8) For each dip net, one hundred dollars. 14761

The license fee for other commercial fishing gear not 14762
mentioned in this section, as approved by the chief of the 14763
division of wildlife, shall be set by the chief with approval of 14764
the wildlife council. 14765

Commercial fishing gear owned or used by a nonresident may be 14766

licensed in this state only if a reciprocal agreement is in effect 14767
as provided for in section 1533.352 of the Revised Code. 14768

All commercial license fees shall be paid upon application or 14769
shall be paid one-fourth upon application with the balance due and 14770
owing within ninety days of the date of application, except that 14771
those license fees of one hundred dollars or less shall be paid in 14772
full at the time of application. 14773

(B) Royalty fees are hereby established ~~as set forth~~ on the 14774
following species of fish when taken commercially: catfish, white 14775
bass, and yellow perch. 14776

The amount of the royalty fees shall be as follows: on the 14777
species taken for which an allowable catch or quota has been 14778
established by division rule, ~~two~~ five cents per pound. On the 14779
species taken for which an allowable catch or quota has not been 14780
established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 14781
~~portion taken that exceeds one half of the previous year's taking~~ 14782
~~of the species.~~ 14783

~~For the purpose of this section, the previous year's taking~~ 14784
~~shall be the amount reported for that previous year by the license~~ 14785
~~holder to the division pursuant to reporting procedures set forth~~ 14786
~~in this chapter and Chapter 1531. of the Revised Code.~~ 14787

All royalty fees established or provided for in this section 14788
shall be paid by the license holder to the division. No person may 14789
be issued a commercial fishing license until all royalty fees due 14790
from that person for the preceding fishing season have been paid 14791
in full. The chief may request the attorney general to recover any 14792
royalty fee or amount thereof that is not paid by the opening date 14793
of the next fishing season, and the attorney general shall 14794
commence appropriate legal proceedings to recover the unpaid fee 14795
or amount. 14796

All commercial fishing license moneys and all other fees 14797

collected from commercial ~~fishermen~~ fishers shall be deposited in 14798
the state treasury in accordance with section 1533.33 of the 14799
Revised Code. 14800

No person shall fail to comply with any provision of this 14801
section or a division rule adopted pursuant to it. 14802

In addition to other penalties provided in the Revised Code, 14803
the license of any person who is convicted of one or more 14804
violations of this section shall be suspended upon the conviction 14805
by operation of law for a period of eighteen fishing season months 14806
immediately following the conviction. 14807

During any period of suspension, no person shall use or 14808
engage in fishing with commercial gear owned, used, or controlled 14809
at the time of conviction by the licensee whose license has been 14810
suspended. 14811

Sec. 1533.40. Each person, firm, partnership, association, or 14812
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 14813
or hellgrammites or collects the listed species for sale shall 14814
obtain, annually, from the chief of the division of wildlife a 14815
permit and shall operate under such rules as the chief ~~of the~~ 14816
~~division of wildlife prescribes~~ adopts. Such ~~A~~ permit shall be 14817
issued upon application and the payment of a fee of ~~twenty-five~~ 14818
forty dollars. This permit expires at midnight, on the 14819
thirty-first day of December ~~31~~. Nonresidents engaging in the 14820
collecting, seining, or picking of minnows, crayfish, or 14821
hellgrammites for bait shall have a nonresident fishing license as 14822
prescribed in section 1533.32 of the Revised Code. 14823

Sec. 1533.54. No person shall draw, set, place, locate, 14824
maintain, or possess a pound net, crib net, trammel net, fyke net, 14825
set net, seine, bar net, or fish trap, or any part thereof, or 14826
throw or hand line, with more than three hooks attached thereto, 14827

or any other device for catching fish, except a line with not more 14828
than three hooks attached thereto or lure with not more than three 14829
sets of three hooks each, in the inland fishing district of this 14830
state, except for taking carp, mullet, sheepshead, and grass pike 14831
as provided in section 1533.62 of the Revised Code, and except as 14832
provided in section 1533.60 of the Revised Code, or as otherwise 14833
provided for by division rule. No person shall catch or kill a 14834
fish in that fishing district with what are known as bob lines, 14835
trotlines, or float lines, or by grabbing with the hands, or by 14836
spearing or shooting, or with any other device other than by 14837
angling. In the waters of the inland fishing district, except 14838
those lakes, harbors, and reservoirs controlled by the state, a 14839
trotline may be used with not more than fifty hooks, and no two 14840
hooks less than three feet apart, by the owner or person having 14841
the owner's consent in that part of the stream bordering on or 14842
running through that owner's lands. 14843

Notwithstanding this section, any resident who is licensed to 14844
fish with nets in the Ohio river may possess fish nets for the 14845
sole purpose of storage, repair, drying, and tarring in the area 14846
between United States route fifty and the Ohio river from the 14847
Indiana state line to Cincinnati, Ohio, and in the area between 14848
United States route fifty-two and the Ohio river from Cincinnati, 14849
Ohio, to Chesapeake, Ohio, and in the area between state route 14850
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 14851
Ohio. 14852

Any person possessing a net in this reserve district shall 14853
have an Ohio permit for each net in ~~his~~ the person's possession. 14854
The permit shall be issued annually by the chief of the division 14855
of wildlife upon application of the owner of the net and 14856
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 14857
valid fishing license permitting ~~him~~ the owner to fish with nets 14858
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 14859

net for which an application is made and a permit is issued. The 14860
permit shall expire at twelve midnight on the fifteenth day of 14861
March of each year. 14862

Sec. 1533.631. Any person may apply for a permit to handle 14863
commercial fish, or other fish that may be bought or sold under 14864
the Revised Code or division rule, at wholesale. The chief of the 14865
division of wildlife shall issue an annual permit granting the 14866
applicant the privilege to handle such fish at wholesale at one or 14867
more designated premises upon filing of an application on a form 14868
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 14869
dollars. No person or ~~his~~ a person's agent shall handle at 14870
wholesale any fresh water fish or part thereof unless a permit has 14871
been issued for the calendar year in which the fish is handled at 14872
wholesale for the premises at which the fish is handled. 14873

A fish is handled at wholesale for purposes of this section 14874
when it is on a premises within the state and is being held, 14875
stored, handled, or processed for the purpose of sale to a person 14876
who ordinarily resells the fish. 14877

The permit required by this section shall be issued subject 14878
to the right of entry and inspection of the designated premises of 14879
the permittee by any law enforcement officer authorized by section 14880
1531.13 of the Revised Code to enforce the laws and rules of the 14881
division of wildlife. Such an officer may enter and inspect the 14882
designated premises and any box, package, or receptacle, and the 14883
contents thereof, for the purpose of determining whether any 14884
provision of this chapter or Chapter 1531. of the Revised Code or 14885
division rule is being violated. 14886

No person holding a permit under this section shall remove a 14887
label required by section 1533.301 of the Revised Code unless the 14888
box, package, or receptacle bearing the label has been opened or 14889
unless the label is replaced with another label that meets the 14890

requirements of that section. 14891

No person shall fail to comply with any provision of this 14892
section or division rule adopted pursuant to it. 14893

In addition to other penalties provided in the Revised Code, 14894
the permit of any person who is convicted of two violations of 14895
this section that occurred within a twelve-month period is 14896
suspended upon the second such conviction by operation of law for 14897
a period of five fishing season days immediately following that 14898
conviction. 14899

In addition to other penalties provided in the Revised Code, 14900
the permit of any person who is convicted of three or more 14901
violations of this section that occurred within a twelve-month 14902
period is suspended upon the third or subsequent such conviction 14903
by operation of law for a period of twenty fishing season days 14904
immediately following that conviction. 14905

During any period of suspension, no person shall use or 14906
engage in handling commercial fish at wholesale with equipment or 14907
facilities owned, used, or controlled at the time of conviction by 14908
the permittee whose permit has been suspended. 14909

Sec. 1533.632. (A) As used in this section: 14910

(1) "Aquaculture" means a form of agriculture that involves 14911
the propagation and rearing of aquatic species in controlled 14912
environments under private control, including, but not limited to, 14913
for the purpose of sale for consumption as food. 14914

(2) "Aquaculture species" means any aquatic species that may 14915
be raised through aquaculture that is either a class A aquaculture 14916
species or a class B aquaculture species. 14917

(3) "Class A aquaculture species" includes all of the 14918
following: 14919

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 14920

Salvelinus sp.);	14921
(b) Walleye (Stizostedion vitreum);	14922
(c) Sauger (Stizostedion canadense);	14923
(d) Bluegill (Lepomis machrochirus);	14924
(e) Redear sunfish (Lepomis microlophus);	14925
(f) Green sunfish (Lepomis cyanellus);	14926
(g) White crappie (Pomoxis annularis);	14927
(h) Black crappie (Pomoxis nigromaculatus);	14928
(i) Blue catfish (Ictalurus furcatus);	14929
(j) Any species added by rule under division (B) of this	14930
section or listed as commercial fish under section 1531.01 of the	14931
Revised Code except white perch (Morone americana).	14932
(4) "Class B aquaculture species" includes any species,	14933
except for class A aquaculture species, designated as such by the	14934
chief of the division of wildlife.	14935
(5) "Aquaculture production facility" means a facility used	14936
for aquaculture.	14937
(B) The chief, in accordance with Chapter 119. of the Revised	14938
Code, shall adopt rules for the regulation of aquaculture and may	14939
issue permits to persons wishing to engage in aquaculture for the	14940
production of aquaculture species. Rules adopted under this	14941
section shall ensure the protection and preservation of the	14942
wildlife and natural resources of this state. The legal length and	14943
weight limitations established under section 1533.63 of the	14944
Revised Code do not apply to class A or class B aquaculture	14945
species.	14946
A permit may be issued upon application to any person who	14947
satisfies the chief that the person has suitable equipment, of	14948
which he <u>the person</u> is the owner or lessee, to engage in	14949

aquaculture for a given aquaculture species or group of 14950
aquaculture species. Each permit shall be in such form as the 14951
chief prescribes. The permits shall be classified as either class 14952
A or class B. A class A permit shall be required for all class A 14953
aquaculture species that are specified in this section or 14954
designated by rule as a class A aquaculture species. Class B 14955
permits shall be issued on a case-by-case basis. In determining 14956
whether to issue a class B permit, the chief shall take into 14957
account the species for which the class B permit is requested, the 14958
location of the aquaculture production facility, and any other 14959
information determined by the chief to be necessary to protect the 14960
wildlife and natural resources of this state. The annual fee for a 14961
class A permit shall be fifty dollars unless otherwise provided by 14962
rule by the chief. The annual fee for a class B permit shall be 14963
set by the chief at a level between one hundred and five hundred 14964
dollars. In determining the fee to be charged for a class B 14965
permit, the chief shall take into account the additional costs to 14966
the division for the inspection of aquaculture facilities used to 14967
raise a given class B aquaculture species. 14968

The chief may revoke a permit upon a determination that the 14969
person to whom the permit was issued has violated any rule adopted 14970
under this section. The permit shall be reissued upon a showing by 14971
the person that ~~he~~ the person is in compliance with the rules 14972
adopted under this section. A holder of an aquaculture permit may 14973
receive a permit issued under section 1533.301, ~~1533.39~~, or 14974
1533.40 of the Revised Code without payment of the fee for that 14975
permit if the conditions for the issuance of the permit have been 14976
met. 14977

(C) No person shall knowingly sell any aquatic species under 14978
an aquaculture permit issued under this section that was not 14979
raised in an aquaculture production facility. In addition to any 14980
other penalties prescribed for violation of this division, the 14981

chief may revoke the permit of any person convicted of a violation 14982
of this division for any period of time ~~he~~ the chief considers 14983
necessary. 14984

(D) No person who does not hold a current valid aquaculture 14985
permit shall knowingly sell an aquaculture species while claiming 14986
to possess an aquaculture permit. 14987

Sec. 1533.71. Unless otherwise provided by division rule, any 14988
person desiring to engage in the business of raising and selling 14989
game birds, game quadrupeds, reptiles, amphibians, or fur-bearing 14990
animals in a wholly enclosed preserve of which the person is the 14991
owner or lessee, or to have game birds, game quadrupeds, reptiles, 14992
amphibians, or fur-bearing animals in captivity, shall apply in 14993
writing to the division of wildlife for a license to do so. 14994
14995

The division, when it appears that the application is made in 14996
good faith and upon the payment of the fee for each license, ~~shall~~ 14997
may issue to the applicant any of the following licenses that may 14998
be applied for: 14999

(A) "Commercial propagating license" permitting the licensee 15000
to propagate game birds, game quadrupeds, reptiles, amphibians, or 15001
fur-bearing animals in the wholly enclosed preserve the location 15002
of which is stated in the license and the application therefor, 15003
and to sell the propagated game birds, game quadrupeds, reptiles, 15004
amphibians, or fur-bearing animals and ship them from the state 15005
alive at any time, and permitting the licensee and the licensee's 15006
employees to kill the propagated game birds, game quadrupeds, or 15007
fur-bearing animals and sell the carcasses for food subject to 15008
sections 1533.70 to 1533.80 of the Revised Code. The fee for such 15009
a license is ~~twenty-five~~ forty dollars per annum. 15010

(B) "Noncommercial propagating license" permitting the 15011
licensee to propagate game birds, game quadrupeds, reptiles, 15012

amphibians, or fur-bearing animals and to hold the animals in 15013
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 15014
fur-bearing animals propagated or held in captivity by authority 15015
of a noncommercial propagating license are for the licensee's own 15016
use and shall not be sold. The fee for such a license is ~~ten~~ 15017
twenty-five dollars per annum. 15018

(C) A free "raise to release license" permitting duly 15019
organized clubs, associations, or individuals approved by the 15020
division to engage in the raising of game birds, game quadrupeds, 15021
or fur-bearing animals for release only and not for sale or 15022
personal use. 15023

Except as provided by law, no person shall possess game 15024
birds, game quadrupeds, or fur-bearing animals in closed season, 15025
provided that municipal or governmental zoological parks are not 15026
required to obtain the licenses provided for in this section. 15027

All licenses issued under this section shall expire on the 15028
fifteenth day of March of each year. 15029

The chief of the division of wildlife shall pay all moneys 15030
received as fees for the issuance of licenses under this section 15031
into the state treasury to the credit of the fund created by 15032
section 1533.15 of the Revised Code for the use of the division in 15033
the purchase, preservation, and protection of wild animals and for 15034
the necessary clerical help and forms required by sections 1533.70 15035
to 1533.80 of the Revised Code. 15036

This section does not authorize the taking or the release for 15037
taking of the following: 15038

(1) Game birds, without first obtaining a commercial bird 15039
shooting preserve license issued under section 1533.72 of the 15040
Revised Code; 15041

(2) Game or nonnative wildlife, without first obtaining a 15042
wild animal hunting preserve license issued under section 1533.721 15043

of the Revised Code. 15044

Sec. 1533.82. (A) On receipt of a notice pursuant to section 15045
3123.43 of the Revised Code, the chief of the division of wildlife 15046
shall comply with sections 3123.41 to 3123.50 of the Revised Code 15047
and any applicable rules adopted under section 3123.63 of the 15048
Revised Code with respect to a license, permit, or certificate 15049
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 15050
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 15051
1533.881 of the Revised Code. 15052

(B) On receipt of a notice pursuant to section 3123.62 of the 15053
Revised Code, the chief shall comply with that section and any 15054
applicable rules adopted under section 3123.63 of the Revised Code 15055
with respect to a license, permit, or stamp issued pursuant to 15056
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 15057
Revised Code. 15058

Sec. 1541.10. Any person selected by the chief of the 15059
division of parks and recreation for custodial or patrol service 15060
on the lands and waters operated or administered by the division 15061
of parks and recreation shall be employed in conformity with the 15062
law applicable to the classified civil service of the state. 15063
Subject to section 1541.11 of the Revised Code, the chief may 15064
designate that person as a park officer. A park officer, on any 15065
lands and waters owned, controlled, maintained, or administered by 15066
the department of natural resources and on highways, as defined in 15067
section 4511.01 of the Revised Code, adjacent to lands and waters 15068
owned, controlled, maintained, or administered by the division, 15069
has the authority specified under section 2935.03 of the Revised 15070
Code for peace officers of the department of natural resources to 15071
keep the peace, to enforce all laws and rules governing those 15072
lands and waters, and to make arrests for violation of those laws 15073
and rules, provided that the authority shall be exercised on lands 15074

or waters administered by another division of the department only 15075
pursuant to an agreement with the chief of that division or to a 15076
request for assistance by an enforcement officer of that division 15077
in an emergency. A park officer, in or along any watercourse 15078
within, abutting, or upstream from the boundary of any area 15079
administered by the department, has the authority to enforce 15080
section 3767.32 of the Revised Code and any other laws prohibiting 15081
the dumping of refuse into or along waters and to make arrests for 15082
violation of those laws. The jurisdiction of park officers shall 15083
be concurrent with that of the peace officers of the county, 15084
township, or municipal corporation in which the violation occurs. 15085
A state park, for purposes of this section, is any area that is 15086
administered as a state park by the division of parks and 15087
recreation. 15088

The ~~governor~~ secretary of state, upon the recommendation of 15089
the chief, shall issue to each park officer a commission 15090
indicating authority to make arrests as provided in this section. 15091

The chief shall furnish a suitable badge to each commissioned 15092
park officer as evidence of that park officer's authority. 15093

If any person employed under this section is designated by 15094
the chief to act as an agent of the state in the collection of 15095
moneys resulting from the sale of licenses, fees of any nature, or 15096
other moneys belonging to the state, the chief shall require a 15097
surety bond from that person in an amount not less than one 15098
thousand dollars. 15099

A park officer may render assistance to a state or local law 15100
enforcement officer at the request of that officer or may render 15101
assistance to a state or local law enforcement officer in the 15102
event of an emergency. 15103

Park officers serving outside the division of parks and 15104
recreation under this section or serving under the terms of a 15105

mutual aid compact authorized under section 1501.02 of the Revised Code shall be considered as performing services within their regular employment for the purposes of compensation, pension or indemnity fund rights, workers' compensation, and other rights or benefits to which they may be entitled as incidents of their regular employment.

Park officers serving outside the division of parks and recreation under this section or under a mutual aid compact retain personal immunity from civil liability as specified in section 9.86 of the Revised Code and shall not be considered an employee of a political subdivision for purposes of Chapter 2744. of the Revised Code. A political subdivision that uses park officers under this section or under the terms of a mutual aid compact authorized under section 1501.02 of the Revised Code is not subject to civil liability under Chapter 2744. of the Revised Code as the result of any action or omission of any park officer acting under this section or under a mutual aid compact.

Sec. 1548.06. Application for a certificate of title for a watercraft or outboard motor shall be made upon a form prescribed by the chief of the division of watercraft and shall be sworn to before a notary public or other officer empowered to administer oaths. The application shall be filed with the clerk of any court of common pleas. An application for a certificate of title may be filed electronically by any electronic means approved by the chief in any county with the clerk of the court of common pleas of that county. The application shall be accompanied by the fee prescribed in section 1548.10 of the Revised Code. The fee shall be retained by the clerk who issues the certificate of title and shall be distributed in accordance with that section. If a clerk of a court of common pleas, other than the clerk of the court of common pleas of an applicant's county of residence, issues a certificate of title to the applicant, the clerk shall transmit data related to

the transaction to the automated title processing system. 15138

If a certificate of title previously has been issued for the 15139
watercraft or outboard motor, the application for a certificate of 15140
title also shall be accompanied by the certificate of title duly 15141
assigned unless otherwise provided in this chapter. If a 15142
certificate of title previously has not been issued for the 15143
watercraft or outboard motor in this state, the application, 15144
unless otherwise provided in this chapter, shall be accompanied by 15145
a manufacturer's or importer's certificate; by a sworn statement 15146
of ownership if the watercraft or outboard motor was purchased by 15147
the applicant on or before October 9, 1963, or if the watercraft 15148
is less than fourteen feet long with a permanently affixed 15149
mechanical means of propulsion and was purchased by the applicant 15150
on or before January 1, 2000; or by a certificate of title, bill 15151
of sale, or other evidence of ownership required by the law of 15152
another state from which the watercraft or outboard motor was 15153
brought into this state. Evidence of ownership of a watercraft or 15154
outboard motor for which an Ohio certificate of title previously 15155
has not been issued and which watercraft or outboard motor does 15156
not have permanently affixed to it a manufacturer's serial number 15157
shall be accompanied by the certificate of assignment of a hull 15158
identification number assigned by the chief as provided in section 15159
1548.07 of the Revised Code. 15160

The clerk shall retain the evidence of title presented by the 15161
applicant and on which the certificate of title is issued, except 15162
that, if an application for a certificate of title is filed 15163
electronically, by a vendor on behalf of a purchaser of a 15164
watercraft or outboard motor, the clerk shall retain the completed 15165
electronic record to which the vendor converted the certificate of 15166
title application and other required documents. ~~The vendor shall~~ 15167
~~forward the actual application and all other documents relating to~~ 15168
~~the sale of the watercraft or outboard motor to any clerk within~~ 15169

~~thirty days after the certificate of title is issued.~~ The chief, 15170
after consultation with the attorney general, shall adopt rules 15171
that govern the location at which, and the manner in which, are 15172
stored the actual application and all other documents relating to 15173
the sale of a watercraft or outboard motor when a vendor files the 15174
application for a certificate of title electronically on behalf of 15175
a purchaser. 15176

The clerk shall use reasonable diligence in ascertaining 15177
whether the facts in the application are true by checking the 15178
application and documents accompanying it or the electronic record 15179
to which a vendor converted the application and accompanying 15180
documents with the records of watercraft and outboard motors in 15181
the clerk's office. If the clerk is satisfied that the applicant 15182
is the owner of the watercraft or outboard motor and that the 15183
application is in the proper form, the clerk shall issue a 15184
physical certificate of title over the clerk's signature and 15185
sealed with the clerk's seal unless the applicant specifically 15186
requests the clerk not to issue a physical certificate of title 15187
and instead to issue an electronic certificate of title. However, 15188
if the evidence indicates and an investigation shows that one or 15189
more Ohio titles already exist for the watercraft or outboard 15190
motor, the chief may cause the redundant title or titles to be 15191
canceled. 15192

In the case of the sale of a watercraft or outboard motor by 15193
a vendor to a general purchaser or user, the certificate of title 15194
shall be obtained in the name of the purchaser by the vendor upon 15195
application signed by the purchaser. In all other cases, the 15196
certificate shall be obtained by the purchaser. In all cases of 15197
transfer of watercraft or outboard motors, the application for 15198
certificate of title shall be filed within thirty days after the 15199
later of the date of purchase or assignment of ownership of the 15200
watercraft or outboard motor. If the application for certificate 15201

of title is not filed within thirty days after the later of the 15202
date of purchase or assignment of ownership of the watercraft or 15203
outboard motor, the clerk shall charge a late penalty fee of five 15204
dollars in addition to the fee prescribed by section 1548.10 of 15205
the Revised Code. The clerk shall retain the entire amount of each 15206
late penalty fee. 15207

The clerk shall refuse to accept an application for 15208
certificate of title unless the applicant either tenders with the 15209
application payment of all taxes levied by or pursuant to Chapter 15210
5739. or 5741. of the Revised Code based on the applicant's county 15211
of residence less, in the case of a sale by a vendor, any discount 15212
to which the vendor is entitled under section 5739.12 of the 15213
Revised Code, or submits any of the following: 15214

(A) A receipt issued by the tax commissioner or a clerk of 15215
courts showing payment of the tax; 15216

(B) A copy of the unit certificate of exemption completed by 15217
the purchaser at the time of sale as provided in section 5739.03 15218
of the Revised Code; 15219

(C) An exemption certificate, in a form prescribed by the tax 15220
commissioner, that specifies why the purchase is not subject to 15221
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 15222

Payment of the tax shall be in accordance with rules issued 15223
by the tax commissioner, and the clerk shall issue a receipt in 15224
the form prescribed by the tax commissioner to any applicant who 15225
tenders payment of the tax with the application for the 15226
certificate of title. 15227

For receiving and disbursing the taxes paid to the clerk by a 15228
resident of the clerk's county, the clerk may retain a poundage 15229
fee of one and one one-hundredth per cent of the taxes collected, 15230
which shall be paid into the certificate of title administration 15231
fund created by section 325.33 of the Revised Code. The clerk 15232

shall not retain a poundage fee from payments of taxes by persons 15233
who do not reside in the clerk's county. 15234

A clerk, however, may retain from the taxes paid to the clerk 15235
an amount equal to the poundage fees associated with certificates 15236
of title issued by other clerks of courts of common pleas to 15237
applicants who reside in the first clerk's county. The chief of 15238
the division of watercraft, in consultation with the tax 15239
commissioner and the clerks of the courts of common pleas, shall 15240
develop a report from the automated title processing system that 15241
informs each clerk of the amount of the poundage fees that the 15242
clerk is permitted to retain from those taxes because of 15243
certificates of title issued by the clerks of other counties to 15244
applicants who reside in the first clerk's county. 15245

In the case of casual sales of watercraft or outboard motors 15246
that are subject to the tax imposed by Chapter 5739. or 5741. of 15247
the Revised Code, the purchase price for the purpose of 15248
determining the tax shall be the purchase price on an affidavit 15249
executed and filed with the clerk by the vendor on a form to be 15250
prescribed by the chief, which shall be prima-facie evidence of 15251
the price for the determination of the tax. In addition to the 15252
information required by section 1548.08 of the Revised Code, each 15253
certificate of title shall contain in bold lettering the following 15254
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 15255
(SELLER AND BUYER). You are required by law to state the true 15256
selling price. A false statement is a violation of section 2921.13 15257
of the Revised Code and is punishable by six months imprisonment 15258
or a fine of up to one thousand dollars, or both. All transfers 15259
are audited by the department of taxation. The seller and buyer 15260
must provide any information requested by the department of 15261
taxation. The buyer may be assessed any additional tax found to be 15262
due." 15263

The clerk shall forward all payments of taxes, less poundage 15264

fees, to the treasurer of state in a manner to be prescribed by 15265
the tax commissioner and shall furnish information to the 15266
commissioner as the commissioner may require. For purposes of a 15267
transfer of a certificate of title, if the clerk is satisfied that 15268
a secured party has discharged a lien but has not canceled the 15269
lien notation with a clerk, the clerk may cancel the lien notation 15270
on the automated title processing system and notify the clerk of 15271
the county of origin. 15272

Every clerk shall have the capability to transact by 15273
electronic means all procedures and transactions relating to the 15274
issuance of watercraft or outboard motor certificates of title 15275
that are described in the Revised Code as being accomplished by 15276
electronic means. 15277

Sec. 1551.11. (A) To achieve the purposes of ~~this chapter~~ 15278
sections 1551.01 to 1551.25 of the Revised Code, the director of 15279
development may: 15280

(1) Identify, plan, organize, initiate, and sponsor studies, 15281
research, and experimental, pilot, and demonstration facilities 15282
and projects ~~which~~ that would lead to the development and more 15283
efficient utilization of present, new, or alternative energy 15284
sources in ~~the~~ this state, to the conservation of energy, to the 15285
attraction of federal and other development funding in emerging 15286
and established national or state priority areas, or to the 15287
enhancement of the economic development of the state; 15288

(2) Promote, assist, and provide financial assistance for the 15289
development of nonprofit corporations organized and established 15290
under Chapter 1702. of the Revised Code to further the purposes of 15291
this section; 15292

(3) Seek out, apply for, receive, and accept grants, gifts, 15293
contributions, loans, and other assistance in any form from public 15294
and private sources, including assistance from any governmental 15295

agency; 15296

(4) Make grants under division (F) of section 1551.12 of the 15297
Revised Code from funds that are appropriated by the general 15298
assembly and from gifts or grants obtained under division (A)(3) 15299
of this section for the purposes of developing, constructing, or 15300
operating experimental, pilot, and demonstration facilities or 15301
programs which develop, test, or demonstrate more efficient and 15302
environmentally acceptable methods of extracting energy resources; 15303
new concepts, programs, or technology for the conservation of 15304
energy; new concepts, programs, or technology for the efficient 15305
and environmentally acceptable utilization of present, new, or 15306
alternative energy sources; or concepts, programs, or technology 15307
which develop resources of the state. Grants may be made, without 15308
limitation, for projects and programs such as experimental 15309
demonstrations of the use of Ohio coal in processes which would 15310
facilitate its widespread use as a source of energy; experimental 15311
demonstrations of new or improved coal, natural gas, and natural 15312
petroleum extraction techniques and of reclamation techniques at 15313
the extraction sites; experimental demonstrations or development 15314
of solar heating and cooling and potentially energy-efficient 15315
construction in public buildings, schools, offices, commercial 15316
establishments, and residential homes; development of programs or 15317
experimental demonstrations of the utilization of waste products 15318
in energy production and mineral and energy conservation; and 15319
development of programs or experimental demonstrations of 15320
technologies which would permit utility pricing policies which may 15321
reduce the consumer costs of energy. 15322

(5) Enter into agreements with persons and governmental 15323
agencies, in any combination, for the purposes of this section. 15324

(B) Any materials or data submitted to, made available by or 15325
to, or received by the director under division (A) of this 15326
section, division (F) of section 1551.12, or division (B) of 15327

section 1551.15 of the Revised Code, and any information taken 15328
from those materials or data for any purpose, to the extent that 15329
those materials or data consist of trade secrets or other 15330
proprietary information, are not public information or public 15331
documents and shall not be open to public inspection. 15332

(C) The exercise by the director of the powers conferred by 15333
~~this chapter~~ sections 1551.01 to 1551.25 of the Revised Code for 15334
the preservation or creation of jobs and employment opportunities 15335
for the people of ~~the~~ this state through the development and 15336
efficient utilization of energy resources of the state is in all 15337
respects for the benefit of the people of the state, and is 15338
determined to be an essential government function and public 15339
purpose of the state. 15340

Sec. 1551.12. The director of development may: 15341

(A) Seek, solicit, or acquire personal property or any 15342
estate, interest, or right in real property, or services, funds, 15343
and other things of value of any kind or character by purchase, 15344
lease, gift, grant, contribution, exchange, or otherwise from any 15345
person or governmental agency to be held, used, and applied in 15346
accordance with and for the purposes of ~~this chapter~~ sections 15347
1551.01 to 1551.25 of the Revised Code; 15348

(B) Contract for the operation of, and establish rules for 15349
the use of, facilities over which the director has supervision or 15350
control, which rules may include the limitation of ingress to or 15351
egress from such facilities as may be necessary to maintain the 15352
security of such facilities and to provide for the safety of those 15353
on the premises of such facilities; 15354

(C) Purchase such fire and extended coverage insurance and 15355
insurance protecting against liability for damage to property or 15356
injury to or death of persons as the director may consider 15357
necessary and proper under ~~this chapter~~ sections 1551.01 to 15358

<u>1551.25 of the Revised Code;</u>	15359
(D) Sponsor, conduct, assist, and encourage conferences,	15360
seminars, meetings, institutes, and other forms of meetings;	15361
authorize, prepare, publish, and disseminate any form of studies,	15362
reports, and other publications; originate, prepare, and assist	15363
proposals for the expenditure or granting of funds by any	15364
governmental agency or person for purposes of energy resource	15365
development; and investigate, initiate, sponsor, participate in,	15366
and assist with cooperative activities and programs involving	15367
governmental agencies and other entities of other states and	15368
jurisdictions;	15369
(E) Do all acts and things necessary and proper to carry out	15370
the powers granted and the duties imposed by this chapter <u>sections</u>	15371
<u>1551.01 to 1551.25 of the Revised Code;</u>	15372
(F) Make grants of funds to any person, organization, or	15373
governmental agency of the state for the furnishing of goods or	15374
performance of services.	15375
Any person or governmental agency that receives funds from	15376
the department of development, or utilizes the facilities of the	15377
department under this chapter <u>sections 1551.01 to 1551.25 of the</u>	15378
<u>Revised Code</u> shall agree in writing that all know-how, trade	15379
secrets, and other forms of property, rights, and interest arising	15380
out of developments, discoveries, or inventions, including	15381
patents, copyrights, or royalties thereon, which result in whole	15382
or in part from research, studies, or testing conducted by use of	15383
such funds or facilities shall be the sole property of the	15384
department, except as may be otherwise negotiated and provided by	15385
contract in advance of such research, studies, or testing.	15386
However, such exceptions do not apply to the director or employees	15387
of the department participating in or performing research, tests,	15388
or studies.	15389

Rights retained by the department may be assigned, licensed, 15390
transferred, sold, or otherwise disposed of, in whole or in part, 15391
to any person or governmental agency. Any and all income, 15392
royalties, or proceeds derived or retained from such dispositions 15393
shall be paid to the state and credited to the general revenue 15394
fund. 15395

Any instrument by which real property is acquired pursuant to 15396
this section shall identify the agency of ~~the~~ this state that has 15397
the use and benefit of the real property as specified in section 15398
5301.012 of the Revised Code. 15399

Sec. 1551.15. (A) All general revenue fund moneys required by 15400
the department of development for purposes of ~~this chapter~~ 15401
sections 1551.01 to 1551.25 of the Revised Code are subject to 15402
appropriation by the general assembly. 15403

(B) The director of development may enter into agreements, 15404
make grants, or enter into contracts for the purposes of effecting 15405
the construction and operation in this state of experimental, 15406
pilot, or demonstration energy resource development facilities. 15407
Before making grants or entering contracts, the director shall 15408
determine that all of the following criteria are met: 15409

(1) The urgency of public need for the potential results of 15410
the experimental, pilot, or demonstration project is high, and 15411
there is little likelihood that similar results would be achieved 15412
in this state in a timely manner in the absence of state 15413
assistance; 15414

(2) The potential opportunities for private interests to 15415
recapture the investment in the undertaking through the normal 15416
commercial exploitation of proprietary knowledge appear to be 15417
inadequate to encourage timely results in this state; 15418

(3) The extent of the problems treated and the objectives 15419

sought by the project are consistent with the purposes of ~~this~~ 15420
~~chapter~~ sections 1551.01 to 1551.25 of the Revised Code and of 15421
general significance to the state. 15422

This determination by the director shall include the facts or 15423
reasons justifying it and shall be journalized by the director. 15424

(C) The director may use funds as appropriated, donated, 15425
granted, or received for any of the following purposes: 15426

(1) Construction and related architectural or engineering 15427
studies or purchase of physical plant and equipment for an 15428
experimental, pilot, or demonstration energy resource development 15429
facility; 15430

(2) Acquisition and improvement of land, construction of 15431
roads, and provision of other public facilities incidental and 15432
necessary to the accomplishment of experimental, pilot, or 15433
demonstration energy resource development facilities; 15434

(3) Operation of an energy resource development experimental, 15435
pilot, or demonstration project or facility, which could include 15436
but not be limited to labor, feedstocks, and repair or replacement 15437
parts; 15438

(4) Purchase of all or a portion of the usable output of 15439
energy resource development experimental, pilot, or demonstration 15440
projects and the disposition of this output for use in the 15441
facilities of governmental agencies. 15442

(D) Each grant made pursuant to this section shall be 15443
accomplished through written agreements between the department and 15444
the person or governmental agency which would effect the 15445
construction and operation of the project or facility, and between 15446
the department and the persons and governmental agencies which 15447
would share the expenses and costs of the project or facility. In 15448
addition to such other terms as may be required by law or advised 15449
by counsel, each agreement shall provide for each of the following 15450

conditions: 15451

(1) The limitation of the department's financial obligations 15452
in the project or facility to a specified dollar amount which 15453
shall not exceed one-third of the total costs of the project or 15454
facility; 15455

(2) The financial participation in the project or facility by 15456
the federal government or its agencies, by private corporations 15457
doing business in this state, by local governmental agencies, or 15458
by other organizations; 15459

(3) The disposition of the assets of the project or facility, 15460
should it be terminated or abandoned, in such manner that the 15461
department shall be repaid in the same proportion as its share in 15462
the total of moneys, property, or other assets expended, 15463
contributed, or invested in the project or facility; 15464

(4) The criteria for the identification if and when the 15465
project or facility is commercially viable through the profitable 15466
disposition of its output; 15467

(5) The termination of the department's financial support at 15468
such time the project or facility is commercially viable and the 15469
repayment of the department through the future profits, if any, of 15470
the project or facility. 15471

Sec. 1551.311. The general assembly hereby finds and declares 15472
that the future of the Ohio coal industry lies in the development 15473
of clean coal technology and that the disproportionate economic 15474
impact on the state under Title IV of the "Clean Air Act 15475
Amendments of 1990," 104 Stat. 2584, 42 U.S.C.A. 7651, warrants 15476
maximum federal assistance to ~~the~~ this state for such development. 15477
It is therefore imperative that the ~~department of development~~ Ohio 15478
air quality development authority created under Chapter 3706. of 15479
the Revised Code, its Ohio coal development office, the Ohio coal 15480

industry, the Ohio Washington office in the office of the 15481
governor, and the state's congressional delegation make every 15482
effort to acquire any federal assistance available for the 15483
development of clean coal technology, including assisting entities 15484
eligible for grants in their acquisition. The Ohio coal 15485
development agenda required by section 1551.34 of the Revised Code 15486
shall include, in addition to the other information required by 15487
that section, a description of such efforts and a description of 15488
the current status of the development of clean coal technology in 15489
this state and elsewhere. 15490

Sec. 1551.32. (A) There is hereby established within the 15491
~~department of development~~ Ohio air quality development authority 15492
the Ohio coal development office whose purposes are to do all of 15493
the following: 15494

(1) Encourage, promote, and support siting, financing, 15495
construction, and operation of commercially available or scaled 15496
facilities and technologies, including, without limitation, 15497
commercial-scale demonstration facilities and, when necessary or 15498
appropriate to demonstrate the commercial acceptability of a 15499
specific technology, up to three installations within this state 15500
utilizing the specific technology, to more efficiently produce, 15501
beneficiate, market, or use Ohio coal; 15502

(2) Encourage, promote, and support the market acceptance and 15503
increased market use of Ohio coal through technology and market 15504
development; 15505

(3) Assist in the financing of coal development facilities; 15506

(4) Encourage, promote, and support, in state-owned 15507
buildings, facilities, and operations, use of Ohio coal and 15508
electricity sold by utilities and others in this state that use 15509
Ohio coal for generation; 15510

(5) Improve environmental quality, particularly through 15511
cleaner use of Ohio coal; 15512

(6) Assist and cooperate with governmental agencies, 15513
universities and colleges, coal producers, coal miners, electric 15514
utilities and other coal users, public and private sector coal 15515
development interests, and others in achieving these purposes. 15516

(B) The office shall give priority to improvement or 15517
reconstruction of existing facilities and equipment when 15518
economically feasible, to construction and operation of 15519
commercial-scale facilities, and to technologies, equipment, and 15520
other techniques that enable maximum use of Ohio coal in an 15521
environmentally acceptable, cost-effective manner. 15522

Sec. 1551.33. (A) ~~The director of development~~ Ohio air 15523
quality development authority, by the affirmative vote of a 15524
majority of its members, shall appoint and fix the compensation of 15525
the director of the Ohio coal development office ~~established under~~ 15526
~~section 1551.32 of the Revised Code.~~ The director ~~of the office~~ 15527
shall serve at the pleasure of the ~~director of development~~ 15528
authority. 15529

(B) The director of the office shall do all of the following: 15530

(1) Biennially prepare and maintain the Ohio coal development 15531
agenda required under section 1551.34 of the Revised Code; 15532

(2) Propose and support policies for the office consistent 15533
with the Ohio coal development agenda and develop means to 15534
implement the agenda; 15535

(3) Initiate, undertake, and support projects to carry out 15536
the office's purposes and ensure that the projects are consistent 15537
with and meet the selection criteria established by the Ohio coal 15538
development agenda; 15539

(4) Actively encourage joint participation in and, when 15540

feasible, joint funding of the office's projects with governmental 15541
agencies, electric utilities, universities and colleges, other 15542
public or private interests, or any other person; 15543

(5) Establish a table of organization for and employ such 15544
employees and agents as are necessary for the administration and 15545
operation of the office+. Any such employees shall be in the 15546
unclassified service and shall serve at the pleasure of the 15547
authority. 15548

(6) Appoint specified members of and convene the technical 15549
advisory committee established under section 1551.35 of the 15550
Revised Code; 15551

(7) Review, with the assistance of the technical advisory 15552
committee, proposed coal research and development projects as 15553
defined in section 1555.01 of the Revised Code, and coal 15554
development projects, submitted to the office by public utilities 15555
for the purpose of section 4905.304 of the Revised Code. If the 15556
director and the advisory committee determine that any such 15557
facility or project has as its purpose the enhanced use of Ohio 15558
coal in an environmentally acceptable, cost effective manner, 15559
promotes energy conservation, is cost effective, and is 15560
environmentally sound, the director shall submit to the public 15561
utilities commission a report recommending that the commission 15562
allow the recovery of costs associated with the facility or 15563
project under section 4905.304 of the Revised Code and including 15564
the reasons for the recommendation. 15565

(8) Establish such policies, procedures, and guidelines as 15566
are necessary to achieve the office's purposes. 15567

(C) ~~With the approval of the director of development~~ By the 15568
affirmative vote of a majority of the members of the Ohio air 15569
quality development authority, the director of the office may 15570
exercise any of the powers and duties of the director of 15571

development as the ~~directors~~ authority and the director of the 15572
office consider appropriate or desirable to achieve the office's 15573
purposes, including, but not limited to, the powers and duties 15574
enumerated in sections 1551.11, 1551.12, 1551.13, and 1551.15 of 15575
the Revised Code. 15576

Additionally, the director of the office may make loans to 15577
governmental agencies or persons for projects to carry out the 15578
office's purposes. Fees, charges, rates of interest, times of 15579
payment of interest and principal, and other terms, conditions, 15580
and provisions of the loans shall be such as the director of the 15581
office determines to be appropriate and in furtherance of the 15582
purposes for which the loans are made. The mortgage lien securing 15583
any moneys lent by the director of the office may be subordinate 15584
to the mortgage lien securing any moneys lent or invested by a 15585
financial institution, but shall be superior to that securing any 15586
moneys lent or expended by any other person. The moneys used in 15587
making the loans shall be disbursed upon order of the director of 15588
the office. 15589

Sec. 1551.35. (A) There is hereby established a technical 15590
advisory committee to assist the director of the Ohio coal 15591
development office ~~established under section 1551.32 of the~~ 15592
~~Revised Code~~ in achieving the office's purposes. The director 15593
shall appoint to the committee one member of the public utilities 15594
commission and one representative each of coal production 15595
companies, the united mine workers of America, electric utilities, 15596
manufacturers that use Ohio coal, and environmental organizations, 15597
as well as two people with a background in coal research and 15598
development technology, one of whom is employed at the time of the 15599
member's appointment by a state university, as defined in section 15600
3345.011 of the Revised Code. In addition, the committee shall 15601
include four legislative members. The speaker and minority leader 15602
of the house of representatives each shall appoint one member of 15603

the house of representatives, and the president and minority 15604
leader of the senate each shall appoint one member of the senate, 15605
to the committee. The director of environmental protection, 15606
~~representing the environmental protection agency, the Ohio air~~ 15607
~~quality director of development authority,~~ and one member of the 15608
Ohio water development authority designated by that authority, 15609
shall serve on the committee as members ex officio. Any member of 15610
the committee may designate in writing a substitute to serve in 15611
the member's absence on the committee. The director of 15612
environmental protection may designate in writing the chief of the 15613
air pollution control division of the agency to represent the 15614
agency. Members shall serve on the committee at the pleasure of 15615
their appointing authority. Members of the committee appointed by 15616
the director of the office and, notwithstanding section 101.26 of 15617
the Revised Code, legislative members of the committee, when 15618
engaged in their official duties as members of the committee, 15619
shall be compensated on a per diem basis in accordance with 15620
division (J) of section 124.15 of the Revised Code, except that 15621
the member of the public utilities commission and, while employed 15622
by a state university, the member with a background in coal 15623
research, shall not be so compensated. Members shall receive their 15624
actual and necessary expenses incurred in the performance of their 15625
duties. 15626

(B) The technical advisory committee shall review and make 15627
recommendations concerning the Ohio coal development agenda 15628
required under section 1551.34 of the Revised Code, project 15629
proposals, research and development projects submitted to the 15630
office by public utilities for the purpose of section 4905.304 of 15631
the Revised Code, proposals for grants, loans, and loan guarantees 15632
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 15633
and such other topics as the director of the office considers 15634
appropriate. 15635

(C) The technical advisory committee may hold an executive session at any regular or special meeting for the purpose of considering research and development project proposals or applications for assistance submitted to the Ohio coal development office under section 1551.33, or sections 1555.01 to 1555.06, of the Revised Code, to the extent that such proposals or applications consist of trade secrets or other proprietary information.

Any materials or data submitted to, made available to, or received by the ~~director of Ohio air quality~~ development authority or the director of the Ohio coal development office in connection with agreements for assistance entered into under this chapter or Chapter 1555. of the Revised Code, or any information taken from such materials or data for any purpose, to the extent that the materials or data consist of trade secrets or other proprietary information, are not public records for the purposes of section 149.43 of the Revised Code.

As used in this division, "trade secrets" has the same meaning as in section 1333.61 of the Revised Code.

Sec. 1555.02. It is hereby declared to be the public policy of ~~the~~ this state through the operations of the Ohio coal development office under this chapter to contribute toward one or more of the following: to provide for the comfort, health, safety, and general welfare of all employees and other inhabitants of ~~the~~ this state through research and development directed toward the discovery of new technologies or the demonstration or application of existing technologies to enable the conversion or use of Ohio coal as a fuel or chemical feedstock in an environmentally acceptable manner thereby enhancing the marketability and fostering the use of this state's vast reserves of coal, to assist in the financing of coal research and development and coal

research and development projects or facilities for persons doing 15667
business in this state and educational and scientific institutions 15668
located in this state, to create or preserve jobs and employment 15669
opportunities or improve the economic welfare of the people of ~~the~~ 15670
this state, or to assist and cooperate with such persons and 15671
educational and scientific institutions in conducting coal 15672
research and development. In furtherance of ~~such~~ this public 15673
policy, the Ohio coal development office ~~may~~, with the advice of 15674
the technical advisory committee created in section 1551.35 of the 15675
Revised Code and the ~~approval of the director of development~~ 15676
affirmative vote of a majority of the members of the Ohio air 15677
quality development authority, may make loans, guarantee loans, 15678
and make grants to persons doing business in this state or to 15679
educational or scientific institutions located in this state for 15680
coal research and development projects by such persons or 15681
educational or scientific institutions; ~~may~~, with the advice of 15682
the technical advisory committee and the ~~approval of the director~~ 15683
~~of development~~ affirmative vote of a majority of the members of 15684
the Ohio air quality development authority, request the issuance 15685
of coal research and development general obligations under section 15686
151.07 of the Revised Code to provide funds for making such loans, 15687
loan guarantees, and grants; and ~~may~~, with the advice of the 15688
technical advisory committee and the ~~approval of the director of~~ 15689
~~development~~ affirmative vote of a majority of the members of the 15690
Ohio air quality development authority, expend moneys credited to 15691
the coal research and development fund created in section 1555.15 15692
of the Revised Code for the purpose of making such loans, loan 15693
guarantees, and grants. Determinations by the director of the Ohio 15694
coal development office that coal research and development or a 15695
coal research and development facility is a coal research and 15696
development project under this chapter and is consistent with the 15697
purposes of Section 15 of Article VIII, Ohio Constitution, and 15698
this chapter shall be conclusive as to the validity and 15699

enforceability of the coal research and development general 15700
obligations issued to finance such project and of the 15701
authorizations, trust agreements or indentures, loan agreements, 15702
loan guarantee agreements, or grant agreements, and other 15703
agreements made in connection therewith, all in accordance with 15704
their terms. 15705

Sec. 1555.03. For the purposes of this chapter, the director 15706
of the Ohio coal development office may: 15707

(A) With the advice of the technical advisory committee 15708
created in section 1551.35 of the Revised Code and the ~~approval of~~ 15709
~~the director of development~~ affirmative vote of a majority of the 15710
members of the Ohio air quality development authority, make loans, 15711
guarantee loans, and make grants to persons doing business in this 15712
state or to educational or scientific institutions located in this 15713
state for coal research and development projects by any such 15714
person or educational or scientific institution and adopt rules 15715
under Chapter 119. of the Revised Code for making such loans, 15716
guarantees, and grants. 15717

(B) In making loans, loan guarantees, and grants under 15718
division (A) of this section and section 1555.04 of the Revised 15719
Code, the director of the office shall ensure that an adequate 15720
portion of the total amount of those loans, loan guarantees, and 15721
grants, as determined by the director with the advice of the 15722
technical advisory committee, ~~be~~ is used for conducting research 15723
on fundamental scientific problems related to the utilization of 15724
Ohio coal and shall ensure, to the maximum feasible extent, joint 15725
financial participation by the federal government or other 15726
investors or interested parties in conjunction with any such loan, 15727
loan guarantee, or grant. The director, in each grant agreement or 15728
contract under division (A) of this section, loan contract or 15729
agreement under this division or section 1555.04 of the Revised 15730

Code, and contract of guarantee under section 1555.05 of the 15731
Revised Code, shall require that the facility or project be 15732
maintained and kept in good condition and repair by the person or 15733
educational or scientific institution to whom the grant or loan 15734
was made or for whom the guarantee was made. 15735

(C) From time to time, with the advice of the technical 15736
advisory committee and the ~~approval of the director of development~~ 15737
affirmative vote of a majority of the members of the Ohio air 15738
quality development authority, request the issuance of coal 15739
research and development general obligations under section 151.07 15740
of the Revised Code, for any of the purposes set forth in Section 15741
15 of Article VIII, Ohio Constitution, and subject to the 15742
limitations therein upon the aggregate total amount of obligations 15743
that may be outstanding at any time. 15744

(D) Include as a condition of any loan, loan guarantee, or 15745
grant contract or agreement with any such person or educational or 15746
scientific institution that the director of the office receive, in 15747
addition to payments of principal and interest on any such loan or 15748
service charges for any such guarantee, as appropriate, as 15749
authorized by Section 15, Article VIII, Ohio Constitution, a 15750
reasonable royalty or portion of the income or profits arising out 15751
of the developments, discoveries, or inventions, including patents 15752
or copyrights ~~which, that~~ result in whole or in part from coal 15753
research and development projects conducted under any such 15754
contract or agreement, in such amounts and for such period of 15755
years as may be negotiated and provided by the contract or 15756
agreement in advance of the making of the grant, loan, or loan 15757
guarantee. Moneys so received by the director of the office shall 15758
be credited to the coal research and development bond service 15759
fund. 15760

(E) Employ managers, superintendents, and other employees and 15761
retain or contract with consulting engineers, financial 15762

consultants, accounting experts, architects, and such other 15763
consultants and independent contractors as are necessary in the 15764
judgment of the director of the office to carry out this chapter, 15765
and fix the compensation thereof. 15766

(F) Receive and accept from any federal agency, subject to 15767
the approval of the governor, grants for or in aid of the 15768
construction or operation of any coal research and development 15769
project or for coal research and development, and receive and 15770
accept aid or contributions from any source of money, property, 15771
labor, or other things of value, to be held, used, and applied 15772
only for the purposes for which such grants and contributions are 15773
made. 15774

(G) Purchase fire and extended coverage and liability 15775
insurance for any coal research and development project, insurance 15776
protecting the office and its officers and employees against 15777
liability for damage to property or injury to or death of persons 15778
arising from its operations, and any other insurance the director 15779
of the office determines necessary or proper under this chapter. 15780
Any moneys received by the director from the proceeds of any such 15781
insurance with respect to a coal research and development project 15782
and any moneys received by the director from the proceeds of any 15783
settlement, judgment, foreclosure, or other insurance with respect 15784
to a coal research and development project or facility shall be 15785
credited to the coal research and development bond service fund. 15786

(H) In the exercise of the powers of the director of the 15787
office under this chapter, call to the director's assistance, 15788
temporarily, from time to time, any engineers, technical experts, 15789
financial experts, and other employees in any state department, 15790
agency, or commission, or in the Ohio state university, or other 15791
educational institutions financed wholly or partially by ~~the~~ this 15792
state for purposes of assisting the director of the office with 15793
reviewing and evaluating applications for financial assistance 15794

under this chapter, monitoring performance of coal research and 15795
development projects receiving financial assistance under this 15796
chapter, and reviewing and evaluating the progress and findings of 15797
those projects. Such engineers, experts, and employees shall not 15798
receive any additional compensation over that which they receive 15799
from the department, agency, commission, or educational 15800
institution by which they are employed, but they shall be 15801
reimbursed for their actual and necessary expenses incurred while 15802
working under the direction of the director. 15803

(I) Do all acts necessary or proper to carry out the powers 15804
expressly granted in this chapter. 15805

Sec. 1555.04. (A) With respect to coal research and 15806
development projects financed wholly or partially from a loan or 15807
loan guarantee under this chapter, the director of the Ohio coal 15808
development office ~~may~~, in addition to other powers under this 15809
chapter, with the advice of the technical advisory committee 15810
created in section 1551.35 of the Revised Code and the ~~approval~~ 15811
affirmative vote of the director of development a majority of the 15812
members of the Ohio air quality development authority, may enter 15813
into loan agreements, accept notes and other forms of obligation 15814
to evidence such indebtedness and mortgages, liens, pledges, 15815
assignments, or other security interests to secure such 15816
indebtedness, which may be prior or subordinate to or on a parity 15817
with other indebtedness, obligations, mortgages, pledges, 15818
assignments, other security interests, or liens or encumbrances, 15819
and take such actions as ~~he~~ the director of the office considers 15820
appropriate to protect such security and safeguard against losses, 15821
including, without limitation, foreclosure and the bidding upon 15822
and purchase of property upon foreclosure or other sale. 15823

(B) The authority granted by this section is cumulative and 15824
supplementary to all other authority granted in this chapter. The 15825

authority granted by this section does not alter or impair any 15826
similar authority granted elsewhere in this chapter with respect 15827
to other projects. 15828

Sec. 1555.05. (A) Subject to any limitations as to aggregate 15829
amounts thereof that may from time to time be prescribed by the 15830
general assembly and to other applicable provisions of this 15831
chapter, and subject to the ~~one hundred million dollar~~ 15832
one-hundred-million-dollar limitation provided in Section 15 of 15833
Article VIII, Ohio Constitution, the director of the Ohio coal 15834
development office ~~may~~, on behalf of ~~the~~ this state, with the 15835
advice of the technical advisory committee created in section 15836
1551.35 of the Revised Code and the ~~approval~~ affirmative vote of a 15837
majority of the members of the director of development Ohio air 15838
quality development authority, may enter into contracts to 15839
guarantee the repayment or payment of the unpaid principal amount 15840
of loans made to pay the costs of coal research and development 15841
projects. 15842

(B) The contract of guarantee may make provision for the 15843
conditions of, time for, and manner of fulfillment of the 15844
guarantee commitment, subrogation of ~~the~~ this state to the rights 15845
of the parties guaranteed and exercise of such parties' rights by 15846
the state, giving the state the option of making payment of the 15847
principal amount guaranteed in one or more installments and, if 15848
deferred, to pay interest thereon from the source specified in 15849
division (A) of this section, and any other terms or conditions 15850
customary to such guarantees and as the director of the office may 15851
approve, and may contain provisions for securing the guarantee in 15852
the manner consistent with this section, covenants on behalf of 15853
~~the~~ this state to issue obligations under section 1555.08 of the 15854
Revised Code to provide moneys to fulfill such guarantees and 15855
covenants, and covenants restricting the aggregate amount of 15856
guarantees that may be contracted under this section and 15857

obligations that may be issued under section 151.07 of the Revised Code, and terms pertinent to either, to better secure the parties guaranteed.

(C) The director of the office may fix service charges for making a guarantee. Such charges shall be payable at such times and place and in such amounts and manner as may be prescribed by the director. Moneys received from such charges shall be credited to the coal research and development bond service fund.

(D) Any guaranteed parties under this section, by any suitable form of legal proceedings and except to the extent that their rights are restricted by the guarantee documents, may ~~by any suitable form of legal proceedings,~~ protect and enforce any rights under the laws of this state or granted by such guarantee or guarantee documents. Such rights include the right to compel the performance of all duties of the office required by this section or the guarantee or guarantee documents; and in the event of default with respect to the payment of any guarantees, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the moneys pledged to such guarantee with full power to pay, and to provide for payment of, such guarantee, and with such powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge or apply additional revenues or receipts or other income or moneys of ~~the~~ this state. Each duty of the office and its director and employees required or undertaken under this section or a guarantee made under this section is hereby established as a duty of the office and of its director and each such employee having authority to perform such duty, specifically enjoined by the law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the director of the office, or its employees, are not liable in their personal capacities on any

guarantees or contracts to make guarantees by the director. 15890

Sec. 1555.06. Upon application by the director of the Ohio 15891
coal development office with the ~~approval~~ affirmative vote of a 15892
majority of the director of development members of the Ohio air 15893
quality development authority, the controlling board ~~may~~, from 15894
appropriations available to the board, may provide funds for 15895
surveys or studies by the office of any proposed coal research and 15896
development project subject to repayment by the office from funds 15897
available to it, within the time fixed by the board. Funds to be 15898
repaid shall be charged by the office to the appropriate coal 15899
research and development project and the amount thereof shall be a 15900
cost of the project. This section does not abrogate the authority 15901
of the controlling board to otherwise provide funds for use by the 15902
office in the exercise of the powers granted to it by this 15903
chapter. 15904

Sec. 1555.08. (A) Subject to the limitations provided in 15905
Section 15 of Article VIII, Ohio Constitution, the commissioners 15906
of the sinking fund, upon certification by the director of the 15907
Ohio coal development office of the amount of moneys or additional 15908
moneys needed in the coal research and development fund for the 15909
purpose of making grants or loans for allowable costs, or needed 15910
for capitalized interest, for funding reserves, and for paying 15911
costs and expenses incurred in connection with the issuance, 15912
carrying, securing, paying, redeeming, or retirement of the 15913
obligations or any obligations refunded thereby, including payment 15914
of costs and expenses relating to letters of credit, lines of 15915
credit, insurance, put agreements, standby purchase agreements, 15916
indexing, marketing, remarketing and administrative arrangements, 15917
interest swap or hedging agreements, and any other credit 15918
enhancement, liquidity, remarketing, renewal, or refunding 15919
arrangements, all of which are authorized by this section, or 15920

providing moneys for loan guarantees, shall issue obligations of 15921
the state under this section in amounts authorized by the general 15922
assembly; provided that such obligations may be issued to the 15923
extent necessary to satisfy the covenants in contracts of 15924
guarantee made under section 1555.05 of the Revised Code to issue 15925
obligations to meet such guarantees, notwithstanding limitations 15926
otherwise applicable to the issuance of obligations under this 15927
section except the one-hundred-million-dollar limitation provided 15928
in Section 15 of Article VIII, Ohio Constitution. The proceeds of 15929
such obligations, except for the portion to be deposited in the 15930
coal research and development bond service fund as may be provided 15931
in the bond proceedings, shall as provided in the bond proceedings 15932
be deposited in the coal research and development fund. The 15933
commissioners of the sinking fund may appoint trustees, paying 15934
agents, and transfer agents and may retain the services of 15935
financial advisors, accounting experts, and attorneys, and retain 15936
or contract for the services of marketing, remarketing, indexing, 15937
and administrative agents, other consultants, and independent 15938
contractors, including printing services, as are necessary in 15939
their judgment to carry out this section. 15940

(B) The full faith and credit of the state of Ohio is hereby 15941
pledged to obligations issued under this section. The right of the 15942
holders and owners to payment of bond service charges is limited 15943
to all or that portion of the moneys pledged thereto pursuant to 15944
the bond proceedings in accordance with this section, and each 15945
such obligation shall bear on its face a statement to that effect. 15946

(C) Obligations shall be authorized by resolution of the 15947
commissioners of the sinking fund on request of the director of 15948
the Ohio coal development office as provided in section 1555.02 of 15949
the Revised Code and the bond proceedings shall provide for the 15950
purpose thereof and the principal amount or amounts, and shall 15951
provide for or authorize the manner or agency for determining the 15952

principal maturity or maturities, not exceeding forty years from 15953
the date of issuance, the interest rate or rates or the maximum 15954
interest rate, the date of the obligations and the dates of 15955
payment of interest thereon, their denomination, and the 15956
establishment within or without the state of a place or places of 15957
payment of bond service charges. Sections 9.98 to 9.983 of the 15958
Revised Code apply to obligations issued under this section. The 15959
purpose of such obligations may be stated in the bond proceedings 15960
in terms describing the general purpose or purposes to be served. 15961
The bond proceedings shall also provide, subject to the provisions 15962
of any other applicable bond proceedings, for the pledge of all, 15963
or such part as the commissioners of the sinking fund may 15964
determine, of the moneys credited to the coal research and 15965
development bond service fund to the payment of bond service 15966
charges, which pledges may be made either prior or subordinate to 15967
other expenses, claims, or payments and may be made to secure the 15968
obligations on a parity with obligations theretofore or thereafter 15969
issued, if and to the extent provided in the bond proceedings. The 15970
moneys so pledged and thereafter received by the state are 15971
immediately subject to the lien of such pledge without any 15972
physical delivery thereof or further act, and the lien of any such 15973
pledges is valid and binding against all parties having claims of 15974
any kind against the state or any governmental agency of the 15975
state, irrespective of whether such parties have notice thereof, 15976
and shall create a perfected security interest for all purposes of 15977
Chapter 1309. of the Revised Code, without the necessity for 15978
separation or delivery of funds or for the filing or recording of 15979
the bond proceedings by which such pledge is created or any 15980
certificate, statement or other document with respect thereto; and 15981
the pledge of such moneys is effective and the money therefrom and 15982
thereof may be applied to the purposes for which pledged without 15983
necessity for any act of appropriation. Every pledge, and every 15984
covenant and agreement made with respect thereto, made in the bond 15985

proceedings may therein be extended to the benefit of the owners 15986
and holders of obligations authorized by this section, and to any 15987
trustee therefor, for the further security of the payment of the 15988
bond service charges. 15989

(D) The bond proceedings may contain additional provisions as 15990
to: 15991

(1) The redemption of obligations prior to maturity at the 15992
option of the commissioners of the sinking fund at such price or 15993
prices and under such terms and conditions as are provided in the 15994
bond proceedings; 15995

(2) Other terms of the obligations; 15996

(3) Limitations on the issuance of additional obligations; 15997

(4) The terms of any trust agreement or indenture securing 15998
the obligations or under which the obligations may be issued; 15999

(5) The deposit, investment, and application of the coal 16000
research and development bond service fund, and the safeguarding 16001
of moneys on hand or on deposit, without regard to Chapter 131. or 16002
135. of the Revised Code, but subject to any special provisions of 16003
this chapter, with respect to particular moneys; provided, that 16004
any bank or trust company which acts as depository of any moneys 16005
in the fund may furnish such indemnifying bonds or may pledge such 16006
securities as required by the commissioners of the sinking fund; 16007

(6) Any other provision of the bond proceedings being binding 16008
upon the commissioners of the sinking fund, or such other body or 16009
person as may from time to time have the authority under law to 16010
take such actions as may be necessary to perform all or any part 16011
of the duty required by such provision; 16012

(7) Any provision which may be made in a trust agreement or 16013
indenture; 16014

(8) Any other or additional agreements with the holders of 16015

the obligations, or the trustee therefor, relating to the 16016
obligations or the security therefor, including the assignment of 16017
mortgages or other security obtained or to be obtained for loans 16018
under this chapter. 16019

(E) The obligations may have the great seal of the state or a 16020
facsimile thereof affixed thereto or printed thereon. The 16021
obligations shall be signed by such members of the commissioners 16022
of the sinking fund as are designated in the resolution 16023
authorizing the obligations or bear the facsimile signatures of 16024
such members. Any coupons attached to the obligations shall bear 16025
the facsimile signature of the treasurer of state. Any obligations 16026
may be executed by the persons who, on the date of execution, are 16027
the commissioners although on the date of such bonds the persons 16028
were not the commissioners. Any coupons may be executed by the 16029
person who, on the date of execution, is the treasurer of state 16030
although on the date of such coupons the person was not the 16031
treasurer of state. In case any officer or commissioner whose 16032
signature or a facsimile of whose signature appears on any such 16033
obligations or any coupons ceases to be such officer or 16034
commissioner before delivery thereof, such signature or facsimile 16035
is nevertheless valid and sufficient for all purposes as if the 16036
individual had remained such officer or commissioner until such 16037
delivery; and in case the seal to be affixed to obligations has 16038
been changed after a facsimile of the seal has been imprinted on 16039
such obligations, such facsimile seal shall continue to be 16040
sufficient as to such obligations and obligations issued in 16041
substitution or exchange therefor. 16042

(F) All obligations except loan guarantees are negotiable 16043
instruments and securities under Chapter 1308. of the Revised 16044
Code, subject to the provisions of the bond proceedings as to 16045
registration. The obligations may be issued in coupon or in 16046
registered form, or both, as the commissioners of the sinking fund 16047

determine. Provision may be made for the registration of any 16048
obligations with coupons attached thereto as to principal alone or 16049
as to both principal and interest, their exchange for obligations 16050
so registered, and for the conversion or reconversion into 16051
obligations with coupons attached thereto of any obligations 16052
registered as to both principal and interest, and for reasonable 16053
charges for such registration, exchange, conversion, and 16054
reconversion. 16055

(G) Obligations may be sold at public sale or at private 16056
sale, as determined in the bond proceedings. 16057

(H) Pending preparation of definitive obligations, the 16058
commissioners of the sinking fund may issue interim receipts or 16059
certificates which shall be exchanged for such definitive 16060
obligations. 16061

(I) In the discretion of the commissioners of the sinking 16062
fund, obligations may be secured additionally by a trust agreement 16063
or indenture between the commissioners and a corporate trustee, 16064
which may be any trust company or bank having its principal place 16065
of business within the state. Any such agreement or indenture may 16066
contain the resolution authorizing the issuance of the 16067
obligations, any provisions that may be contained in any bond 16068
proceedings, and other provisions that are customary or 16069
appropriate in an agreement or indenture of such type, including, 16070
but not limited to: 16071

(1) Maintenance of each pledge, trust agreement, indenture, 16072
or other instrument comprising part of the bond proceedings until 16073
the state has fully paid the bond service charges on the 16074
obligations secured thereby, or provision therefor has been made; 16075

(2) In the event of default in any payments required to be 16076
made by the bond proceedings, or any other agreement of the 16077
commissioners of the sinking fund made as a part of the contract 16078

under which the obligations were issued, enforcement of such 16079
payments or agreement by mandamus, the appointment of a receiver, 16080
suit in equity, action at law, or any combination of the 16081
foregoing; 16082

(3) The rights and remedies of the holders of obligations and 16083
of the trustee, and provisions for protecting and enforcing them, 16084
including limitations on rights of individual holders of 16085
obligations; 16086

(4) The replacement of any obligations that become mutilated 16087
or are destroyed, lost, or stolen; 16088

(5) Such other provisions as the trustee and the 16089
commissioners of the sinking fund agree upon, including 16090
limitations, conditions, or qualifications relating to any of the 16091
foregoing. 16092

(J) Any holder of obligations or a trustee under the bond 16093
proceedings, except to the extent that the holder's rights are 16094
restricted by the bond proceedings, may by any suitable form of 16095
legal proceedings protect and enforce any rights under the laws of 16096
this state or granted by such bond proceedings. Such rights 16097
include the right to compel the performance of all duties of the 16098
commissioners of the sinking fund, the ~~director of development~~ 16099
Ohio air quality development authority, or the Ohio coal 16100
development office required by this chapter and Chapter 1551. of 16101
the Revised Code or the bond proceedings; to enjoin unlawful 16102
activities; and in the event of default with respect to the 16103
payment of any bond service charges on any obligations or in the 16104
performance of any covenant or agreement on the part of the 16105
commissioners, the ~~director~~ authority, or the office in the bond 16106
proceedings, to apply to a court having jurisdiction of the cause 16107
to appoint a receiver to receive and administer the moneys 16108
pledged, other than those in the custody of the treasurer of 16109
state, that are pledged to the payment of the bond service charges 16110

on such obligations or that are the subject of the covenant or 16111
agreement, with full power to pay, and to provide for payment of 16112
bond service charges on, such obligations, and with such powers, 16113
subject to the direction of the court, as are accorded receivers 16114
in general equity cases, excluding any power to pledge additional 16115
revenues or receipts or other income or moneys of the 16116
commissioners of the sinking fund or the state or governmental 16117
agencies of the state to the payment of such principal and 16118
interest and excluding the power to take possession of, mortgage, 16119
or cause the sale or otherwise dispose of any project. 16120

Each duty of the commissioners of the sinking fund and their 16121
employees, and of each governmental agency and its officers, 16122
members, or employees, undertaken pursuant to the bond proceedings 16123
or any grant, loan, or loan guarantee agreement made under 16124
authority of this chapter, and in every agreement by or with the 16125
commissioners, is hereby established as a duty of the 16126
commissioners, and of each such officer, member, or employee 16127
having authority to perform such duty, specifically enjoined by 16128
the law resulting from an office, trust, or station within the 16129
meaning of section 2731.01 of the Revised Code. 16130

The persons who are at the time the commissioners of the 16131
sinking fund, or their employees, are not liable in their personal 16132
capacities on any obligations issued by the commissioners or any 16133
agreements of or with the commissioners. 16134

(K) Obligations issued under this section are lawful 16135
investments for banks, societies for savings, savings and loan 16136
associations, deposit guarantee associations, trust companies, 16137
trustees, fiduciaries, insurance companies, including domestic for 16138
life and domestic not for life, trustees or other officers having 16139
charge of sinking and bond retirement or other special funds of 16140
political subdivisions and taxing districts of this state, the 16141
commissioners of the sinking fund of the state, the administrator 16142

of workers' compensation, the state teachers retirement system, 16143
the public employees retirement system, the school employees 16144
retirement system, and the Ohio police and fire pension fund, 16145
notwithstanding any other provisions of the Revised Code or rules 16146
adopted pursuant thereto by any governmental agency of the state 16147
with respect to investments by them, and are also acceptable as 16148
security for the deposit of public moneys. 16149

(L) If the law or the instrument creating a trust pursuant to 16150
division (I) of this section expressly permits investment in 16151
direct obligations of the United States or an agency of the United 16152
States, unless expressly prohibited by the instrument, such moneys 16153
also may be invested in no-front-end-load money market mutual 16154
funds consisting exclusively of obligations of the United States 16155
or an agency of the United States and in repurchase agreements, 16156
including those issued by the fiduciary itself, secured by 16157
obligations of the United States or an agency of the United 16158
States; and in collective investment funds established in 16159
accordance with section 1111.14 of the Revised Code and consisting 16160
exclusively of any such securities, notwithstanding division 16161
(A)(1)(c) of that section. The income from such investments shall 16162
be credited to such funds as the commissioners of the sinking fund 16163
determine, and such investments may be sold at such times as the 16164
commissioners determine or authorize. 16165

(M) Provision may be made in the applicable bond proceedings 16166
for the establishment of separate accounts in the bond service 16167
fund and for the application of such accounts only to the 16168
specified bond service charges on obligations pertinent to such 16169
accounts and bond service fund and for other accounts therein 16170
within the general purposes of such fund. Moneys to the credit of 16171
the bond service fund shall be disbursed on the order of the 16172
treasurer of state; provided, that no such order is required for 16173
the payment from the bond service fund when due of bond service 16174

charges on obligations. 16175

(N) The commissioners of the sinking fund may pledge all, or 16176
such portion as they determine, of the receipts of the bond 16177
service fund to the payment of bond service charges on obligations 16178
issued under this section, and for the establishment and 16179
maintenance of any reserves, as provided in the bond proceedings, 16180
and make other provisions therein with respect to pledged receipts 16181
as authorized by this chapter, which provisions control 16182
notwithstanding any other provisions of law pertaining thereto. 16183

(O) The commissioners of the sinking fund may covenant in the 16184
bond proceedings, and any such covenants control notwithstanding 16185
any other provision of law, that the state and applicable officers 16186
and governmental agencies of the state, including the general 16187
assembly, so long as any obligations are outstanding, shall: 16188

(1) Maintain statutory authority for and cause to be levied 16189
and collected taxes so that the pledged receipts are sufficient in 16190
amount to meet bond service charges, and the establishment and 16191
maintenance of any reserves and other requirements provided for in 16192
the bond proceedings, and, as necessary, to meet covenants 16193
contained in any loan guarantees made under this chapter; 16194

(2) Take or permit no action, by statute or otherwise, that 16195
would impair the exemption from federal income taxation of the 16196
interest on the obligations. 16197

(P) All moneys received by or on account of the state and 16198
required by the applicable bond proceedings, consistent with this 16199
section, to be deposited, transferred, or credited to the coal 16200
research and development bond service fund, and all other moneys 16201
transferred or allocated to or received for the purposes of the 16202
fund, shall be credited to such fund and to any separate accounts 16203
therein, subject to applicable provisions of the bond proceedings, 16204
but without necessity for any act of appropriation. During the 16205

period beginning with the date of the first issuance of 16206
obligations and continuing during such time as any such 16207
obligations are outstanding, and so long as moneys in the bond 16208
service fund are insufficient to pay all bond service charges on 16209
such obligations becoming due in each year, a sufficient amount of 16210
moneys of the state are committed and shall be paid to the bond 16211
service fund in each year for the purpose of paying the bond 16212
service charges becoming due in that year without necessity for 16213
further act of appropriation for such purpose. The bond service 16214
fund is a trust fund and is hereby pledged to the payment of bond 16215
service charges to the extent provided in the applicable bond 16216
proceedings, and payment thereof from such fund shall be made or 16217
provided for by the treasurer of state in accordance with such 16218
bond proceedings without necessity for any act of appropriation. 16219
All investment earnings of the fund shall be credited to the fund. 16220

(Q) For purposes of establishing the limitations contained in 16221
Section 15 of Article VIII, Ohio Constitution, the "principal 16222
amount" refers to the aggregate of the offering price of the bonds 16223
or notes. "Principal amount" does not refer to the aggregate value 16224
at maturity or redemption of the bonds or notes. 16225

(R) This section applies only with respect to obligations 16226
issued and delivered prior to September 30, 2000. 16227

Sec. 1555.17. All final actions of the director of the Ohio 16228
coal development office shall be journalized and such journal 16229
shall be open to inspection of the public at all reasonable times. 16230
Any materials or data, to the extent that they consist of trade 16231
secrets, as defined in section 1333.61 of the Revised Code, or 16232
other proprietary information, that are submitted or made 16233
available to, or received by, the ~~director of development~~ Ohio air 16234
quality development authority or the director of the Ohio coal 16235
development office, in connection with agreements for assistance 16236

entered into under this chapter or Chapter ~~1555~~, 1551, of the 16237
Revised Code, or any information taken from those materials or 16238
data, are not public records for the ~~proposes~~ purposes of section 16239
149.43 of the Revised Code. 16240

Sec. 1563.42. The operator of a mine, before the pillars are 16241
drawn previous to the abandonment of any part of the mine, shall 16242
have a correct map of such part of the mine made, showing its area 16243
and workings to the day of the abandonment and the pillars drawn 16244
previous to abandonment, and file such map within ninety days 16245
after the abandonment of such mine, in the office of the county 16246
recorder of the county where such mine is located, and with the 16247
chief of the division of mineral resources management. Such map 16248
shall have attached the usual certificate of the mining engineer 16249
making it, and the mine foreperson in charge of the underground 16250
workings of the mine, and such operator shall pay to the recorder 16251
for filing such map, a base fee of five dollars for services and a 16252
housing trust fee of five dollars pursuant to section 317.36 of 16253
the Revised Code. 16254

No operator of a mine shall refuse or neglect to comply with 16255
this section. 16256

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 16257
under the general corporation laws of this state, or previous 16258
laws, or under special provisions of the Revised Code, or created 16259
before September 1, 1851, which corporation has expressly or 16260
impliedly elected to be governed by the laws passed since that 16261
date, and whose articles or other documents are filed with the 16262
secretary of state, shall file with the secretary of state a 16263
verified statement of continued existence, signed by a director, 16264
officer, or three members in good standing, setting forth the 16265
corporate name, the place where the principal office of the 16266
corporation is located, the date of incorporation, the fact that 16267

the corporation is still actively engaged in exercising its 16268
corporate privileges, and the name and address of its agent 16269
appointed pursuant to section 1702.06 of the Revised Code. 16270

(B) Each corporation required to file a statement of 16271
continued existence shall file it with the secretary of state 16272
within each five years after the date of incorporation or of the 16273
last corporate filing. 16274

(C) Corporations specifically exempted by division (N) of 16275
section 1702.06 of the Revised Code, or whose activities are 16276
regulated or supervised by another state official, agency, bureau, 16277
department, or commission are exempted from this section. 16278

(D) The secretary of state shall give notice in writing and 16279
provide a form for compliance with this section to each 16280
corporation required by this section to file the statement of 16281
continued existence, such notice and form to be mailed to the last 16282
known address of the corporation as it appears on the records of 16283
the secretary of state or which the secretary of state may 16284
ascertain upon a reasonable search. 16285

(E) If any nonprofit corporation required by this section to 16286
file a statement of continued existence fails to file the 16287
statement required every fifth year, then the secretary of state 16288
shall cancel the articles of such corporation, make a notation of 16289
the cancellation on the records, and mail to the corporation a 16290
certificate of the action so taken. 16291

(F) A corporation whose articles have been canceled may be 16292
reinstated by filing an application for reinstatement and paying 16293
to the secretary of state the fee specified in division (Q) of 16294
section 111.16 of the Revised Code. The name of a corporation 16295
whose articles have been canceled shall be reserved for a period 16296
of one year after the date of cancellation. If the reinstatement 16297
is not made within one year from the date of the cancellation of 16298

its articles of incorporation and it appears that a corporate 16299
name, limited liability company name, limited liability 16300
partnership name, limited partnership name, or trade name has been 16301
filed, the name of which is not distinguishable upon the record as 16302
provided in section 1702.06 of the Revised Code, the applicant for 16303
reinstatement shall be required by the secretary of state, as a 16304
condition prerequisite to such reinstatement, to amend its 16305
articles by changing its name. A certificate of reinstatement may 16306
be filed in the recorder's office of any county in the state, for 16307
which the recorder shall charge and collect a base fee of one 16308
dollar for services and a housing trust fund fee of one dollar 16309
pursuant to section 317.36 of the Revised Code. The rights, 16310
privileges, and franchises of a corporation whose articles have 16311
been reinstated are subject to section 1702.60 of the Revised 16312
Code. 16313

(G) The secretary of state shall furnish the tax commissioner 16314
a list of all corporations failing to file the required statement 16315
of continued existence. 16316

Sec. 1711.13. County agricultural societies are hereby 16317
declared bodies corporate and politic, and as such they shall be 16318
capable of suing and being sued and of holding in fee simple any 16319
real estate purchased by them as sites for their fairs. They In 16320
addition, they may mortgage do either or both of the following: 16321

(A) Mortgage their grounds for the purpose of renewing or 16322
extending pre-existing debts, and for the purpose of furnishing 16323
money to purchase additional land, but if the board of county 16324
commissioners has caused money to be paid out of the county 16325
treasury to aid in the purchase of ~~such~~ the grounds, no mortgage 16326
shall be given without the consent of ~~such~~ the board. 16327

Deeds, conveyances, and agreements in writing, made to and by 16328
such societies, for the purchase of real estate as sites for their 16329

fairs, shall vest a title in fee simple to the real estate therein 16330
described in those documents, without words of inheritance. 16331

(B) Enter into agreements to obtain loans and credit for 16332
expenses related to the purposes of the county agricultural 16333
society, provided that the agreements are in writing and are first 16334
approved by the board of directors of the society. The total net 16335
indebtedness incurred by a county agricultural society pursuant to 16336
this division shall not exceed an amount equal to twenty-five per 16337
cent of its annual revenues. 16338

Sec. 1711.131. (A) The board of directors of a county 16339
agricultural society or an independent agricultural society may 16340
authorize by resolution an officer or employee of the agricultural 16341
society to use a credit card held by the board to pay for expenses 16342
related to the purposes of the agricultural society. If a board 16343
elects to authorize the use of a credit card held by the board as 16344
described in this section, the board first shall adopt a policy 16345
specifying the purposes for which the credit card may be used. 16346

(B) An officer or employee of an agricultural society who 16347
makes unauthorized use of a credit card held by the society's 16348
board of directors is personally liable for the unauthorized use. 16349
The prosecuting attorney of the appropriate county shall recover 16350
the amount of any unauthorized expenses incurred by the officer or 16351
employee through the misuse of the credit card in a civil action 16352
in any court of competent jurisdiction. This section does not 16353
limit any other liability of the officer or employee for the 16354
unauthorized use of a credit card held by the board of directors. 16355

(C) An officer or employee who is authorized to use a credit 16356
card held by the board of directors of an agricultural society and 16357
who suspects the loss, theft, or possibility of unauthorized use 16358
of the credit card immediately shall notify the board in writing 16359
of the suspected loss, theft, or possible unauthorized use. The 16360

officer or employee may be held personally liable for not more 16361
than fifty dollars in unauthorized debt incurred before the board 16362
receives the notification. 16363

(D) The misuse by an officer or employee of an agricultural 16364
society of a credit card held by the society's board of directors 16365
is a violation of section 2913.21 of the Revised Code. 16366

Sec. 1711.15. In any county in which there is a duly 16367
organized county agricultural society, the board of county 16368
commissioners or the county agricultural society itself may 16369
purchase or lease, for a term of not less than twenty years, real 16370
estate on which to hold fairs under the management and control of 16371
the county agricultural society, and may erect ~~thereon~~ suitable 16372
buildings on the real estate and otherwise improve it. 16373

In counties in which there is a county agricultural society 16374
that has purchased, or leased, for a term of not less than twenty 16375
years, real estate as a site on which to hold fairs or in which 16376
the title to the site is vested in fee in the county, the board of 16377
county commissioners may erect or repair buildings or otherwise 16378
improve the site and pay the rental ~~thereof~~ of it, or contribute 16379
to or pay any other form of indebtedness of the society, if the 16380
director of agriculture has certified to the board that the county 16381
agricultural society is complying with all laws and rules 16382
governing the operation of county agricultural societies. The 16383
board may appropriate from the general fund any amount that it 16384
considers necessary for any of those purposes. 16385

Sec. 1711.17. (A) In any counties in which there is a duly 16386
organized independent agricultural society, the respective boards 16387
of county commissioners may purchase or lease jointly, for a term 16388
of not less than twenty years, real estate on which to hold fairs 16389
under the management and control of the society, and may erect 16390

suitable buildings and otherwise improve the property, and pay the 16391
rental thereof, or contribute to or pay any other form of 16392
indebtedness of the society, if the director of agriculture has 16393
certified to the board that the independent agricultural society 16394
is complying with all laws and rules governing the operation of 16395
county agricultural societies. The boards may appropriate from 16396
their respective general funds such an amount as they consider 16397
necessary for any of those purposes. 16398

(B) An independent agricultural society may purchase or 16399
lease, for a term of not less than twenty years, real estate on 16400
which to hold fairs under its management and control and may erect 16401
suitable buildings on the real estate and otherwise improve it. 16402

Sec. 1751.05. (A) The superintendent of insurance shall issue 16403
or deny a certificate of authority to establish or operate a 16404
health insuring corporation to any corporation filing an 16405
application pursuant to section 1751.03 of the Revised Code within 16406
forty-five days of the superintendent's receipt of the 16407
certification from the director of health under division (C) of 16408
section 1751.04 of the Revised Code. A certificate of authority 16409
shall be issued upon payment of the application fee prescribed in 16410
section 1751.44 of the Revised Code if the superintendent is 16411
satisfied that the following conditions are met: 16412

(1) The persons responsible for the conduct of the affairs of 16413
the applicant are competent, trustworthy, and possess good 16414
reputations. 16415

(2) The director certifies, in accordance with division (C) 16416
of section 1751.04 of the Revised Code, that the organization's 16417
proposed plan of operation meets the requirements of division (B) 16418
of that section and sections 3702.51 to 3702.62 of the Revised 16419
Code. If, after the director has certified compliance, the 16420
application is amended in a manner that affects its approval under 16421

section 1751.04 of the Revised Code, the superintendent shall 16422
request the director to review and recertify the amended plan of 16423
operation. Within forty-five days of receipt of the amended plan 16424
from the superintendent, the director shall certify to the 16425
superintendent, pursuant to section 1751.04 of the Revised Code, 16426
whether or not the amended plan meets the requirements of section 16427
1751.04 of the Revised Code. The superintendent's forty-five-day 16428
review period shall cease to run as of the date on which the 16429
amended plan is transmitted to the director and shall remain 16430
suspended until the superintendent receives a new certification 16431
from the director. 16432

(3) The applicant constitutes an appropriate mechanism to 16433
effectively provide or arrange for the provision of the basic 16434
health care services, supplemental health care services, or 16435
specialty health care services to be provided to enrollees. 16436

(4) The applicant is financially responsible, complies with 16437
section 1751.28 of the Revised Code, and may reasonably be 16438
expected to meet its obligations to enrollees and prospective 16439
enrollees. In making this determination, the superintendent may 16440
consider: 16441

(a) The financial soundness of the applicant's arrangements 16442
for health care services, including the applicant's proposed 16443
contractual periodic prepayments or premiums and the use of 16444
copayments and deductibles; 16445

(b) The adequacy of working capital; 16446

(c) Any agreement with an insurer, a government, or any other 16447
person for insuring the payment of the cost of health care 16448
services or providing for automatic applicability of an 16449
alternative coverage in the event of discontinuance of the health 16450
insuring corporation's operations; 16451

(d) Any agreement with providers or health care facilities 16452

for the provision of health care services; 16453

(e) Any deposit of securities submitted in accordance with 16454
section 1751.27 of the Revised Code as a guarantee that the 16455
obligations will be performed. 16456

(5) The applicant has submitted documentation of an 16457
arrangement to provide health care services to its enrollees until 16458
the expiration of the enrollees' contracts with the applicant if a 16459
health care plan or the operations of the health insuring 16460
corporation are discontinued prior to the expiration of the 16461
enrollees' contracts. An arrangement to provide health care 16462
services may be made by using any one, or any combination, of the 16463
following methods: 16464

(a) The maintenance of insolvency insurance; 16465

(b) A provision in contracts with providers and health care 16466
facilities, but no health insuring corporation shall rely solely 16467
on such a provision for more than thirty days; 16468

(c) An agreement with other health insuring corporations or 16469
insurers, providing enrollees with automatic conversion rights 16470
upon the discontinuation of a health care plan or the health 16471
insuring corporation's operations; 16472

(d) Such other methods as approved by the superintendent. 16473

(6) Nothing in the applicant's proposed method of operation, 16474
as shown by the information submitted pursuant to section 1751.03 16475
of the Revised Code or by independent investigation, will cause 16476
harm to an enrollee or to the public at large, as determined by 16477
the superintendent. 16478

(7) Any deficiencies certified by the director have been 16479
corrected. 16480

(8) The applicant has deposited securities as set forth in 16481
section 1751.27 of the Revised Code. 16482

(B) If an applicant elects to fulfill the requirements of 16483
division (A)(5) of this section through an agreement with other 16484
health insuring corporations or insurers, the agreement shall 16485
require those health insuring corporations or insurers to give 16486
thirty days' notice to the superintendent prior to cancellation or 16487
discontinuation of the agreement for any reason. 16488

(C) A certificate of authority shall be denied only after 16489
compliance with the requirements of section 1751.36 of the Revised 16490
Code. 16491

Sec. 1751.11. (A) Every subscriber of a health insuring 16492
corporation is entitled to an evidence of coverage for the health 16493
care plan under which health care benefits are provided. 16494

(B) Every subscriber of a health insuring corporation that 16495
offers basic health care services is entitled to an identification 16496
card or similar document that specifies the health insuring 16497
corporation's name as stated in its articles of incorporation, and 16498
any trade or fictitious names used by the health insuring 16499
corporation. The identification card or document shall list at 16500
least one toll-free telephone number that provides the subscriber 16501
with access, to information on a twenty-four-hours-per-day, 16502
seven-days-per-week basis, as to how health care services may be 16503
obtained. The identification card or document shall also list at 16504
least one toll-free number that, during normal business hours, 16505
provides the subscriber with access to information on the coverage 16506
available under the subscriber's health care plan and information 16507
on the health care plan's internal and external review processes. 16508

(C) No evidence of coverage, or amendment to the evidence of 16509
coverage, shall be delivered, issued for delivery, renewed, or 16510
used, until the form of the evidence of coverage or amendment has 16511
been filed by the health insuring corporation with the 16512
superintendent of insurance. If the superintendent does not 16513

disapprove the evidence of coverage or amendment within sixty days 16514
after it is filed it shall be deemed approved, unless the 16515
superintendent sooner gives approval for the evidence of coverage 16516
or amendment. With respect to an amendment to an approved evidence 16517
of coverage, the superintendent only may disapprove provisions 16518
amended or added to the evidence of coverage. If the 16519
superintendent determines within the sixty-day period that any 16520
evidence of coverage or amendment fails to meet the requirements 16521
of this section, the superintendent shall so notify the health 16522
insuring corporation and it shall be unlawful for the health 16523
insuring corporation to use such evidence of coverage or 16524
amendment. At any time, the superintendent, upon at least thirty 16525
days' written notice to a health insuring corporation, may 16526
withdraw an approval, deemed or actual, of any evidence of 16527
coverage or amendment on any of the grounds stated in this 16528
section. Such disapproval shall be effected by a written order, 16529
which shall state the grounds for disapproval and shall be issued 16530
in accordance with Chapter 119. of the Revised Code. 16531

(D) No evidence of coverage or amendment shall be delivered, 16532
issued for delivery, renewed, or used: 16533

(1) If it contains provisions or statements that are 16534
inequitable, untrue, misleading, or deceptive; 16535

(2) Unless it contains a clear, concise, and complete 16536
statement of the following: 16537

(a) The health care services and insurance or other benefits, 16538
if any, to which an enrollee is entitled under the health care 16539
plan; 16540

(b) Any exclusions or limitations on the health care 16541
services, type of health care services, benefits, or type of 16542
benefits to be provided, including copayments and deductibles; 16543

(c) An enrollee's personal financial obligation for 16544

noncovered services;	16545
(d) Where and in what manner general information and	16546
information as to how health care services may be obtained is	16547
available, including a toll-free telephone number;	16548
(e) The premium rate with respect to individual and	16549
conversion contracts, and relevant copayment <u>and deductible</u>	16550
provisions with respect to all contracts. The statement of the	16551
premium rate, however, may be contained in a separate insert.	16552
(f) The method utilized by the health insuring corporation	16553
for resolving enrollee complaints;	16554
(g) The utilization review, internal review, and external	16555
review procedures established under sections 1751.77 to 1751.85 of	16556
the Revised Code.	16557
(3) Unless it provides for the continuation of an enrollee's	16558
coverage, in the event that the enrollee's coverage under the	16559
group policy, contract, certificate, or agreement terminates while	16560
the enrollee is receiving inpatient care in a hospital. This	16561
continuation of coverage shall terminate at the earliest	16562
occurrence of any of the following:	16563
(a) The enrollee's discharge from the hospital;	16564
(b) The determination by the enrollee's attending physician	16565
that inpatient care is no longer medically indicated for the	16566
enrollee; however, nothing in division (D)(3)(b) of this section	16567
precludes a health insuring corporation from engaging in	16568
utilization review as described in the evidence of coverage.	16569
(c) The enrollee's reaching the limit for contractual	16570
benefits;	16571
(d) The effective date of any new coverage.	16572
(4) Unless it contains a provision that states, in substance,	16573
that the health insuring corporation is not a member of any	16574

guaranty fund, and that in the event of the health insuring 16575
corporation's insolvency, an enrollee is protected only to the 16576
extent that the hold harmless provision required by section 16577
1751.13 of the Revised Code applies to the health care services 16578
rendered; 16579

(5) Unless it contains a provision that states, in substance, 16580
that in the event of the insolvency of the health insuring 16581
corporation, an enrollee may be financially responsible for health 16582
care services rendered by a provider or health care facility that 16583
is not under contract to the health insuring corporation, whether 16584
or not the health insuring corporation authorized the use of the 16585
provider or health care facility. 16586

(E) Notwithstanding divisions (C) and (D) of this section, a 16587
health insuring corporation may use an evidence of coverage that 16588
provides for the coverage of beneficiaries enrolled in Title XVIII 16589
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 16590
301, as amended, pursuant to a medicare contract, or an evidence 16591
of coverage that provides for the coverage of beneficiaries 16592
enrolled in the federal employees health benefits program pursuant 16593
to 5 U.S.C.A. 8905, or an evidence of coverage that provides for 16594
the coverage of beneficiaries enrolled in Title XIX of the "Social 16595
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 16596
known as the medical assistance program or medicaid, provided by 16597
the Ohio department of job and family services under Chapter 5111. 16598
of the Revised Code, or an evidence of coverage that provides for 16599
the coverage of beneficiaries under any other federal health care 16600
program regulated by a federal regulatory body, or an evidence of 16601
coverage that provides for the coverage of beneficiaries under any 16602
contract covering officers or employees of the state that has been 16603
entered into by the department of administrative services, if both 16604
of the following apply: 16605

(1) The evidence of coverage has been approved by the United 16606

States department of health and human services, the United States 16607
office of personnel management, the Ohio department of job and 16608
family services, or the department of administrative services. 16609

(2) The evidence of coverage is filed with the superintendent 16610
of insurance prior to use and is accompanied by documentation of 16611
approval from the United States department of health and human 16612
services, the United States office of personnel management, the 16613
Ohio department of job and family services, or the department of 16614
administrative services. 16615

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 16616
no premium rate for nongroup and conversion policies for health 16617
care services, or any amendment to them, may be used by any health 16618
insuring corporation at any time until the contractual periodic 16619
prepayment and premium rate, or amendment, have been filed with 16620
the superintendent of insurance, and shall not be effective until 16621
the expiration of sixty days after their filing unless the 16622
superintendent sooner gives approval. The filing shall be 16623
accompanied by an actuarial certification in the form prescribed 16624
by the superintendent. The superintendent shall disapprove the 16625
filing, if the superintendent determines within the sixty-day 16626
period that the contractual periodic prepayment or premium rate, 16627
or amendment, is not in accordance with sound actuarial principles 16628
or is not reasonably related to the applicable coverage and 16629
characteristics of the applicable class of enrollees. The 16630
superintendent shall notify the health insuring corporation of the 16631
disapproval, and it shall thereafter be unlawful for the health 16632
insuring corporation to use the contractual periodic prepayment or 16633
premium rate, or amendment. 16634

(2) No contractual periodic prepayment for group policies for 16635
health care services shall be used until the contractual periodic 16636
prepayment has been filed with the superintendent. The filing 16637

shall be accompanied by an actuarial certification in the form 16638
prescribed by the superintendent. The superintendent may reject a 16639
filing made under division (A)(2) of this section at any time, 16640
with at least thirty days' written notice to a health insuring 16641
corporation, if the contractual periodic prepayment is not in 16642
accordance with sound actuarial principles or is not reasonably 16643
related to the applicable coverage and characteristics of the 16644
applicable class of enrollees. 16645

(3) At any time, the superintendent, upon at least thirty 16646
days' written notice to a health insuring corporation, may 16647
withdraw the approval given under division (A)(1) of this section, 16648
deemed or actual, of any contractual periodic prepayment or 16649
premium rate, or amendment, based on information that either of 16650
the following applies: 16651

(a) The contractual periodic prepayment or premium rate, or 16652
amendment, is not in accordance with sound actuarial principles. 16653

(b) The contractual periodic prepayment or premium rate, or 16654
amendment, is not reasonably related to the applicable coverage 16655
and characteristics of the applicable class of enrollees. 16656

(4) Any disapproval under division (A)(1) of this section, 16657
any rejection of a filing made under division (A)(2) of this 16658
section, or any withdrawal of approval under division (A)(3) of 16659
this section, shall be effected by a written notice, which shall 16660
state the specific basis for the disapproval, rejection, or 16661
withdrawal and shall be issued in accordance with Chapter 119. of 16662
the Revised Code. 16663

(B) Notwithstanding division (A) of this section, a health 16664
insuring corporation may use a contractual periodic prepayment or 16665
premium rate for policies used for the coverage of beneficiaries 16666
enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 16667
(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk 16668

contract or medicare cost contract, or for policies used for the 16669
coverage of beneficiaries enrolled in the federal employees health 16670
benefits program pursuant to 5 U.S.C.A. 8905, or for policies used 16671
for the coverage of beneficiaries enrolled in Title XIX of the 16672
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 16673
amended, known as the medical assistance program or medicaid, 16674
provided by the department of job and family services under 16675
Chapter 5111. of the Revised Code, or for policies used for the 16676
coverage of beneficiaries under any other federal health care 16677
program regulated by a federal regulatory body, or for policies 16678
used for the coverage of beneficiaries under any contract covering 16679
officers or employees of the state that has been entered into by 16680
the department of administrative services, if both of the 16681
following apply: 16682

(1) The contractual periodic prepayment or premium rate has 16683
been approved by the United States department of health and human 16684
services, the United States office of personnel management, the 16685
department of job and family services, or the department of 16686
administrative services. 16687

(2) The contractual periodic prepayment or premium rate is 16688
filed with the superintendent prior to use and is accompanied by 16689
documentation of approval from the United States department of 16690
health and human services, the United States office of personnel 16691
management, the department of job and family services, or the 16692
department of administrative services. 16693

(C) The administrative expense portion of all contractual 16694
periodic prepayment or premium rate filings submitted to the 16695
superintendent for review must reflect the actual cost of 16696
administering the product. The superintendent may require that the 16697
administrative expense portion of the filings be itemized and 16698
supported. 16699

(D)(1) Copayments must be reasonable and must not be a 16700

barrier to the necessary utilization of services by enrollees. 16701

(2) A health insuring corporation, in order to ensure that 16702
copayments are reasonable and not a barrier to the necessary 16703
utilization of basic health care services by enrollees, may ~~not~~ 16704
~~impose~~ do one of the following: 16705

(a) Impose copayment charges on any single covered basic 16706
health care ~~services~~ service that does not exceed ~~thirty~~ forty per 16707
cent of the ~~total~~ average cost to the health insuring corporation 16708
of providing ~~any single covered health care~~ the service, ~~except~~ 16709
~~for physician office visits, emergency health services, and urgent~~ 16710
~~care services.~~ 16711

(b) Impose copayment charges that annually do not exceed 16712
twenty per cent of the total annual cost to the health insuring 16713
corporation of providing all covered basic health care services, 16714
including physician office visits, urgent care services, and 16715
emergency health services, when aggregated as to all persons 16716
covered under the filed product in question. In addition, annual 16717
copayment charges as to each enrollee shall not exceed twenty per 16718
cent of the total annual cost to the health insuring corporation 16719
of providing all covered basic health care services, including 16720
physician office visits, urgent care services, and emergency 16721
health services, as to such enrollee. The total annual cost of 16722
providing a health care service is the cost to the health insuring 16723
corporation of providing the health care service to its enrollees 16724
as reduced by any applicable provider discount. ~~An open panel plan~~ 16725
~~may not impose copayments on out of network benefits that exceed~~ 16726
~~fifty per cent of the total cost of providing any single covered~~ 16727
~~health care service.~~ 16728

(3) To ensure that copayments are reasonable and not a 16729
barrier to the utilization of basic health care services, a health 16730
insuring corporation may not impose, in any contract year, on any 16731
subscriber or enrollee, copayments that exceed two hundred per 16732

cent of the ~~total~~ average annual premium rate to the ~~subscriber~~ 16733
subscribers or enrollees. This ~~limitation of two hundred per cent~~ 16734
~~does not include any reasonable copayments that are not a barrier~~ 16735
~~to the necessary utilization of health care services by enrollees~~ 16736
~~and that are imposed on physician office visits, emergency health~~ 16737
~~services, urgent care services, supplemental health care services,~~ 16738
~~or specialty health care services.~~ 16739

(E) A health insuring corporation shall not impose lifetime 16740
maximums on basic health care services. However, a health insuring 16741
corporation may establish a benefit limit for inpatient hospital 16742
services that are provided pursuant to a policy, contract, 16743
certificate, or agreement for supplemental health care services. 16744

(F) A health insuring corporation may require that an 16745
enrollee pay an annual deductible that does not exceed one 16746
thousand dollars per enrollee or two thousand dollars per family. 16747
The superintendent may adopt rules defining different annual 16748
deductible amounts for plans with an employer-sponsored medical 16749
savings account, health reimbursement arrangement, or flexible 16750
spending account. 16751

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 16752
either directly or indirectly, enter into contracts for the 16753
provision of health care services with a sufficient number and 16754
types of providers and health care facilities to ensure that all 16755
covered health care services will be accessible to enrollees from 16756
a contracted provider or health care facility. 16757

(b) A health insuring corporation shall not refuse to 16758
contract with a physician for the provision of health care 16759
services or refuse to recognize a physician as a specialist on the 16760
basis that the physician attended an educational program or a 16761
residency program approved or certified by the American 16762
osteopathic association. A health insuring corporation shall not 16763

refuse to contract with a health care facility for the provision 16764
of health care services on the basis that the health care facility 16765
is certified or accredited by the American osteopathic association 16766
or that the health care facility is an osteopathic hospital as 16767
defined in section 3702.51 of the Revised Code. 16768

(c) Nothing in division (A)(1)(b) of this section shall be 16769
construed to require a health insuring corporation to make a 16770
benefit payment under a closed panel plan to a physician or health 16771
care facility with which the health insuring corporation does not 16772
have a contract, provided that none of the bases set forth in that 16773
division are used as a reason for failing to make a benefit 16774
payment. 16775

(2) When a health insuring corporation is unable to provide a 16776
covered health care service from a contracted provider or health 16777
care facility, the health insuring corporation must provide that 16778
health care service from a noncontracted provider or health care 16779
facility consistent with the terms of the enrollee's policy, 16780
contract, certificate, or agreement. The health insuring 16781
corporation shall either ensure that the health care service be 16782
provided at no greater cost to the enrollee than if the enrollee 16783
had obtained the health care service from a contracted provider or 16784
health care facility, or make other arrangements acceptable to the 16785
superintendent of insurance. 16786

(3) Nothing in this section shall prohibit a health insuring 16787
corporation from entering into contracts with out-of-state 16788
providers or health care facilities that are licensed, certified, 16789
accredited, or otherwise authorized in that state. 16790

(B)(1) A health insuring corporation shall, either directly 16791
or indirectly, enter into contracts with all providers and health 16792
care facilities through which health care services are provided to 16793
its enrollees. 16794

(2) A health insuring corporation, upon written request, 16795
shall assist its contracted providers in finding stop-loss or 16796
reinsurance carriers. 16797

(C) A health insuring corporation shall file an annual 16798
certificate with the superintendent certifying that all provider 16799
contracts and contracts with health care facilities through which 16800
health care services are being provided contain the following: 16801

(1) A description of the method by which the provider or 16802
health care facility will be notified of the specific health care 16803
services for which the provider or health care facility will be 16804
responsible, including any limitations or conditions on such 16805
services; 16806

(2) The specific hold harmless provision specifying 16807
protection of enrollees set forth as follows: 16808

"[Provider/Health Care Facility] agrees that in no event, 16809
including but not limited to nonpayment by the health insuring 16810
corporation, insolvency of the health insuring corporation, or 16811
breach of this agreement, shall [Provider/Health Care Facility] 16812
bill, charge, collect a deposit from, seek remuneration or 16813
reimbursement from, or have any recourse against, a subscriber, 16814
enrollee, person to whom health care services have been provided, 16815
or person acting on behalf of the covered enrollee, for health 16816
care services provided pursuant to this agreement. This does not 16817
prohibit [Provider/Health Care Facility] from collecting 16818
co-insurance, deductibles, or copayments as specifically provided 16819
in the evidence of coverage, or fees for uncovered health care 16820
services delivered on a fee-for-service basis to persons 16821
referenced above, nor from any recourse against the health 16822
insuring corporation or its successor." 16823

(3) Provisions requiring the provider or health care facility 16824
to continue to provide covered health care services to enrollees 16825

in the event of the health insuring corporation's insolvency or 16826
discontinuance of operations. The provisions shall require the 16827
provider or health care facility to continue to provide covered 16828
health care services to enrollees as needed to complete any 16829
medically necessary procedures commenced but unfinished at the 16830
time of the health insuring corporation's insolvency or 16831
discontinuance of operations. The completion of a medically 16832
necessary procedure shall include the rendering of all covered 16833
health care services that constitute medically necessary follow-up 16834
care for that procedure. If an enrollee is receiving necessary 16835
inpatient care at a hospital, the provisions may limit the 16836
required provision of covered health care services relating to 16837
that inpatient care in accordance with division (D)(3) of section 16838
1751.11 of the Revised Code, and may also limit such required 16839
provision of covered health care services to the period ending 16840
thirty days after the health insuring corporation's insolvency or 16841
discontinuance of operations. 16842

The provisions required by division (C)(3) of this section 16843
shall not require any provider or health care facility to continue 16844
to provide any covered health care service after the occurrence of 16845
any of the following: 16846

(a) The end of the thirty-day period following the entry of a 16847
liquidation order under Chapter 3903. of the Revised Code; 16848

(b) The end of the enrollee's period of coverage for a 16849
contractual prepayment or premium; 16850

(c) The enrollee obtains equivalent coverage with another 16851
health insuring corporation or insurer, or the enrollee's employer 16852
obtains such coverage for the enrollee; 16853

(d) The enrollee or the enrollee's employer terminates 16854
coverage under the contract; 16855

(e) A liquidator effects a transfer of the health insuring 16856

corporation's obligations under the contract under division (A)(8) 16857
of section 3903.21 of the Revised Code. 16858

(4) A provision clearly stating the rights and 16859
responsibilities of the health insuring corporation, and of the 16860
contracted providers and health care facilities, with respect to 16861
administrative policies and programs, including, but not limited 16862
to, payments systems, utilization review, quality assurance, 16863
assessment, and improvement programs, credentialing, 16864
confidentiality requirements, and any applicable federal or state 16865
programs; 16866

(5) A provision regarding the availability and 16867
confidentiality of those health records maintained by providers 16868
and health care facilities to monitor and evaluate the quality of 16869
care, to conduct evaluations and audits, and to determine on a 16870
concurrent or retrospective basis the necessity of and 16871
appropriateness of health care services provided to enrollees. The 16872
provision shall include terms requiring the provider or health 16873
care facility to make these health records available to 16874
appropriate state and federal authorities involved in assessing 16875
the quality of care or in investigating the grievances or 16876
complaints of enrollees, and requiring the provider or health care 16877
facility to comply with applicable state and federal laws related 16878
to the confidentiality of medical or health records. 16879

(6) A provision that states that contractual rights and 16880
responsibilities may not be assigned or delegated by the provider 16881
or health care facility without the prior written consent of the 16882
health insuring corporation; 16883

(7) A provision requiring the provider or health care 16884
facility to maintain adequate professional liability and 16885
malpractice insurance. The provision shall also require the 16886
provider or health care facility to notify the health insuring 16887
corporation not more than ten days after the provider's or health 16888

care facility's receipt of notice of any reduction or cancellation 16889
of such coverage. 16890

(8) A provision requiring the provider or health care 16891
facility to observe, protect, and promote the rights of enrollees 16892
as patients; 16893

(9) A provision requiring the provider or health care 16894
facility to provide health care services without discrimination on 16895
the basis of a patient's participation in the health care plan, 16896
age, sex, ethnicity, religion, sexual preference, health status, 16897
or disability, and without regard to the source of payments made 16898
for health care services rendered to a patient. This requirement 16899
shall not apply to circumstances when the provider or health care 16900
facility appropriately does not render services due to limitations 16901
arising from the provider's or health care facility's lack of 16902
training, experience, or skill, or due to licensing restrictions. 16903

(10) A provision containing the specifics of any obligation 16904
on the primary care provider to provide, or to arrange for the 16905
provision of, covered health care services twenty-four hours per 16906
day, seven days per week; 16907

(11) A provision setting forth procedures for the resolution 16908
of disputes arising out of the contract; 16909

(12) A provision stating that the hold harmless provision 16910
required by division (C)(2) of this section shall survive the 16911
termination of the contract with respect to services covered and 16912
provided under the contract during the time the contract was in 16913
effect, regardless of the reason for the termination, including 16914
the insolvency of the health insuring corporation; 16915

(13) A provision requiring those terms that are used in the 16916
contract and that are defined by this chapter, be used in the 16917
contract in a manner consistent with those definitions. 16918

This division does not apply to the coverage of beneficiaries 16919

enrolled in Title XVIII of the "Social Security Act," 49 Stat. 620 16920
(1935), 42 U.S.C.A. 301, as amended, pursuant to a medicare risk 16921
contract or medicare cost contract, or to the coverage of 16922
beneficiaries enrolled in the federal employee health benefits 16923
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 16924
beneficiaries enrolled in Title XIX of the "Social Security Act," 16925
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the 16926
medical assistance program or medicaid, provided by the department 16927
of job and family services under Chapter 5111. of the Revised 16928
Code, or to the coverage of beneficiaries under any federal health 16929
care program regulated by a federal regulatory body, or to the 16930
coverage of beneficiaries under any contract covering officers or 16931
employees of the state that has been entered into by the 16932
department of administrative services. 16933

(D)(1) No health insuring corporation contract with a 16934
provider or health care facility shall contain any of the 16935
following: 16936

(a) A provision that directly or indirectly offers an 16937
inducement to the provider or health care facility to reduce or 16938
limit medically necessary health care services to a covered 16939
enrollee; 16940

(b) A provision that penalizes a provider or health care 16941
facility that assists an enrollee to seek a reconsideration of the 16942
health insuring corporation's decision to deny or limit benefits 16943
to the enrollee; 16944

(c) A provision that limits or otherwise restricts the 16945
provider's or health care facility's ethical and legal 16946
responsibility to fully advise enrollees about their medical 16947
condition and about medically appropriate treatment options; 16948

(d) A provision that penalizes a provider or health care 16949
facility for principally advocating for medically necessary health 16950

care services; 16951

(e) A provision that penalizes a provider or health care 16952
facility for providing information or testimony to a legislative 16953
or regulatory body or agency. This shall not be construed to 16954
prohibit a health insuring corporation from penalizing a provider 16955
or health care facility that provides information or testimony 16956
that is libelous or slanderous or that discloses trade secrets 16957
which the provider or health care facility has no privilege or 16958
permission to disclose. 16959

(2) Nothing in this division shall be construed to prohibit a 16960
health insuring corporation from doing either of the following: 16961

(a) Making a determination not to reimburse or pay for a 16962
particular medical treatment or other health care service; 16963

(b) Enforcing reasonable peer review or utilization review 16964
protocols, or determining whether a particular provider or health 16965
care facility has complied with these protocols. 16966

(E) Any contract between a health insuring corporation and an 16967
intermediary organization shall clearly specify that the health 16968
insuring corporation must approve or disapprove the participation 16969
of any provider or health care facility with which the 16970
intermediary organization contracts. 16971

(F) If an intermediary organization that is not a health 16972
delivery network contracting solely with self-insured employers 16973
subcontracts with a provider or health care facility, the 16974
subcontract with the provider or health care facility shall do all 16975
of the following: 16976

(1) Contain the provisions required by divisions (C) and (G) 16977
of this section, as made applicable to an intermediary 16978
organization, without the inclusion of inducements or penalties 16979
described in division (D) of this section; 16980

(2) Acknowledge that the health insuring corporation is a third-party beneficiary to the agreement; 16981
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(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section. 16983
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(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees. 16986
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(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance. 16990
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(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal place of business in this state and to preserve them for at least three years in a manner that facilitates regulatory review. 16995
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(I)(1) A health insuring corporation shall notify its affected enrollees of the termination of a contract for the provision of health care services between the health insuring corporation and a primary care physician or hospital, by mail, within thirty days after the termination of the contract. 17005
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(a) Notice shall be given to subscribers of the termination of a contract with a primary care physician if the subscriber, or 17010
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a dependent covered under the subscriber's health care coverage, 17012
has received health care services from the primary care physician 17013
within the previous twelve months or if the subscriber or 17014
dependent has selected the physician as the subscriber's or 17015
dependent's primary care physician within the previous twelve 17016
months. 17017

(b) Notice shall be given to subscribers of the termination 17018
of a contract with a hospital if the subscriber, or a dependent 17019
covered under the subscriber's health care coverage, has received 17020
health care services from that hospital within the previous twelve 17021
months. 17022

(2) The health insuring corporation shall pay, in accordance 17023
with the terms of the contract, for all covered health care 17024
services rendered to an enrollee by a primary care physician or 17025
hospital between the date of the termination of the contract and 17026
five days after the notification of the contract termination is 17027
mailed to a subscriber at the subscriber's last known address. 17028

(J) Divisions (A) and (B) of this section do not apply to any 17029
health insuring corporation that, on June 4, 1997, holds a 17030
certificate of authority or license to operate under Chapter 1740. 17031
of the Revised Code. 17032

(K) Nothing in this section shall restrict the governing body 17033
of a hospital from exercising the authority granted it pursuant to 17034
section 3701.351 of the Revised Code. 17035

Sec. 1751.16. (A) Except as provided in division (F) of this 17036
section, every group contract issued by a health insuring 17037
corporation shall provide an option for conversion to an 17038
individual contract issued on a direct-payment basis to any 17039
subscriber covered by the group contract who terminates employment 17040
or membership in the group, unless: 17041

(1) Termination of the conversion option or contract is based 17042
upon nonpayment of premium after reasonable notice in writing has 17043
been given by the health insuring corporation to the subscriber. 17044

(2) The subscriber is, or is eligible to be, covered for 17045
benefits at least comparable to the group contract under any of 17046
the following: 17047

(a) Title XVIII of the "Social Security Act," 49 Stat. 620 17048
(1935), 42 U.S.C.A. 301, as amended; 17049

(b) Any act of congress or law under this or any other state 17050
of the United States providing coverage at least comparable to the 17051
benefits under division (A)(2)(a) of this section; 17052

(c) Any policy of insurance or health care plan providing 17053
coverage at least comparable to the benefits under division 17054
(A)(2)(a) of this section. 17055

(B)(1) The direct-payment contract offered by the health 17056
insuring corporation pursuant to division (A) of this section 17057
shall provide the following: 17058

(a) In the case of an individual who is not a federally 17059
eligible individual, benefits comparable to benefits in any of the 17060
individual contracts then being issued to individual subscribers 17061
by the health insuring corporation; 17062

(b) In the case of a federally eligible individual, a basic 17063
and standard plan established by the board of directors of the 17064
Ohio health reinsurance program or plans substantially similar to 17065
the basic and standard plan in benefit design and scope of covered 17066
services. For purposes of division (B)(1)(b) of this section, the 17067
superintendent of insurance shall determine whether a plan is 17068
substantially similar to the basic or standard plan in benefit 17069
design and scope of covered services. The contractual periodic 17070
prepayments charged for such plans may not exceed an amount that 17071

is two times the midpoint of the standard rate charged any other 17072
individual of a group to which the organization is currently 17073
accepting new business and for which similar copayments and 17074
deductibles are applied. 17075

(2) The direct payment contract offered pursuant to division 17076
(A) of this section may include a coordination of benefits 17077
provision as approved by the superintendent. 17078

(3) For purposes of division (B) of this section "federally 17079
eligible individual" means an eligible individual as defined in 45 17080
C.F.R. 148.103. 17081

(C) The option for conversion shall be available: 17082

(1) Upon the death of the subscriber, to the surviving spouse 17083
with respect to such of the spouse and dependents as are then 17084
covered by the group contract; 17085

(2) To a child solely with respect to the child upon the 17086
child's attaining the limiting age of coverage under the group 17087
contract while covered as a dependent under the contract; 17088

(3) Upon the divorce, dissolution, or annulment of the 17089
marriage of the subscriber, to the divorced spouse, or, in the 17090
event of annulment, to the former spouse of the subscriber. 17091

(D) No health insuring corporation shall use age as the basis 17092
for refusing to renew a converted contract. 17093

(E) Written notice of the conversion option provided by this 17094
section shall be given to the subscriber by the health insuring 17095
corporation by mail. The notice shall be sent to the subscriber's 17096
address in the records of the employer upon receipt of notice from 17097
the employer of the event giving rise to the conversion option. If 17098
the subscriber has not received notice of the conversion privilege 17099
at least fifteen days prior to the expiration of the thirty-day 17100
conversion period, then the subscriber shall have an additional 17101

period within which to exercise the privilege. This additional 17102
period shall expire fifteen days after the subscriber receives 17103
notice, but in no event shall the period extend beyond sixty days 17104
after the expiration of the thirty-day conversion period. 17105

(F) This section does not apply to any group contract 17106
offering only supplemental health care services or specialty 17107
health care services. 17108

Sec. 1751.60. (A) Except as provided for in divisions (E) and 17109
(F) of this section, every provider or health care facility that 17110
contracts with a health insuring corporation to provide health 17111
care services to the health insuring corporation's enrollees or 17112
subscribers shall seek compensation for covered services solely 17113
from the health insuring corporation and not, under any 17114
circumstances, from the enrollees or subscribers, except for 17115
approved copayments and deductibles. 17116

(B) No subscriber or enrollee of a health insuring 17117
corporation is liable to any contracting provider or health care 17118
facility for the cost of any covered health care services, if the 17119
subscriber or enrollee has acted in accordance with the evidence 17120
of coverage. 17121

(C) Except as provided for in divisions (E) and (F) of this 17122
section, every contract between a health insuring corporation and 17123
provider or health care facility shall contain a provision 17124
approved by the superintendent of insurance requiring the provider 17125
or health care facility to seek compensation solely from the 17126
health insuring corporation and not, under any circumstances, from 17127
the subscriber or enrollee, except for approved copayments and 17128
deductibles. 17129

(D) Nothing in this section shall be construed as preventing 17130
a provider or health care facility from billing the enrollee or 17131
subscriber of a health insuring corporation for noncovered 17132

services. 17133

(E) Upon application by a health insuring corporation and a 17134
provider or health care facility, the superintendent may waive the 17135
requirements of divisions (A) and (C) of this section when, in 17136
addition to the reserve requirements contained in section 1751.28 17137
of the Revised Code, the health insuring corporation provides 17138
sufficient assurances to the superintendent that the provider or 17139
health care facility has been provided with financial guarantees. 17140
No waiver of the requirements of divisions (A) and (C) of this 17141
section is effective as to enrollees or subscribers for whom the 17142
health insuring corporation is compensated under a provider 17143
agreement or risk contract entered into pursuant to Chapter 5111. 17144
or 5115. of the Revised Code. 17145

(F) The requirements of divisions (A) to (C) of this section 17146
apply only to health care services provided to an enrollee or 17147
subscriber prior to the effective date of a termination of a 17148
contract between the health insuring corporation and the provider 17149
or health care facility. 17150

Sec. 2101.16. (A) The fees enumerated in this division shall 17151
be charged and collected, if possible, by the probate judge and 17152
shall be in full for all services rendered in the respective 17153
proceedings: 17154

- | | | |
|--|---------|-------|
| (1) Account, in addition to advertising charges | \$12.00 | 17155 |
| Waivers and proof of notice of hearing on account, per | | 17156 |
| page, minimum one dollar | \$ 1.00 | 17157 |
| (2) Account of distribution, in addition to | | 17158 |
| advertising charges | \$ 7.00 | 17159 |
| (3) Adoption of child, petition for | \$50.00 | 17160 |
| (4) Alter or cancel contract for sale or purchase of | | 17161 |
| real estate, petition to | \$20.00 | 17162 |
| (5) Application and order not otherwise provided | | 17163 |

for in this section or by rule adopted pursuant to		17164
division (E) of this section	\$ 5.00	17165
(6) Appropriation suit, per day, hearing in	\$20.00	17166
(7) Birth, application for registration of	\$ 7.00	17167
(8) Birth record, application to correct	\$ 5.00	17168
(9) Bond, application for new or additional	\$ 5.00	17169
(10) Bond, application for release of surety or		17170
reduction of	\$ 5.00	17171
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	17172
(12) Certified copy of journal entry, record, or proceeding,		17173
per page, minimum fee one dollar	\$ 1.00	17174
(13) Citation and issuing citation, application for	\$ 5.00	17175
(14) Change of name, petition for	\$20.00	17176
(15) Claim, application of administrator or executor for		17177
allowance of administrator's or executor's own	\$10.00	17178
(16) Claim, application to compromise or settle	\$10.00	17179
(17) Claim, authority to present	\$10.00	17180
(18) Commissioner, appointment of	\$ 5.00	17181
(19) Compensation for extraordinary services and attorney's		17182
fees for fiduciary, application for	\$ 5.00	17183
(20) Competency, application to procure adjudication of ...	\$20.00	17184
(21) Complete contract, application to	\$10.00	17185
(22) Concealment of assets, citation for	\$10.00	17186
(23) Construction of will, petition for	\$20.00	17187
(24) Continue decedent's business, application to	\$10.00	17188
Monthly reports of operation	\$ 5.00	17189
(25) Declaratory judgment, petition for	\$20.00	17190
(26) Deposit of will	\$ 5.00	17191
(27) Designation of heir	\$20.00	17192
(28) Distribution in kind, application, assent, and		17193
order for	\$ 5.00	17194
(29) Distribution under section 2109.36 of the Revised		17195
Code, application for an order of	\$ 7.00	17196

(30) Docketing and indexing proceedings, including the		17197
filing and noting of all necessary documents, maximum		17198
fee, fifteen dollars	\$15.00	17199
(31) Exceptions to any proceeding named in this section,		17200
contest of appointment or	\$10.00	17201
(32) Election of surviving partner to purchase assets of		17202
partnership, proceedings relating to	\$10.00	17203
(33) Election of surviving spouse under will	\$ 5.00	17204
(34) Fiduciary, including an assignee or trustee of an		17205
insolvent debtor or any guardian or conservator		17206
accountable to the probate court, appointment of	\$35.00	17207
(35) Foreign will, application to record	\$10.00	17208
Record of foreign will, additional, per page	\$ 1.00	17209
(36) Forms when supplied by the probate court, not to		17210
exceed	\$10.00	17211
(37) Heirship, petition to determine	\$20.00	17212
(38) Injunction proceedings	\$20.00	17213
(39) Improve real estate, petition to	\$20.00	17214
(40) Inventory with appraisalment	\$10.00	17215
(41) Inventory without appraisalment	\$ 7.00	17216
(42) Investment or expenditure of funds, application for ..	\$10.00	17217
(43) Invest in real estate, application to	\$10.00	17218
(44) Lease for oil, gas, coal, or other mineral, petition		17219
to	\$20.00	17220
(45) Lease or lease and improve real estate, petition to ..	\$20.00	17221
(46) Marriage license	\$10.00	17222
Certified abstract of each marriage	\$ 2.00	17223
(47) Minor or mentally ill person, etc., disposal of estate		17224
under ten thousand dollars of	\$10.00	17225
(48) Mortgage or mortgage and repair or improve real		17226
estate, petition to	\$20.00	17227
(49) Newly discovered assets, report of	\$ 7.00	17228
(50) Nonresident executor or administrator to bar		17229

	creditors' claims, proceedings by	\$20.00	17230
(51)	Power of attorney or revocation of power, bonding company	\$10.00	17231 17232
(52)	Presumption of death, petition to establish	\$20.00	17233
(53)	Probating will	\$15.00	17234
	Proof of notice to beneficiaries	\$ 5.00	17235
(54)	Purchase personal property, application of surviving spouse to	\$10.00	17236 17237
(55)	Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	17238 17239
(56)	Receipts in addition to advertising charges, application and order to record	\$ 5.00	17240 17241
	Record of those receipts, additional, per page	\$ 1.00	17242
(57)	Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	17243 17244
(58)	Release of estate by mortgagee or other lienholder ...	\$ 5.00	17245
(59)	Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	\$60.00	17246 17247 17248 17249
(60)	Removal of fiduciary, application for	\$10.00	17250
(61)	Requalification of executor or administrator	\$10.00	17251
(62)	Resignation of fiduciary	\$ 5.00	17252
(63)	Sale bill, public sale of personal property	\$10.00	17253
(64)	Sale of personal property and report, application for	\$10.00	17254 17255
(65)	Sale of real estate, petition for	\$25.00	17256
(66)	Terminate guardianship, petition to	\$10.00	17257
(67)	Transfer of real estate, application, entry, and certificate for	\$ 7.00	17258 17259
(68)	Unclaimed money, application to invest	\$ 7.00	17260
(69)	Vacate approval of account or order of distribution, motion to	\$10.00	17261 17262

(70) Writ of execution	\$ 5.00	17263
(71) Writ of possession	\$ 5.00	17264
(72) Wrongful death, application and settlement of claim for	\$20.00	17265 17266
(73) Year's allowance, petition to review	\$ 7.00	17267
(74) Guardian's report, filing and review of	\$ 5.00	17268
(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.		17269 17270 17271 17272 17273 17274 17275 17276 17277 17278 17279 17280
(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.		17281 17282 17283 17284 17285 17286 17287 17288 17289
(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of		17290 17291 17292 17293 17294

the Revised Code. 17295

(D) The fees of witnesses, jurors, sheriffs, coroners, and 17296
constables for services rendered in the probate court or by order 17297
of the probate judge shall be the same as provided for like 17298
services in the court of common pleas. 17299

(E) The probate court, by rule, may require an advance 17300
deposit for costs, not to exceed one hundred twenty-five dollars, 17301
at the time application is made for an appointment as executor or 17302
administrator or at the time a will is presented for probate. 17303

(F) The probate court, by rule, shall establish a reasonable 17304
fee, not to exceed fifty dollars, for the filing of a petition for 17305
the release of information regarding an adopted person's name by 17306
birth and the identity of the adopted person's biological parents 17307
and biological siblings pursuant to section 3107.41 of the Revised 17308
Code, all proceedings relative to the petition, the entry of an 17309
order relative to the petition, and all services required to be 17310
performed in connection with the petition. The probate court may 17311
use a reasonable portion of a fee charged under authority of this 17312
division to reimburse any agency, as defined in section 3107.39 of 17313
the Revised Code, for any services it renders in performing a task 17314
described in section 3107.41 of the Revised Code relative to or in 17315
connection with the petition for which the fee was charged. 17316

(G)(1) Thirty dollars of the fifty-dollar fee collected 17317
pursuant to division (A)(3) of this section shall be deposited 17318
into the "putative father registry fund," which is hereby created 17319
in the state treasury. The department of job and family services 17320
shall use the money in the fund to fund the department's costs of 17321
performing its duties related to the putative father registry 17322
established under section 3107.062 of the Revised Code. 17323

(2) If the department determines that money in the putative 17324
father registry fund is more than is needed for its duties related 17325

to the putative father registry, the department may use the 17326
surplus moneys in the fund as permitted in division (C) of section 17327
2151.3529, division (B) of section 2151.3530, or section 5103.155 17328
of the Revised Code. 17329

Sec. 2113.041. (A) The administrator of the estate recovery 17330
program established pursuant to section 5111.11 of the Revised 17331
Code may present an affidavit to a financial institution 17332
requesting that the financial institution release account proceeds 17333
to recover the cost of services correctly provided to a medicaid 17334
recipient. The affidavit shall include all of the following 17335
information: 17336

(1) The name of the decedent; 17337

(2) The name of any person who gave notice that the decedent 17338
was a medicaid recipient and that person's relationship to the 17339
decedent; 17340

(3) The name of the financial institution; 17341

(4) The account number; 17342

(5) A description of the claim for estate recovery; 17343

(6) The amount of funds to be recovered. 17344

(B) A financial institution may release account proceeds to 17345
the administrator of the estate recovery program if all of the 17346
following apply: 17347

(1) The decedent held an account at the financial institution 17348
that was in the decedent's name only. 17349

(2) No estate has been, and it is reasonable to assume that 17350
no estate will be, opened for the decedent. 17351

(3) The decedent has no outstanding debts known to the 17352
administrator of the estate recovery program. 17353

(4) The financial institution has received no objections or 17354

has determined that no valid objections to release of proceeds 17355
have been received. 17356

(C) If proceeds have been released pursuant to division (B) 17357
of this section and the department of job and family services 17358
receives notice of a valid claim to the proceeds that has a higher 17359
priority under section 2117.25 of the Revised Code than the claim 17360
of the estate recovery program, the department may refund the 17361
proceeds to the financial institution or pay them to the person or 17362
government entity with the claim. 17363

Sec. 2117.06. (A) All creditors having claims against an 17364
estate, including claims arising out of contract, out of tort, on 17365
cognovit notes, or on judgments, whether due or not due, secured 17366
or unsecured, liquidated or unliquidated, shall present their 17367
claims in one of the following manners: 17368

(1) To the executor or administrator in a writing; 17369

(2) To the executor or administrator in a writing, and to the 17370
probate court by filing a copy of the writing with it; 17371

(3) In a writing that is sent by ordinary mail addressed to 17372
the decedent and that is actually received by the executor or 17373
administrator within the appropriate time specified in division 17374
(B) of this section. For purposes of this division, if an executor 17375
or administrator is not a natural person, the writing shall be 17376
considered as being actually received by the executor or 17377
administrator only if the person charged with the primary 17378
responsibility of administering the estate of the decedent 17379
actually receives the writing within the appropriate time 17380
specified in division (B) of this section. 17381

(B) All Except as provided in section 2117.061 of the Revised 17382
Code, all claims shall be presented within one year after the 17383
death of the decedent, whether or not the estate is released from 17384

administration or an executor or administrator is appointed during 17385
that one-year period. Every claim presented shall set forth the 17386
claimant's address. 17387

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 17388
Code, a claim that is not presented within one year after the 17389
death of the decedent shall be forever barred as to all parties, 17390
including, but not limited to, devisees, legatees, and 17391
distributees. No payment shall be made on the claim and no action 17392
shall be maintained on the claim, except as otherwise provided in 17393
sections 2117.37 to 2117.42 of the Revised Code with reference to 17394
contingent claims. 17395

(D) In the absence of any prior demand for allowance, the 17396
executor or administrator shall allow or reject all claims, except 17397
tax assessment claims, within thirty days after their 17398
presentation, provided that failure of the executor or 17399
administrator to allow or reject within that time shall not 17400
prevent the executor or administrator from doing so after that 17401
time and shall not prejudice the rights of any claimant. Upon the 17402
allowance of a claim, the executor or the administrator, on demand 17403
of the creditor, shall furnish the creditor with a written 17404
statement or memorandum of the fact and date of the allowance. 17405

(E) If the executor or administrator has actual knowledge of 17406
a pending action commenced against the decedent prior to the 17407
decedent's death in a court of record in this state, the executor 17408
or administrator shall file a notice of the appointment of the 17409
executor or administrator in the pending action within ten days 17410
after acquiring that knowledge. If the administrator or executor 17411
is not a natural person, actual knowledge of a pending suit 17412
against the decedent shall be limited to the actual knowledge of 17413
the person charged with the primary responsibility of 17414
administering the estate of the decedent. Failure to file the 17415
notice within the ten-day period does not extend the claim period 17416

established by this section. 17417

(F) This section applies to any person who is required to 17418
give written notice to the executor or administrator of a motion 17419
or application to revive an action pending against the decedent at 17420
the date of the death of the decedent. 17421

(G) Nothing in this section or in section 2117.07 of the 17422
Revised Code shall be construed to reduce the time mentioned in 17423
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 17424
of the Revised Code, provided that no portion of any recovery on a 17425
claim brought pursuant to any of those sections shall come from 17426
the assets of an estate unless the claim has been presented 17427
against the estate in accordance with Chapter 2117. of the Revised 17428
Code. 17429

(H) Any person whose claim has been presented and has not 17430
been rejected after presentment is a creditor as that term is used 17431
in Chapters 2113. to 2125. of the Revised Code. Claims that are 17432
contingent need not be presented except as provided in sections 17433
2117.37 to 2117.42 of the Revised Code, but, whether presented 17434
pursuant to those sections or this section, contingent claims may 17435
be presented in any of the manners described in division (A) of 17436
this section. 17437

(I) If a creditor presents a claim against an estate in 17438
accordance with division (A)(2) of this section, the probate court 17439
shall not close the administration of the estate until that claim 17440
is allowed or rejected. 17441

(J) The probate court shall not require an executor or 17442
administrator to make and return into the court a schedule of 17443
claims against the estate. 17444

(K) If the executor or administrator makes a distribution of 17445
the assets of the estate prior to the expiration of the time for 17446
the filing of claims as set forth in this section, the executor or 17447

administrator shall provide notice on the account delivered to 17448
each distributee that the distributee may be liable to the estate 17449
up to the value of the distribution and may be required to return 17450
all or any part of the value of the distribution if a valid claim 17451
is subsequently made against the estate within the time permitted 17452
under this section. 17453

Sec. 2117.061. (A) As used in this section, "person 17454
responsible for the estate" means the executor, administrator, 17455
commissioner, or person who filed pursuant to section 2113.03 of 17456
the Revised Code for release from administration of an estate. 17457

(B) If the decedent was fifty-five years of age or older at 17458
the time of death, the person responsible for an estate shall 17459
determine whether the decedent was a recipient of medical 17460
assistance under Chapter 5111. of the Revised Code. If the 17461
decedent was a recipient, the person responsible for the estate 17462
shall give written notice to that effect to the administrator of 17463
the estate recovery program instituted under section 5111.11 of 17464
the Revised Code not later than thirty days after the occurrence 17465
of any of the following: 17466

(1) The granting of letters testamentary; 17467

(2) The administration of the estate; 17468

(3) The filing of an application for release from 17469
administration or summary release from administration. 17470

(C) The person responsible for an estate shall mark the 17471
appropriate box on the appropriate probate form to indicate 17472
compliance with the requirements of division (B) of this section. 17473

(D) The estate recovery program administrator shall present a 17474
claim for estate recovery to the person responsible for the estate 17475
or the person's legal representative not later than ninety days 17476
after the date on which notice is received under division (B) of 17477

this section or one year after the decedent's death, whichever is 17478
later. 17479

Sec. 2117.25. (A) Every executor or administrator shall 17480
proceed with diligence to pay the debts of the decedent and shall 17481
apply the assets in the following order: 17482

(1) Costs and expenses of administration; 17483

(2) An amount, not exceeding two thousand dollars, for 17484
funeral expenses that are included in the bill of a funeral 17485
director, funeral expenses other than those in the bill of a 17486
funeral director that are approved by the probate court, and an 17487
amount, not exceeding two thousand dollars, for burial and 17488
cemetery expenses, including that portion of the funeral 17489
director's bill allocated to cemetery expenses that have been paid 17490
to the cemetery by the funeral director. 17491

For purposes of this division, burial and cemetery expenses 17492
shall be limited to the following: 17493

(a) The purchase of a place of interment; 17494

(b) Monuments or other markers; 17495

(c) The outer burial container; 17496

(d) The cost of opening and closing the place of interment; 17497

(e) The urn. 17498

(3) The allowance for support made to the surviving spouse, 17499
minor children, or both under section 2106.13 of the Revised Code; 17500

(4) Debts entitled to a preference under the laws of the 17501
United States; 17502

(5) Expenses of the last sickness of the decedent; 17503

(6) If the total bill of a funeral director for funeral 17504
expenses exceeds two thousand dollars, then, in addition to the 17505

amount described in division (A)(2) of this section, an amount, 17506
not exceeding one thousand dollars, for funeral expenses that are 17507
included in the bill and that exceed two thousand dollars; 17508

(7) Personal property taxes, claims made under the estate 17509
recovery program instituted pursuant to section 5111.11 of the 17510
Revised Code, and obligations for which the decedent was 17511
personally liable to the state or any of its subdivisions; 17512

(8) Debts for manual labor performed for the decedent within 17513
twelve months preceding the decedent's death, not exceeding three 17514
hundred dollars to any one person; 17515

(9) Other debts for which claims have been presented and 17516
finally allowed. 17517

(B) The part of the bill of a funeral director that exceeds 17518
the total of three thousand dollars as described in divisions 17519
(A)(2) and (6) of this section, and the part of a claim included 17520
in division (A)(8) of this section that exceeds three hundred 17521
dollars shall be included as a debt under division (A)(9) of this 17522
section, depending upon the time when the claim for the additional 17523
amount is presented. 17524

(C) Any natural person or fiduciary who pays a claim of any 17525
creditor described in division (A) of this section shall be 17526
subrogated to the rights of that creditor proportionate to the 17527
amount of the payment and shall be entitled to reimbursement for 17528
that amount in accordance with the priority of payments set forth 17529
in that division. 17530

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 17531
to the manner in which and the time within which claims shall be 17532
presented, shall apply to claims set forth in divisions (A)(2), 17533
(6), and (8) of this section. Claims for an expense of 17534
administration or for the allowance for support need not be 17535
presented. The executor or administrator shall pay debts included 17536

in divisions (A)(4) and (7) of this section, of which the executor 17537
or administrator has knowledge, regardless of presentation. 17538

(2) The giving of written notice to an executor or 17539
administrator of a motion or application to revive an action 17540
pending against the decedent at the date of death shall be 17541
equivalent to the presentation of a claim to the executor or 17542
administrator for the purpose of determining the order of payment 17543
of any judgment rendered or decree entered in such an action. 17544

(E) No payments shall be made to creditors of one class until 17545
all those of the preceding class are fully paid or provided for. 17546
If the assets are insufficient to pay all the claims of one class, 17547
the creditors of that class shall be paid ratably. 17548

(F) If it appears at any time that the assets have been 17549
exhausted in paying prior or preferred charges, allowances, or 17550
claims, those payments shall be a bar to an action on any claim 17551
not entitled to that priority or preference. 17552

Sec. 2133.01. Unless the context otherwise requires, as used 17553
in sections 2133.01 to 2133.15 of the Revised Code: 17554

(A) "Adult" means an individual who is eighteen years of age 17555
or older. 17556

(B) "Attending physician" means the physician to whom a 17557
declarant or other patient, or the family of a declarant or other 17558
patient, has assigned primary responsibility for the treatment or 17559
care of the declarant or other patient, or, if the responsibility 17560
has not been assigned, the physician who has accepted that 17561
responsibility. 17562

(C) "Comfort care" means any of the following: 17563

(1) Nutrition when administered to diminish the pain or 17564
discomfort of a declarant or other patient, but not to postpone 17565
the declarant's or other patient's death; 17566

(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death;	17567 17568 17569
(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death.	17570 17571 17572 17573
(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards.	17574 17575 17576 17577 17578 17579 17580
(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code.	17581 17582 17583
(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code.	17584 17585
(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code.	17586 17587 17588
(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent.	17589 17590 17591
(I) "Health care facility" means any of the following:	17592
(1) A hospital;	17593
(2) A hospice care program or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	17594 17595 17596

(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	17597 17598
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	17599 17600 17601
(5) An intermediate care facility for the mentally retarded.	17602
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	17603 17604 17605 17606 17607 17608
(K) "Home health agency" has the same meaning as in section 3701.88 <u>3701.881</u> of the Revised Code.	17609 17610
(L) "Hospice care program" has the same meaning as in section 3712.01 of the Revised Code.	17611 17612
(M) "Hospital" has the same meanings as in sections 2108.01, 3701.01, and 5122.01 of the Revised Code.	17613 17614
(N) "Hydration" means fluids that are artificially or technologically administered.	17615 17616
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	17617 17618
(P) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.	17619 17620
(Q) "Life-sustaining treatment" means any medical procedure, treatment, intervention, or other measure that, when administered to a qualified patient or other patient, will serve principally to prolong the process of dying.	17621 17622 17623 17624
(R) "Nurse" means a person who is licensed to practice	17625

nursing as a registered nurse or to practice practical nursing as 17626
a licensed practical nurse pursuant to Chapter 4723. of the 17627
Revised Code. 17628

(S) "Nursing home" has the same meaning as in section 3721.01 17629
of the Revised Code. 17630

(T) "Nutrition" means sustenance that is artificially or 17631
technologically administered. 17632

(U) "Permanently unconscious state" means a state of 17633
permanent unconsciousness in a declarant or other patient that, to 17634
a reasonable degree of medical certainty as determined in 17635
accordance with reasonable medical standards by the declarant's or 17636
other patient's attending physician and one other physician who 17637
has examined the declarant or other patient, is characterized by 17638
both of the following: 17639

(1) Irreversible unawareness of one's being and environment. 17640

(2) Total loss of cerebral cortical functioning, resulting in 17641
the declarant or other patient having no capacity to experience 17642
pain or suffering. 17643

(V) "Person" has the same meaning as in section 1.59 of the 17644
Revised Code and additionally includes political subdivisions and 17645
governmental agencies, boards, commissions, departments, 17646
institutions, offices, and other instrumentalities. 17647

(W) "Physician" means a person who is authorized under 17648
Chapter 4731. of the Revised Code to practice medicine and surgery 17649
or osteopathic medicine and surgery. 17650

(X) "Political subdivision" and "state" have the same 17651
meanings as in section 2744.01 of the Revised Code. 17652

(Y) "Professional disciplinary action" means action taken by 17653
the board or other entity that regulates the professional conduct 17654
of health care personnel, including the state medical board and 17655

the board of nursing. 17656

(Z) "Qualified patient" means an adult who has executed a 17657
declaration and has been determined to be in a terminal condition 17658
or in a permanently unconscious state. 17659

(AA) "Terminal condition" means an irreversible, incurable, 17660
and untreatable condition caused by disease, illness, or injury 17661
from which, to a reasonable degree of medical certainty as 17662
determined in accordance with reasonable medical standards by a 17663
declarant's or other patient's attending physician and one other 17664
physician who has examined the declarant or other patient, both of 17665
the following apply: 17666

(1) There can be no recovery. 17667

(2) Death is likely to occur within a relatively short time 17668
if life-sustaining treatment is not administered. 17669

(BB) "Tort action" means a civil action for damages for 17670
injury, death, or loss to person or property, other than a civil 17671
action for damages for breach of a contract or another agreement 17672
between persons. 17673

Sec. 2151.352. A Except as otherwise provided in this 17674
section, a child, or the child's parents, or custodian, or any 17675
other person in loco parentis of ~~such~~ the child is entitled to 17676
representation by legal counsel at all stages of the proceedings 17677
under this chapter or Chapter 2152. of the Revised Code ~~and if,~~ 17678
If, as an indigent person, any such person a party is unable to 17679
employ counsel, the party is entitled to have counsel provided for 17680
the person pursuant to Chapter 120. of the Revised Code. If a 17681
party appears without counsel, the court shall ascertain whether 17682
the party knows of the party's right to counsel and of the party's 17683
right to be provided with counsel if the party is an indigent 17684
person. The court may continue the case to enable a party to 17685

obtain counsel or to be represented by the county public defender 17686
or the joint county public defender and shall provide counsel upon 17687
request pursuant to Chapter 120. of the Revised Code. Counsel must 17688
be provided for a child not represented by the child's parent, 17689
guardian, or custodian. If the interests of two or more ~~such~~ 17690
parties conflict, separate counsel shall be provided for each of 17691
them. 17692

This section does not confer the right to court-appointed 17693
counsel in civil actions arising under division (A)(2), (D), or 17694
(F) of section 2151.23 or division (C) of section 3111.13 of the 17695
Revised Code. 17696

Section 2935.14 of the Revised Code applies to any child 17697
taken into custody. The parents, custodian, or guardian of ~~such a~~ 17698
child taken into custody, and any attorney at law representing 17699
them or the child, shall be entitled to visit ~~such~~ the child at 17700
any reasonable time, be present at any hearing involving the 17701
child, and be given reasonable notice of ~~such~~ the hearing. 17702

Any report or part ~~thereof~~ of a report concerning ~~such the~~ 17703
child, which is used in the hearing and is pertinent ~~thereto~~ to 17704
the hearing, shall for good cause shown be made available to any 17705
attorney at law representing ~~such the~~ child and to any attorney at 17706
law representing the parents, custodian, or guardian of ~~such the~~ 17707
child, upon written request prior to any hearing involving ~~such~~ 17708
the child. 17709

Sec. 2151.3529. (A) The director of job and family services 17710
shall promulgate forms designed to gather pertinent medical 17711
information concerning a deserted child and the child's parents. 17712
The forms shall clearly and unambiguously state on each page that 17713
the information requested is to facilitate medical care for the 17714
child, that the forms may be fully or partially completed or left 17715
blank, that completing the forms or parts of the forms is 17716

completely voluntary, and that no adverse legal consequence will 17717
result from failure to complete any part of the forms. 17718

(B) The director shall promulgate written materials to be 17719
given to the parents of a child delivered pursuant to section 17720
2151.3516 of the Revised Code. The materials shall describe 17721
services available to assist parents and newborns and shall 17722
include information directly relevant to situations that might 17723
cause parents to desert a child and information on the procedures 17724
for a person to follow in order to reunite with a child the person 17725
delivered under section 2151.3516 of the Revised Code, including 17726
notice that the person will be required to submit to a DNA test, 17727
at that person's expense, to prove that the person is the parent 17728
of the child. 17729

(C) If the department of job and family services determines 17730
that money in the putative father registry fund created under 17731
section 2101.16 of the Revised Code is more than is needed for its 17732
duties related to the putative father registry, the department may 17733
use surplus moneys in the fund for costs related to the 17734
development and publication of forms and materials promulgated 17735
pursuant to divisions (A) and (B) of this section. 17736

Sec. 2151.3530. (A) The director of job and family services 17737
shall distribute the medical information forms and written 17738
materials promulgated under section 2151.3529 of the Revised Code 17739
to entities permitted to receive a deserted child, to public 17740
children services agencies, and to other public or private 17741
agencies that, in the discretion of the director, are best able to 17742
disseminate the forms and materials to the persons who are most in 17743
need of the forms and materials. 17744

(B) If the department of job and family services determines 17745
that money in the putative father registry fund created under 17746
section 2101.16 of the Revised Code is more than is needed to 17747

perform its duties related to the putative father registry, the 17748
department may use surplus moneys in the fund for costs related to 17749
the distribution of forms and materials pursuant to this section. 17750

Sec. 2151.83. (A) A public children services agency or 17751
private child placing agency, on the request of a young adult, 17752
shall enter into a jointly prepared written agreement with the 17753
young adult that obligates the agency to ensure that independent 17754
living services are provided to the young adult and sets forth the 17755
responsibilities of the young adult regarding the services. The 17756
agreement shall be developed based on the young adult's strengths, 17757
needs, and circumstances ~~and the availability of funds provided~~ 17758
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 17759
shall be designed to promote the young adult's successful 17760
transition to independent adult living and emotional and economic 17761
self-sufficiency. 17762

(B) If the young adult appears to be eligible for services 17763
from one or more of the following entities, the agency must 17764
contact the appropriate entity to determine eligibility: 17765

(1) An entity, other than the agency, that is represented on 17766
a county family and children first council established pursuant to 17767
section 121.37 of the Revised Code. If the entity is a board of 17768
alcohol, drug addiction, and mental health services, an alcohol 17769
and drug addiction services board, or a community mental health 17770
board, the agency shall contact the provider of alcohol, drug 17771
addiction, or mental health services that has been designated by 17772
the board to determine the young adult's eligibility for services. 17773

(2) The rehabilitation services commission; 17774

(3) A metropolitan housing authority established pursuant to 17775
section 3735.27 of the Revised Code. 17776

If an entity described in this division determines that the 17777

young adult qualifies for services from the entity, that entity, 17778
the young adult, and the agency to which the young adult made the 17779
request for independent living services shall enter into a written 17780
addendum to the jointly prepared agreement entered into under 17781
division (A) of this section. The addendum shall indicate how 17782
services under the agreement and addendum are to be coordinated 17783
and allocate the service responsibilities among the entities and 17784
agency that signed the addendum. 17785

Sec. 2151.84. The department of job and family services shall 17786
establish model agreements that may be used by public children 17787
services agencies and private child placing agencies required to 17788
provide services under an agreement with a young adult pursuant to 17789
section 2151.83 of the Revised Code. The model agreements shall 17790
include provisions describing the specific independent living 17791
services to be provided ~~to the extent funds are provided pursuant~~ 17792
~~to this section~~, the duration of the services and the agreement, 17793
the duties and responsibilities of each party under the agreement, 17794
and grievance procedures regarding disputes that arise regarding 17795
the agreement or services provided under it. 17796

~~To facilitate the provision of independent living services,~~ 17797
~~the department shall provide funds to meet the requirement of~~ 17798
~~state matching funds needed to qualify for federal funds under the~~ 17799
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 17800
~~U.S.C. 677, as amended. The department shall seek controlling~~ 17801
~~board approval of any fund transfers necessary to meet this~~ 17802
~~requirement.~~ 17803

Sec. 2152.19. (A) If a child is adjudicated a delinquent 17804
child, the court may make any of the following orders of 17805
disposition, in addition to any other disposition authorized or 17806
required by this chapter: 17807

(1) Any order that is authorized by section 2151.353 of the Revised Code for the care and protection of an abused, neglected, or dependent child;

(2) Commit the child to the temporary custody of any school, camp, institution, or other facility operated for the care of delinquent children by the county, by a district organized under section 2152.41 or 2151.65 of the Revised Code, or by a private agency or organization, within or without the state, that is authorized and qualified to provide the care, treatment, or placement required, including, but not limited to, a school, camp, or facility operated under section 2151.65 of the Revised Code;

(3) Place the child in a detention facility or district detention facility operated under section 2152.41 of the Revised Code, for up to ninety days;

(4) Place the child on community control under any sanctions, services, and conditions that the court prescribes. As a condition of community control in every case and in addition to any other condition that it imposes upon the child, the court shall require the child to abide by the law during the period of community control. As referred to in this division, community control includes, but is not limited to, the following sanctions and conditions:

(a) A period of basic probation supervision in which the child is required to maintain contact with a person appointed to supervise the child in accordance with sanctions imposed by the court;

(b) A period of intensive probation supervision in which the child is required to maintain frequent contact with a person appointed by the court to supervise the child while the child is seeking or maintaining employment and participating in training, education, and treatment programs as the order of disposition;

(c) A period of day reporting in which the child is required 17839
each day to report to and leave a center or another approved 17840
reporting location at specified times in order to participate in 17841
work, education or training, treatment, and other approved 17842
programs at the center or outside the center; 17843

(d) A period of community service of up to five hundred hours 17844
for an act that would be a felony or a misdemeanor of the first 17845
degree if committed by an adult, up to two hundred hours for an 17846
act that would be a misdemeanor of the second, third, or fourth 17847
degree if committed by an adult, or up to thirty hours for an act 17848
that would be a minor misdemeanor if committed by an adult; 17849

(e) A requirement that the child obtain a high school 17850
diploma, a certificate of high school equivalence, vocational 17851
training, or employment; 17852

(f) A period of drug and alcohol use monitoring; 17853

(g) A requirement of alcohol or drug assessment or 17854
counseling, or a period in an alcohol or drug treatment program 17855
with a level of security for the child as determined necessary by 17856
the court; 17857

(h) A period in which the court orders the child to observe a 17858
curfew that may involve daytime or evening hours; 17859

(i) A requirement that the child serve monitored time; 17860

(j) A period of house arrest with or without electronic 17861
monitoring; 17862

(k) A period of electronic monitoring without house arrest or 17863
electronically monitored house arrest that does not exceed the 17864
maximum sentence of imprisonment that could be imposed upon an 17865
adult who commits the same act. 17866

A period of electronically monitored house arrest imposed 17867
under this division shall not extend beyond the child's 17868

twenty-first birthday. If a court imposes a period of 17869
electronically monitored house arrest upon a child under this 17870
division, it shall require the child: to wear, otherwise have 17871
attached to the child's person, or otherwise be subject to 17872
monitoring by a certified electronic monitoring device or to 17873
participate in the operation of and monitoring by a certified 17874
electronic monitoring system; to remain in the child's home or 17875
other specified premises for the entire period of electronically 17876
monitored house arrest except when the court permits the child to 17877
leave those premises to go to school or to other specified 17878
premises; to be monitored by a central system that can determine 17879
the child's location at designated times; to report periodically 17880
to a person designated by the court; and to enter into a written 17881
contract with the court agreeing to comply with all requirements 17882
imposed by the court, agreeing to pay any fee imposed by the court 17883
for the costs of the electronically monitored house arrest, and 17884
agreeing to waive the right to receive credit for any time served 17885
on electronically monitored house arrest toward the period of any 17886
other dispositional order imposed upon the child if the child 17887
violates any of the requirements of the dispositional order of 17888
electronically monitored house arrest. The court also may impose 17889
other reasonable requirements upon the child. 17890

Unless ordered by the court, a child shall not receive credit 17891
for any time served on electronically monitored house arrest 17892
toward any other dispositional order imposed upon the child for 17893
the act for which was imposed the dispositional order of 17894
electronically monitored house arrest. 17895

(1) A suspension of the driver's license, probationary 17896
driver's license, or temporary instruction permit issued to the 17897
child or a suspension of the registration of all motor vehicles 17898
registered in the name of the child. A child whose license or 17899
permit is so suspended is ineligible for issuance of a license or 17900

permit during the period of suspension. At the end of the period 17901
of suspension, the child shall not be reissued a license or permit 17902
until the child has paid any applicable reinstatement fee and 17903
complied with all requirements governing license reinstatement. 17904

(5) Commit the child to the custody of the court; 17905

(6) Require the child to not be absent without legitimate 17906
excuse from the public school the child is supposed to attend for 17907
five or more consecutive days, seven or more school days in one 17908
school month, or twelve or more school days in a school year; 17909

(7)(a) If a child is adjudicated a delinquent child for being 17910
a chronic truant or an habitual truant who previously has been 17911
adjudicated an unruly child for being a habitual truant, do either 17912
or both of the following: 17913

(i) Require the child to participate in a truancy prevention 17914
mediation program; 17915

(ii) Make any order of disposition as authorized by this 17916
section, except that the court shall not commit the child to a 17917
facility described in division (A)(2) or (3) of this section 17918
unless the court determines that the child violated a lawful court 17919
order made pursuant to division (C)(1)(e) of section 2151.354 of 17920
the Revised Code or division (A)(6) of this section. 17921

(b) If a child is adjudicated a delinquent child for being a 17922
chronic truant or a habitual truant who previously has been 17923
adjudicated an unruly child for being a habitual truant and the 17924
court determines that the parent, guardian, or other person having 17925
care of the child has failed to cause the child's attendance at 17926
school in violation of section 3321.38 of the Revised Code, do 17927
either or both of the following: 17928

(i) Require the parent, guardian, or other person having care 17929
of the child to participate in a truancy prevention mediation 17930
program; 17931

(ii) Require the parent, guardian, or other person having care of the child to participate in any community service program, preferably a community service program that requires the involvement of the parent, guardian, or other person having care of the child in the school attended by the child.

(8) Make any further disposition that the court finds proper, except that the child shall not be placed in any of the following:

(a) A state correctional institution, a county, multicounty, or municipal jail or workhouse, or another place in which an adult convicted of a crime, under arrest, or charged with a crime is held;

(b) A community corrections facility, if the child would be covered by the definition of public safety beds for purposes of sections 5139.41 to ~~5139.45~~ 5139.43 of the Revised Code if the court exercised its authority to commit the child to the legal custody of the department of youth services for institutionalization or institutionalization in a secure facility pursuant to this chapter.

(B) If a child is adjudicated a delinquent child, in addition to any order of disposition made under division (A) of this section, the court, in the following situations, shall suspend the child's temporary instruction permit, restricted license, probationary driver's license, or nonresident operating privilege, or suspend the child's ability to obtain such a permit:

(1) The child is adjudicated a delinquent child for violating section 2923.122 of the Revised Code, with the suspension and denial being in accordance with division (E)(1)(a), (c), (d), or (e) of section 2923.122 of the Revised Code.

(2) The child is adjudicated a delinquent child for committing an act that if committed by an adult would be a drug abuse offense or for violating division (B) of section 2917.11 of

the Revised Code, with the suspension continuing until the child 17963
attends and satisfactorily completes a drug abuse or alcohol abuse 17964
education, intervention, or treatment program specified by the 17965
court. During the time the child is attending the program, the 17966
court shall retain any temporary instruction permit, probationary 17967
driver's license, or driver's license issued to the child, and the 17968
court shall return the permit or license when the child 17969
satisfactorily completes the program. 17970

(C) The court may establish a victim-offender mediation 17971
program in which victims and their offenders meet to discuss the 17972
offense and suggest possible restitution. If the court obtains the 17973
assent of the victim of the delinquent act committed by the child, 17974
the court may require the child to participate in the program. 17975

(D)(1) If a child is adjudicated a delinquent child for 17976
committing an act that would be a felony if committed by an adult 17977
and if the child caused, attempted to cause, threatened to cause, 17978
or created a risk of physical harm to the victim of the act, the 17979
court, prior to issuing an order of disposition under this 17980
section, shall order the preparation of a victim impact statement 17981
by the probation department of the county in which the victim of 17982
the act resides, by the court's own probation department, or by a 17983
victim assistance program that is operated by the state, a county, 17984
a municipal corporation, or another governmental entity. The court 17985
shall consider the victim impact statement in determining the 17986
order of disposition to issue for the child. 17987

(2) Each victim impact statement shall identify the victim of 17988
the act for which the child was adjudicated a delinquent child, 17989
itemize any economic loss suffered by the victim as a result of 17990
the act, identify any physical injury suffered by the victim as a 17991
result of the act and the seriousness and permanence of the 17992
injury, identify any change in the victim's personal welfare or 17993
familial relationships as a result of the act and any 17994

psychological impact experienced by the victim or the victim's 17995
family as a result of the act, and contain any other information 17996
related to the impact of the act upon the victim that the court 17997
requires. 17998

(3) A victim impact statement shall be kept confidential and 17999
is not a public record. However, the court may furnish copies of 18000
the statement to the department of youth services if the 18001
delinquent child is committed to the department or to both the 18002
adjudicated delinquent child or the adjudicated delinquent child's 18003
counsel and the prosecuting attorney. The copy of a victim impact 18004
statement furnished by the court to the department pursuant to 18005
this section shall be kept confidential and is not a public 18006
record. If an officer is preparing pursuant to section 2947.06 or 18007
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 18008
investigation report pertaining to a person, the court shall make 18009
available to the officer, for use in preparing the report, a copy 18010
of any victim impact statement regarding that person. The copies 18011
of a victim impact statement that are made available to the 18012
adjudicated delinquent child or the adjudicated delinquent child's 18013
counsel and the prosecuting attorney pursuant to this division 18014
shall be returned to the court by the person to whom they were 18015
made available immediately following the imposition of an order of 18016
disposition for the child under this chapter. 18017

The copy of a victim impact statement that is made available 18018
pursuant to this division to an officer preparing a criminal 18019
presentence investigation report shall be returned to the court by 18020
the officer immediately following its use in preparing the report. 18021

(4) The department of youth services shall work with local 18022
probation departments and victim assistance programs to develop a 18023
standard victim impact statement. 18024

(E) If a child is adjudicated a delinquent child for being a 18025
chronic truant or an habitual truant who previously has been 18026

adjudicated an unruly child for being an habitual truant and the 18027
court determines that the parent, guardian, or other person having 18028
care of the child has failed to cause the child's attendance at 18029
school in violation of section 3321.38 of the Revised Code, in 18030
addition to any order of disposition it makes under this section, 18031
the court shall warn the parent, guardian, or other person having 18032
care of the child that any subsequent adjudication of the child as 18033
an unruly or delinquent child for being an habitual or chronic 18034
truant may result in a criminal charge against the parent, 18035
guardian, or other person having care of the child for a violation 18036
of division (C) of section 2919.21 or section 2919.24 of the 18037
Revised Code. 18038

(F)(1) During the period of a delinquent child's community 18039
control granted under this section, authorized probation officers 18040
who are engaged within the scope of their supervisory duties or 18041
responsibilities may search, with or without a warrant, the person 18042
of the delinquent child, the place of residence of the delinquent 18043
child, and a motor vehicle, another item of tangible or intangible 18044
personal property, or other real property in which the delinquent 18045
child has a right, title, or interest or for which the delinquent 18046
child has the express or implied permission of a person with a 18047
right, title, or interest to use, occupy, or possess if the 18048
probation officers have reasonable grounds to believe that the 18049
delinquent child is not abiding by the law or otherwise is not 18050
complying with the conditions of the delinquent child's community 18051
control. The court that places a delinquent child on community 18052
control under this section shall provide the delinquent child with 18053
a written notice that informs the delinquent child that authorized 18054
probation officers who are engaged within the scope of their 18055
supervisory duties or responsibilities may conduct those types of 18056
searches during the period of community control if they have 18057
reasonable grounds to believe that the delinquent child is not 18058
abiding by the law or otherwise is not complying with the 18059

conditions of the delinquent child's community control. The court 18060
also shall provide the written notice described in division (E)(2) 18061
of this section to each parent, guardian, or custodian of the 18062
delinquent child who is described in that division. 18063

(2) The court that places a child on community control under 18064
this section shall provide the child's parent, guardian, or other 18065
custodian with a written notice that informs them that authorized 18066
probation officers may conduct searches pursuant to division 18067
(E)(1) of this section. The notice shall specifically state that a 18068
permissible search might extend to a motor vehicle, another item 18069
of tangible or intangible personal property, or a place of 18070
residence or other real property in which a notified parent, 18071
guardian, or custodian has a right, title, or interest and that 18072
the parent, guardian, or custodian expressly or impliedly permits 18073
the child to use, occupy, or possess. 18074

(G) If a juvenile court commits a delinquent child to the 18075
custody of any person, organization, or entity pursuant to this 18076
section and if the delinquent act for which the child is so 18077
committed is a sexually oriented offense, the court in the order 18078
of disposition shall do one of the following: 18079

(1) Require that the child be provided treatment as described 18080
in division (A)(2) of section 5139.13 of the Revised Code; 18081

(2) Inform the person, organization, or entity that it is the 18082
preferred course of action in this state that the child be 18083
provided treatment as described in division (A)(2) of section 18084
5139.13 of the Revised Code and encourage the person, 18085
organization, or entity to provide that treatment. 18086

Sec. 2301.02. The number of judges of the court of common 18087
pleas for each county, the time for the next election of the 18088
judges in the several counties, and the beginning of their terms 18089
shall be as follows: 18090

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, elected in 1956, term to begin February 9, 1957;	18091 18092
In Brown, Crawford, Defiance, Highland, Holmes, Morgan, Ottawa, and Union counties, one judge, to be elected in 1954, term to begin February 9, 1955;	18093 18094 18095
In Auglaize county, one judge, to be elected in 1956, term to begin January 9, 1957;	18096 18097
In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, Jackson, Knox, Logan, Madison, Mercer, Monroe, Morrow, Paulding, Vinton, and Wyandot counties, one judge, to be elected in 1956, term to begin January 1, 1957;	18098 18099 18100 18101
In Carroll, Champaign, Clinton, Hocking, Meigs, Pickaway, Preble, Shelby, Van Wert, and Williams counties, one judge, to be elected in 1952, term to begin January 1, 1953;	18102 18103 18104
In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	18105 18106
In Henry and Putnam counties, one judge, to be elected in 1956, term to begin May 9, 1957;	18107 18108
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	18109 18110
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	18111 18112
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	18113 18114 18115
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	18116 18117 18118 18119

In Ashtabula county, three judges, one to be elected in 1954, 18120
term to begin February 9, 1955, one to be elected in 1960, term to 18121
begin January 1, 1961, and one to be elected in 1978, term to 18122
begin January 2, 1979; 18123

In Athens county, two judges, one to be elected in 1954, term 18124
to begin February 9, 1955, and one to be elected in 1990, term to 18125
begin July 1, 1991; 18126

In Erie county, two judges, one to be elected in 1956, term 18127
to begin January 1, 1957, and the second to be elected in 1970, 18128
term to begin January 2, 1971; 18129

In Fairfield county, three judges, one to be elected in 1954, 18130
term to begin February 9, 1955, the second to be elected in 1970, 18131
term to begin January 1, 1971, and the third to be elected in 18132
1994, term to begin January 2, 1995; 18133

In Geauga county, two judges, one to be elected in 1956, term 18134
to begin January 1, 1957, and the second to be elected in 1976, 18135
term to begin January 6, 1977; 18136

In Greene county, four judges, one to be elected in 1956, 18137
term to begin February 9, 1957, the second to be elected in 1960, 18138
term to begin January 1, 1961, the third to be elected in 1978, 18139
term to begin January 2, 1979, and the fourth to be elected in 18140
1994, term to begin January 1, 1995; 18141

In Hancock county, two judges, one to be elected in 1952, 18142
term to begin January 1, 1953, and the second to be elected in 18143
1978, term to begin January 1, 1979; 18144

In Lawrence county, two judges, one to be elected in 1954, 18145
term to begin February 9, 1955, and the second to be elected in 18146
1976, term to begin January 1, 1977; 18147

In Marion county, three judges, one to be elected in 1952, 18148
term to begin January 1, 1953, the second to be elected in 1976, 18149

term to begin January 2, 1977, and the third to be elected in	18150
1998, term to begin February 9, 1999;	18151
In Medina county, three judges, one to be elected in 1956,	18152
term to begin January 1, 1957, the second to be elected in 1966,	18153
term to begin January 1, 1967, and the third to be elected in	18154
1994, term to begin January 1, 1995;	18155
In Miami county, two judges, one to be elected in 1954, term	18156
to begin February 9, 1955, and one to be elected in 1970, term to	18157
begin on January 1, 1971;	18158
In Muskingum county, three judges, one to be elected in 1968,	18159
term to begin August 9, 1969, one to be elected in 1978, term to	18160
begin January 1, 1979, and one to be elected in 2002, term to	18161
begin January 2, 2003;	18162
In Portage county, three judges, one to be elected in 1956,	18163
term to begin January 1, 1957, the second to be elected in 1960,	18164
term to begin January 1, 1961, and the third to be elected in	18165
1986, term to begin January 2, 1987;	18166
In Ross county, two judges, one to be elected in 1956, term	18167
to begin February 9, 1957, and the second to be elected in 1976,	18168
term to begin January 1, 1977;	18169
In Scioto county, three judges, one to be elected in 1954,	18170
term to begin February 10, 1955, the second to be elected in 1960,	18171
term to begin January 1, 1961, and the third to be elected in	18172
1994, term to begin January 2, 1995;	18173
In Seneca county, two judges, one to be elected in 1956, term	18174
to begin January 1, 1957, and the second to be elected in 1986,	18175
term to begin January 2, 1987;	18176
In Warren county, three judges, one to be elected in 1954,	18177
term to begin February 9, 1955, the second to be elected in 1970,	18178
term to begin January 1, 1971, and the third to be elected in	18179

1986, term to begin January 1, 1987;	18180
In Washington county, two judges, one to be elected in 1952,	18181
term to begin January 1, 1953, and one to be elected in 1986, term	18182
to begin January 1, 1987;	18183
In Wood county, three judges, one to be elected in 1968, term	18184
beginning January 1, 1969, the second to be elected in 1970, term	18185
to begin January 2, 1971, and the third to be elected in 1990,	18186
term to begin January 1, 1991;	18187
In Belmont and Jefferson counties, two judges, to be elected	18188
in 1954, terms to begin January 1, 1955, and February 9, 1955,	18189
respectively;	18190
In Clark county, four judges, one to be elected in 1952, term	18191
to begin January 1, 1953, the second to be elected in 1956, term	18192
to begin January 2, 1957, the third to be elected in 1986, term to	18193
begin January 3, 1987, and the fourth to be elected in 1994, term	18194
to begin January 2, 1995.	18195
In Clermont county, four judges, one to be elected in 1956,	18196
term to begin January 1, 1957, the second to be elected in 1964,	18197
term to begin January 1, 1965, the third to be elected in 1982,	18198
term to begin January 2, 1983, and the fourth to be elected in	18199
1986, term to begin January 2, 1987;	18200
In Columbiana county, two judges, one to be elected in 1952,	18201
term to begin January 1, 1953, and the second to be elected in	18202
1956, term to begin January 1, 1957;	18203
In Delaware county, two judges, one to be elected in 1990,	18204
term to begin February 9, 1991, the second to be elected in 1994,	18205
term to begin January 1, 1995;	18206
In Lake county, six judges, one to be elected in 1958, term	18207
to begin January 1, 1959, the second to be elected in 1960, term	18208
to begin January 2, 1961, the third to be elected in 1964, term to	18209

begin January 3, 1965, the fourth and fifth to be elected in 1978, 18210
terms to begin January 4, 1979, and January 5, 1979, respectively, 18211
and the sixth to be elected in 2000, term to begin January 6, 18212
2001; 18213

In Licking county, three judges, one to be elected in 1954, 18214
term to begin February 9, 1955, one to be elected in 1964, term to 18215
begin January 1, 1965, and one to be elected in 1990, term to 18216
begin January 1, 1991; 18217

In Lorain county, eight judges, two to be elected in 1952, 18218
terms to begin January 1, 1953, and January 2, 1953, respectively, 18219
one to be elected in 1958, term to begin January 3, 1959, one to 18220
be elected in 1968, term to begin January 1, 1969, two to be 18221
elected in 1988, terms to begin January 4, 1989, and January 5, 18222
1989, respectively, and two to be elected in 1998, terms to begin 18223
January 2, 1999, and January 3, 1999, respectively; 18224

In Butler county, ten judges, one to be elected in 1956, term 18225
to begin January 1, 1957; two to be elected in 1954, terms to 18226
begin January 1, 1955, and February 9, 1955, respectively; one to 18227
be elected in 1968, term to begin January 2, 1969; one to be 18228
elected in 1986, term to begin January 3, 1987; two to be elected 18229
in 1988, terms to begin January 1, 1989, and January 2, 1989, 18230
respectively; one to be elected in 1992, term to begin January 4, 18231
1993; and two to be elected in 2002, terms to begin January 2, 18232
2003, and January 3, 2003, respectively; 18233

In Richland county, ~~three~~ four judges, one to be elected in 18234
1956, term to begin January 1, 1957, the second to be elected in 18235
1960, term to begin February 9, 1961, ~~and~~ the third to be elected 18236
in 1968, term to begin January 2, 1969, and the fourth to be 18237
elected in 2004, term to begin January 3, 2005; 18238

In Tuscarawas county, two judges, one to be elected in 1956, 18239
term to begin January 1, 1957, and the second to be elected in 18240

1960, term to begin January 2, 1961;	18241
In Wayne county, two judges, one to be elected in 1956, term beginning January 1, 1957, and one to be elected in 1968, term to begin January 2, 1969;	18242 18243 18244
In Trumbull county, six judges, one to be elected in 1952, term to begin January 1, 1953, the second to be elected in 1954, term to begin January 1, 1955, the third to be elected in 1956, term to begin January 1, 1957, the fourth to be elected in 1964, term to begin January 1, 1965, the fifth to be elected in 1976, term to begin January 2, 1977, and the sixth to be elected in 1994, term to begin January 3, 1995;	18245 18246 18247 18248 18249 18250 18251
(C) In Cuyahoga county, thirty-nine judges; eight to be elected in 1954, terms to begin on successive days beginning from January 1, 1955, to January 7, 1955, and February 9, 1955, respectively; eight to be elected in 1956, terms to begin on successive days beginning from January 1, 1957, to January 8, 1957; three to be elected in 1952, terms to begin from January 1, 1953, to January 3, 1953; two to be elected in 1960, terms to begin on January 8, 1961, and January 9, 1961, respectively; two to be elected in 1964, terms to begin January 4, 1965, and January 5, 1965, respectively; one to be elected in 1966, term to begin on January 10, 1967; four to be elected in 1968, terms to begin on successive days beginning from January 9, 1969, to January 12, 1969; two to be elected in 1974, terms to begin on January 18, 1975, and January 19, 1975, respectively; five to be elected in 1976, terms to begin on successive days beginning January 6, 1977, to January 10, 1977; two to be elected in 1982, terms to begin January 11, 1983, and January 12, 1983, respectively; and two to be elected in 1986, terms to begin January 13, 1987, and January 14, 1987, respectively;	18252 18253 18254 18255 18256 18257 18258 18259 18260 18261 18262 18263 18264 18265 18266 18267 18268 18269 18270
In Franklin county, twenty-one judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955,	18271 18272

respectively; four to be elected in 1956, terms to begin January 1, 1957, to January 4, 1957; four to be elected in 1958, terms to begin January 1, 1959, to January 4, 1959; three to be elected in 1968, terms to begin January 5, 1969, to January 7, 1969; three to be elected in 1976, terms to begin on successive days beginning January 5, 1977, to January 7, 1977; one to be elected in 1982, term to begin January 8, 1983; one to be elected in 1986, term to begin January 9, 1987; two to be elected in 1990, terms to begin July 1, 1991, and July 2, 1991, respectively; and one to be elected in 1996, term to begin January 2, 1997;

In Hamilton county, twenty-one judges; eight to be elected in 1966, terms to begin January 1, 1967, January 2, 1967, and from February 9, 1967, to February 14, 1967, respectively; five to be elected in 1956, terms to begin from January 1, 1957, to January 5, 1957; one to be elected in 1964, term to begin January 1, 1965; one to be elected in 1974, term to begin January 15, 1975; one to be elected in 1980, term to begin January 16, 1981; two to be elected at large in the general election in 1982, terms to begin April 1, 1983; one to be elected in 1990, term to begin July 1, 1991; and two to be elected in 1996, terms to begin January 3, 1997, and January 4, 1997, respectively;

In Lucas county, fourteen judges; two to be elected in 1954, terms to begin January 1, 1955, and February 9, 1955, respectively; two to be elected in 1956, terms to begin January 1, 1957, and October 29, 1957, respectively; two to be elected in 1952, terms to begin January 1, 1953, and January 2, 1953, respectively; one to be elected in 1964, term to begin January 3, 1965; one to be elected in 1968, term to begin January 4, 1969; two to be elected in 1976, terms to begin January 4, 1977, and January 5, 1977, respectively; one to be elected in 1982, term to begin January 6, 1983; one to be elected in 1988, term to begin January 7, 1989; one to be elected in 1990, term to begin January

2, 1991; and one to be elected in 1992, term to begin January 2, 1993; 18305
18306

In Mahoning county, seven judges; three to be elected in 18307
1954, terms to begin January 1, 1955, January 2, 1955, and 18308
February 9, 1955, respectively; one to be elected in 1956, term to 18309
begin January 1, 1957; one to be elected in 1952, term to begin 18310
January 1, 1953; one to be elected in 1968, term to begin January 18311
2, 1969; and one to be elected in 1990, term to begin July 1, 18312
1991; 18313

In Montgomery county, fifteen judges; three to be elected in 18314
1954, terms to begin January 1, 1955, January 2, 1955, and January 18315
3, 1955, respectively; four to be elected in 1952, terms to begin 18316
January 1, 1953, January 2, 1953, July 1, 1953, July 2, 1953, 18317
respectively; one to be elected in 1964, term to begin January 3, 18318
1965; one to be elected in 1968, term to begin January 3, 1969; 18319
three to be elected in 1976, terms to begin on successive days 18320
beginning January 4, 1977, to January 6, 1977; two to be elected 18321
in 1990, terms to begin July 1, 1991, and July 2, 1991, 18322
respectively; and one to be elected in 1992, term to begin January 18323
1, 1993. 18324

In Stark county, eight judges; one to be elected in 1958, 18325
term to begin on January 2, 1959; two to be elected in 1954, terms 18326
to begin on January 1, 1955, and February 9, 1955, respectively; 18327
two to be elected in 1952, terms to begin January 1, 1953, and 18328
April 16, 1953, respectively; one to be elected in 1966, term to 18329
begin on January 4, 1967; and two to be elected in 1992, terms to 18330
begin January 1, 1993, and January 2, 1993, respectively; 18331

In Summit county, eleven judges; four to be elected in 1954, 18332
terms to begin January 1, 1955, January 2, 1955, January 3, 1955, 18333
and February 9, 1955, respectively; three to be elected in 1958, 18334
terms to begin January 1, 1959, January 2, 1959, and May 17, 1959, 18335
respectively; one to be elected in 1966, term to begin January 4, 18336

1967; one to be elected in 1968, term to begin January 5, 1969; 18337
one to be elected in 1990, term to begin May 1, 1991; and one to 18338
be elected in 1992, term to begin January 6, 1993. 18339

Notwithstanding the foregoing provisions, in any county 18340
having two or more judges of the court of common pleas, in which 18341
more than one-third of the judges plus one were previously elected 18342
at the same election, if the office of one of those judges so 18343
elected becomes vacant more than forty days prior to the second 18344
general election preceding the expiration of that judge's term, 18345
the office that that judge had filled shall be abolished as of the 18346
date of the next general election, and a new office of judge of 18347
the court of common pleas shall be created. The judge who is to 18348
fill that new office shall be elected for a six-year term at the 18349
next general election, and the term of that judge shall commence 18350
on the first day of the year following that general election, on 18351
which day no other judge's term begins, so that the number of 18352
judges that the county shall elect shall not be reduced. 18353

Judges of the probate division of the court of common pleas 18354
are judges of the court of common pleas but shall be elected 18355
pursuant to sections 2101.02 and 2101.021 of the Revised Code, 18356
except in Adams, Harrison, Henry, Morgan, Morrow, Noble, and 18357
Wyandot counties in which the judge of the court of common pleas 18358
elected pursuant to this section also shall serve as judge of the 18359
probate division. 18360

Sec. 2301.03. (A) In Franklin county, the judges of the court 18361
of common pleas whose terms begin on January 1, 1953, January 2, 18362
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 18363
successors, shall have the same qualifications, exercise the same 18364
powers and jurisdiction, and receive the same compensation as 18365
other judges of the court of common pleas of Franklin county and 18366
shall be elected and designated as judges of the court of common 18367

pleas, division of domestic relations. They shall have all the 18368
powers relating to juvenile courts, and all cases under Chapters 18369
2151. and 2152. of the Revised Code, all parentage proceedings 18370
under Chapter 3111. of the Revised Code over which the juvenile 18371
court has jurisdiction, and all divorce, dissolution of marriage, 18372
legal separation, and annulment cases shall be assigned to them. 18373
In addition to the judge's regular duties, the judge who is senior 18374
in point of service shall serve on the children services board and 18375
the county advisory board and shall be the administrator of the 18376
domestic relations division and its subdivisions and departments. 18377

18378

(B) In Hamilton county: 18379

(1) The judge of the court of common pleas, whose term begins 18380
on January 1, 1957, and successors, and the judge of the court of 18381
common pleas, whose term begins on February 14, 1967, and 18382
successors, shall be the juvenile judges as provided in Chapters 18383
2151. and 2152. of the Revised Code, with the powers and 18384
jurisdiction conferred by those chapters. 18385

(2) The judges of the court of common pleas whose terms begin 18386
on January 5, 1957, January 16, 1981, and July 1, 1991, and 18387
successors, shall be elected and designated as judges of the court 18388
of common pleas, division of domestic relations, and shall have 18389
assigned to them all divorce, dissolution of marriage, legal 18390
separation, and annulment cases coming before the court. On or 18391
after the first day of July and before the first day of August of 18392
1991 and each year thereafter, a majority of the judges of the 18393
division of domestic relations shall elect one of the judges of 18394
the division as administrative judge of that division. If a 18395
majority of the judges of the division of domestic relations are 18396
unable for any reason to elect an administrative judge for the 18397
division before the first day of August, a majority of the judges 18398
of the Hamilton county court of common pleas, as soon as possible 18399

after that date, shall elect one of the judges of the division of 18400
domestic relations as administrative judge of that division. The 18401
term of the administrative judge shall begin on the earlier of the 18402
first day of August of the year in which the administrative judge 18403
is elected or the date on which the administrative judge is 18404
elected by a majority of the judges of the Hamilton county court 18405
of common pleas and shall terminate on the date on which the 18406
administrative judge's successor is elected in the following year. 18407

In addition to the judge's regular duties, the administrative 18408
judge of the division of domestic relations shall be the 18409
administrator of the domestic relations division and its 18410
subdivisions and departments and shall have charge of the 18411
employment, assignment, and supervision of the personnel of the 18412
division engaged in handling, servicing, or investigating divorce, 18413
dissolution of marriage, legal separation, and annulment cases, 18414
including any referees considered necessary by the judges in the 18415
discharge of their various duties. 18416

The administrative judge of the division of domestic 18417
relations also shall designate the title, compensation, expense 18418
allowances, hours, leaves of absence, and vacations of the 18419
personnel of the division, and shall fix the duties of its 18420
personnel. The duties of the personnel, in addition to those 18421
provided for in other sections of the Revised Code, shall include 18422
the handling, servicing, and investigation of divorce, dissolution 18423
of marriage, legal separation, and annulment cases and counseling 18424
and conciliation services that may be made available to persons 18425
requesting them, whether or not the persons are parties to an 18426
action pending in the division. 18427

The board of county commissioners shall appropriate the sum 18428
of money each year as will meet all the administrative expenses of 18429
the division of domestic relations, including reasonable expenses 18430
of the domestic relations judges and the division counselors and 18431

other employees designated to conduct the handling, servicing, and 18432
investigation of divorce, dissolution of marriage, legal 18433
separation, and annulment cases, conciliation and counseling, and 18434
all matters relating to those cases and counseling, and the 18435
expenses involved in the attendance of division personnel at 18436
domestic relations and welfare conferences designated by the 18437
division, and the further sum each year as will provide for the 18438
adequate operation of the division of domestic relations. 18439

The compensation and expenses of all employees and the salary 18440
and expenses of the judges shall be paid by the county treasurer 18441
from the money appropriated for the operation of the division, 18442
upon the warrant of the county auditor, certified to by the 18443
administrative judge of the division of domestic relations. 18444

The summonses, warrants, citations, subpoenas, and other 18445
writs of the division may issue to a bailiff, constable, or staff 18446
investigator of the division or to the sheriff of any county or 18447
any marshal, constable, or police officer, and the provisions of 18448
law relating to the subpoenaing of witnesses in other cases shall 18449
apply insofar as they are applicable. When a summons, warrant, 18450
citation, subpoena, or other writ is issued to an officer, other 18451
than a bailiff, constable, or staff investigator of the division, 18452
the expense of serving it shall be assessed as a part of the costs 18453
in the case involved. 18454

(3) The judge of the court of common pleas of Hamilton county 18455
whose term begins on January 3, 1997, and the successor to that 18456
judge whose term begins on January 3, 2003, shall each be elected 18457
and designated for one term only as the drug court judge of the 18458
court of common pleas of Hamilton county. The successors to the 18459
judge whose term begins on January 3, 2003, shall be elected and 18460
designated as judges of the general division of the court of 18461
common pleas of Hamilton county and shall not have the authority 18462
granted by division (B)(3) of this section. The drug court judge 18463

may accept or reject any case referred to the drug court judge 18464
under division (B)(3) of this section. After the drug court judge 18465
accepts a referred case, the drug court judge has full authority 18466
over the case, including the authority to conduct arraignment, 18467
accept pleas, enter findings and dispositions, conduct trials, 18468
order treatment, and if treatment is not successfully completed 18469
pronounce and enter sentence. 18470

A judge of the general division of the court of common pleas 18471
of Hamilton county and a judge of the Hamilton county municipal 18472
court may refer to the drug court judge any case, and any 18473
companion cases, the judge determines meet the criteria described 18474
under divisions (B)(3)(a) and (b) of this section. If the drug 18475
court judge accepts referral of a referred case, the case, and any 18476
companion cases, shall be transferred to the drug court judge. A 18477
judge may refer a case meeting the criteria described in divisions 18478
(B)(3)(a) and (b) of this section that involves a violation of a 18479
term of probation to the drug court judge, and, if the drug court 18480
judge accepts the referral, the referring judge and the drug court 18481
judge have concurrent jurisdiction over the case. 18482

A judge of the general division of the court of common pleas 18483
of Hamilton county and a judge of the Hamilton county municipal 18484
court may refer a case to the drug court judge under division 18485
(B)(3) of this section if the judge determines that both of the 18486
following apply: 18487

(a) One of the following applies: 18488

(i) The case involves a drug abuse offense, as defined in 18489
section 2925.01 of the Revised Code, that is a felony of the third 18490
or fourth degree if the offense is committed prior to July 1, 18491
1996, a felony of the third, fourth, or fifth degree if the 18492
offense is committed on or after July 1, 1996, or a misdemeanor. 18493

(ii) The case involves a theft offense, as defined in section 18494

2913.01 of the Revised Code, that is a felony of the third or 18495
fourth degree if the offense is committed prior to July 1, 1996, a 18496
felony of the third, fourth, or fifth degree if the offense is 18497
committed on or after July 1, 1996, or a misdemeanor, and the 18498
defendant is drug or alcohol dependent or in danger of becoming 18499
drug or alcohol dependent and would benefit from treatment. 18500

(b) All of the following apply: 18501

(i) The case involves a probationable offense or a case in 18502
which a mandatory prison term is not required to be imposed. 18503

(ii) The defendant has no history of violent behavior. 18504

(iii) The defendant has no history of mental illness. 18505

(iv) The defendant's current or past behavior, or both, is 18506
drug or alcohol driven. 18507

(v) The defendant demonstrates a sincere willingness to 18508
participate in a fifteen-month treatment process. 18509

(vi) The defendant has no acute health condition. 18510

(vii) If the defendant is incarcerated, the county prosecutor 18511
approves of the referral. 18512

(4) If the administrative judge of the court of common pleas 18513
of Hamilton county determines that the volume of cases pending 18514
before the drug court judge does not constitute a sufficient 18515
caseload for the drug court judge, the administrative judge, in 18516
accordance with the Rules of Superintendence for Courts of Common 18517
Pleas, shall assign individual cases to the drug court judge from 18518
the general docket of the court. If the assignments so occur, the 18519
administrative judge shall cease the assignments when the 18520
administrative judge determines that the volume of cases pending 18521
before the drug court judge constitutes a sufficient caseload for 18522
the drug court judge. 18523

(C) In Lorain county, the judges of the court of common pleas 18524

whose terms begin on January 3, 1959, January 4, 1989, and January 18525
2, 1999, and successors, shall have the same qualifications, 18526
exercise the same powers and jurisdiction, and receive the same 18527
compensation as the other judges of the court of common pleas of 18528
Lorain county and shall be elected and designated as the judges of 18529
the court of common pleas, division of domestic relations. They 18530
shall have all of the powers relating to juvenile courts, and all 18531
cases under Chapters 2151. and 2152. of the Revised Code, all 18532
parentage proceedings over which the juvenile court has 18533
jurisdiction, and all divorce, dissolution of marriage, legal 18534
separation, and annulment cases shall be assigned to them, except 18535
cases that for some special reason are assigned to some other 18536
judge of the court of common pleas. 18537

(D) In Lucas county: 18538

(1) The judges of the court of common pleas whose terms begin 18539
on January 1, 1955, and January 3, 1965, and successors, shall 18540
have the same qualifications, exercise the same powers and 18541
jurisdiction, and receive the same compensation as other judges of 18542
the court of common pleas of Lucas county and shall be elected and 18543
designated as judges of the court of common pleas, division of 18544
domestic relations. All divorce, dissolution of marriage, legal 18545
separation, and annulment cases shall be assigned to them. 18546

The judge of the division of domestic relations, senior in 18547
point of service, shall be considered as the presiding judge of 18548
the court of common pleas, division of domestic relations, and 18549
shall be charged exclusively with the assignment and division of 18550
the work of the division and the employment and supervision of all 18551
other personnel of the domestic relations division. 18552

(2) The judges of the court of common pleas whose terms begin 18553
on January 5, 1977, and January 2, 1991, and successors shall have 18554
the same qualifications, exercise the same powers and 18555
jurisdiction, and receive the same compensation as other judges of 18556

the court of common pleas of Lucas county, shall be elected and 18557
designated as judges of the court of common pleas, juvenile 18558
division, and shall be the juvenile judges as provided in Chapters 18559
2151. and 2152. of the Revised Code with the powers and 18560
jurisdictions conferred by those chapters. In addition to the 18561
judge's regular duties, the judge of the court of common pleas, 18562
juvenile division, senior in point of service, shall be the 18563
administrator of the juvenile division and its subdivisions and 18564
departments and shall have charge of the employment, assignment, 18565
and supervision of the personnel of the division engaged in 18566
handling, servicing, or investigating juvenile cases, including 18567
any referees considered necessary by the judges of the division in 18568
the discharge of their various duties. 18569

The judge of the court of common pleas, juvenile division, 18570
senior in point of service, also shall designate the title, 18571
compensation, expense allowance, hours, leaves of absence, and 18572
vacation of the personnel of the division and shall fix the duties 18573
of the personnel of the division. The duties of the personnel, in 18574
addition to other statutory duties include the handling, 18575
servicing, and investigation of juvenile cases and counseling and 18576
conciliation services that may be made available to persons 18577
requesting them, whether or not the persons are parties to an 18578
action pending in the division. 18579

(3) If one of the judges of the court of common pleas, 18580
division of domestic relations, or one of the judges of the 18581
juvenile division is sick, absent, or unable to perform that 18582
judge's judicial duties or the volume of cases pending in that 18583
judge's division necessitates it, the duties shall be performed by 18584
the judges of the other of those divisions. 18585

(E) In Mahoning county: 18586

(1) The judge of the court of common pleas whose term began 18587
on January 1, 1955, and successors, shall have the same 18588

qualifications, exercise the same powers and jurisdiction, and 18589
receive the same compensation as other judges of the court of 18590
common pleas of Mahoning county, shall be elected and designated 18591
as judge of the court of common pleas, division of domestic 18592
relations, and shall be assigned all the divorce, dissolution of 18593
marriage, legal separation, and annulment cases coming before the 18594
court. In addition to the judge's regular duties, the judge of the 18595
court of common pleas, division of domestic relations, shall be 18596
the administrator of the domestic relations division and its 18597
subdivisions and departments and shall have charge of the 18598
employment, assignment, and supervision of the personnel of the 18599
division engaged in handling, servicing, or investigating divorce, 18600
dissolution of marriage, legal separation, and annulment cases, 18601
including any referees considered necessary in the discharge of 18602
the various duties of the judge's office. 18603

The judge also shall designate the title, compensation, 18604
expense allowances, hours, leaves of absence, and vacations of the 18605
personnel of the division and shall fix the duties of the 18606
personnel of the division. The duties of the personnel, in 18607
addition to other statutory duties, include the handling, 18608
servicing, and investigation of divorce, dissolution of marriage, 18609
legal separation, and annulment cases and counseling and 18610
conciliation services that may be made available to persons 18611
requesting them, whether or not the persons are parties to an 18612
action pending in the division. 18613

(2) The judge of the court of common pleas whose term began 18614
on January 2, 1969, and successors, shall have the same 18615
qualifications, exercise the same powers and jurisdiction, and 18616
receive the same compensation as other judges of the court of 18617
common pleas of Mahoning county, shall be elected and designated 18618
as judge of the court of common pleas, juvenile division, and 18619
shall be the juvenile judge as provided in Chapters 2151. and 18620