

As Introduced

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

H. B. No. 95

Representative Calvert

A BILL

To amend sections 9.01, 9.83, 101.82, 102.02, 109.57, 109.572, 109.71, 117.45, 119.035, 121.04, 121.084, 122.011, 122.04, 122.08, 122.17, 122.25, 122.651, 122.658, 122.87, 122.88, 123.01, 124.03, 125.05, 125.15, 125.91, 125.92, 125.93, 125.95, 125.96, 125.98, 126.11, 127.16, 131.23, 131.35, 147.01, 147.37, 149.011, 149.33, 149.331, 149.332, 149.333, 149.34, 149.35, 153.65, 163.06, 164.27, 165.09, 173.14, 173.20, 173.21, 173.26, 173.55, 173.57, 175.03, 175.21, 175.22, 183.02, 183.28, 307.202, 307.86, 307.98, 307.981, 307.987, 311.17, 317.32, 319.302, 321.24, 323.01, 323.13, 323.152, 329.03, 329.04, 329.05, 329.051, 329.06, 340.03, 505.69, 715.013, 717.01, 718.01, 718.02, 718.03, 718.05, 901.17, 901.21, 902.11, 921.151, 927.69, 1309.109, 1321.21, 1333.99, 1501.04, 1502.02, 1503.011, 1503.05, 1503.99, 1509.06, 1509.08, 1513.02, 1513.07, 1513.13, 1513.131, 1513.14, 1513.16, 1514.021, 1514.071, 1514.09, 1514.10, 1519.05, 1521.06, 1521.063, 1531.26, 1533.08, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112, 1533.12, 1533.13, 1533.151, 1533.19, 1533.23, 1533.301, 1533.32, 1533.35, 1533.40, 1533.54, 1533.631, 1533.632, 1533.71, 1533.82, 1561.31, 1561.35, 1561.351, 1561.51, 1563.13, 1563.42,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1702.59, 2101.16, 2117.06, 2117.25, 2151.3529, 26
2151.3530, 2151.83, 2151.84, 2305.234, 2329.66, 27
2505.13, 2715.041, 2715.045, 2716.13, 2743.02, 28
2915.01, 2921.13, 2925.44, 2933.43, 2935.01, 29
2949.091, 3111.04, 3111.72, 3119.01, 3123.952, 30
3125.12, 3125.25, 3301.33, 3301.52, 3301.53, 31
3301.54, 3301.55, 3301.57, 3301.58, 3301.80, 32
3301.801, 3313.979, 3314.074, 3316.08, 3317.012, 33
3317.013, 3317.022, 3317.023, 3317.024, 3317.029, 34
3317.0213, 3317.0217, 3317.03, 3317.032, 3317.05, 35
3317.06, 3317.064, 3317.07, 3317.10, 3317.11, 36
3317.16, 3317.50, 3317.51, 3319.22, 3319.235, 37
3323.16, 3332.04, 3333.12, 3383.01, 3383.07, 38
3501.18, 3501.30, 3505.08, 3517.092, 3701.021, 39
3701.022, 3701.141, 3701.145, 3702.31, 3702.68, 40
3702.74, 3705.23, 3705.24, 3709.09, 3710.05, 41
3711.021, 3721.02, 3721.19, 3721.56, 3722.15, 42
3722.16, 3727.17, 3733.43, 3733.45, 3734.02, 43
3734.05, 3734.12, 3734.123, 3734.124, 3734.18, 44
3734.28, 3734.42, 3734.44, 3734.46, 3734.57, 45
3735.67, 3735.671, 3737.81, 3745.04, 3745.11, 46
3745.14, 3745.40, 3746.13, 3747.16, 3748.07, 47
3748.13, 3770.07, 3770.10, 3770.99, 3773.33, 48
3773.43, 3781.19, 4104.01, 4104.02, 4104.04, 49
4104.06, 4104.07, 4104.08, 4104.15, 4104.18, 50
4104.19, 4104.20, 4104.41, 4104.44, 4104.45, 51
4104.46, 4105.17, 4112.15, 4115.03, 4117.02, 52
4117.10, 4117.14, 4123.27, 4123.41, 4141.04, 53
4141.09, 4141.23, 4301.12, 4301.30, 4301.42, 54
4301.43, 4303.02, 4303.021, 4303.03, 4303.04, 55
4303.05, 4303.06, 4303.07, 4303.08, 4303.09, 56
4303.10, 4303.11, 4303.12, 4303.121, 4303.13, 57
4303.14, 4303.141, 4303.15, 4303.151, 4303.16, 58

4303.17, 4303.171, 4303.18, 4303.181, 4303.182,	59
4303.183, 4303.184, 4303.19, 4303.20, 4303.201,	60
4303.202, 4303.203, 4303.204, 4303.21, 4303.22,	61
4303.23, 4303.231, 4305.01, 4503.06, 4505.06,	62
4509.60, 4511.75, 4707.071, 4707.072, 4707.10,	63
4709.12, 4717.07, 4717.09, 4719.01, 4723.06,	64
4723.08, 4723.082, 4725.44, 4725.45, 4725.48,	65
4725.50, 4725.51, 4725.52, 4725.57, 4731.65,	66
4731.71, 4734.15, 4736.12, 4741.17, 4743.05,	67
4747.05, 4747.06, 4747.07, 4747.10, 4751.06,	68
4751.07, 4759.08, 4771.22, 4779.08, 4779.17,	69
4779.18, 4903.24, 4905.79, 4905.91, 4919.79,	70
4931.45, 4931.47, 4931.48, 4973.17, 4981.01,	71
4981.03, 4981.031, 4981.032, 4981.033, 4981.04,	72
4981.06, 4981.07, 4981.08, 4981.09, 4981.091,	73
4981.10, 4981.11, 4981.12, 4981.13, 4981.131,	74
4981.14, 4981.15, 4981.16, 4981.17, 4981.18,	75
4981.19, 4981.20, 4981.21, 4981.22, 4981.23,	76
4981.25, 4981.26, 4981.28, 4981.29, 4981.30,	77
4981.31, 4981.32, 4981.33, 4981.34, 4981.35,	78
4981.361, 5101.11, 5101.14, 5101.141, 5101.142,	79
5101.144, 5101.145, 5101.146, 5101.16, 5101.162,	80
5101.18, 5101.181, 5101.21, 5101.211, 5101.212,	81
5101.22, 5101.24, 5101.36, 5101.58, 5101.59,	82
5101.60, 5101.61, 5101.611, 5101.62, 5101.63,	83
5101.65, 5101.67, 5101.68, 5101.69, 5101.70,	84
5101.75, 5101.80, 5101.83, 5101.97, 5101.99,	85
5103.031, 5103.033, 5103.034, 5103.036, 5103.037,	86
5103.038, 5103.0312, 5103.0313, 5103.0314,	87
5103.0315, 5103.0316, 5103.154, 5104.01, 5104.011,	88
5104.02, 5104.30, 5104.32, 5104.42, 5107.02,	89
5107.30, 5107.37, 5107.40, 5107.60, 5108.01,	90
5108.03, 5108.06, 5108.07, 5108.09, 5108.10,	91

5111.019, 5111.0112, 5111.02, 5111.021, 5111.022,	92
5111.03, 5111.06, 5111.111, 5111.17, 5111.171,	93
5111.20, 5111.204, 5111.21, 5111.22, 5111.231,	94
5111.25, 5111.252, 5111.26, 5111.263, 5111.28,	95
5111.29, 5111.30, 5111.31, 5111.32, 5111.33,	96
5111.34, 5111.85, 5111.87, 5111.872, 5111.94,	97
5111.99, 5112.03, 5112.08, 5112.17, 5112.31,	98
5112.99, 5115.01, 5115.02, 5115.03, 5115.04,	99
5115.05, 5115.07, 5115.10, 5115.11, 5115.13,	100
5115.15, 5115.20, 5119.61, 5119.611, 5123.01,	101
5123.051, 5123.19, 5123.61, 5123.801, 5126.042,	102
5126.12, 5126.31, 5139.36, 5139.87, 5153.16,	103
5153.163, 5153.60, 5153.69, 5153.72, 5153.78,	104
5310.15, 5501.03, 5502.13, 5519.01, 5703.054,	105
5703.19, 5705.19, 5707.03, 5709.01, 5709.20,	106
5709.21, 5709.22, 5709.25, 5709.26, 5709.27,	107
5709.62, 5709.63, 5709.632, 5709.64, 5709.67,	108
5709.84, 5711.02, 5711.13, 5711.22, 5711.27,	109
5711.33, 5713.07, 5713.08, 5713.081, 5713.082,	110
5715.27, 5715.39, 5717.02, 5717.03, 5719.07,	111
5725.01, 5725.14, 5725.25, 5725.26, 5727.01,	112
5727.06, 5727.111, 5727.15, 5727.24, 5727.25,	113
5727.26, 5727.27, 5727.28, 5727.30, 5727.32,	114
5727.33, 5727.38, 5727.56, 5728.04, 5728.99,	115
5733.01, 5733.04, 5733.042, 5733.05, 5733.051,	116
5733.056, 5733.057, 5733.059, 5733.06, 5733.065,	117
5733.066, 5733.069, 5733.09, 5733.18, 5733.22,	118
5733.33, 5733.39, 5733.40, 5733.45, 5733.98,	119
5735.05, 5735.14, 5735.15, 5735.19, 5735.23,	120
5735.26, 5735.291, 5735.30, 5735.99, 5739.01,	121
5739.011, 5739.02, 5739.03, 5739.071, 5739.12,	122
5739.17, 5739.33, 5741.01, 5741.02, 5743.02,	123
5743.32, 5745.01, 5745.02, 5745.04, 5747.01,	124

5747.02, 5747.022, 5747.025, 5747.05, 5747.057,	125
5747.08, 5747.09, 5747.30, 5747.98, 5748.01,	126
5749.02, 6101.09, 6109.21, 6111.044, 6111.06,	127
6115.09, 6301.05, and 6301.07; to amend, for the	128
purpose of adopting new section numbers as	129
indicated in parentheses, sections 3301.33	130
(3301.40), 3701.145 (3701.0210), 4104.46	131
(4104.48), 4981.01 (5507.01), 4981.03 (5507.03),	132
4981.031 (5507.031), 4981.032 (5507.032), 4981.033	133
(5507.033), 4981.04 (5507.04), 4981.05 (5507.05),	134
4981.06 (5507.06), 4981.07 (5507.07), 4981.08	135
(5507.08), 4981.09 (5507.09), 4981.091 (5507.091),	136
4981.10 (5507.10), 4981.11 (5507.11), 4981.12	137
(5507.12), 4981.13 (5507.13), 4981.131 (5507.131),	138
4981.14 (5507.14), 4981.15 (5507.15), 4981.16	139
(5507.16), 4981.17 (5507.17), 4981.18 (5507.18),	140
4981.19 (5507.19), 4981.20 (5507.20), 4981.21	141
(5507.21), 4981.22 (5507.22), 4981.23 (5507.23),	142
4981.25 (5507.25), 4981.26 (5507.26), 4981.28	143
(5507.28), 4981.29 (5507.29), 4981.30 (5507.30),	144
4981.31 (5507.31), 4981.32 (5507.32), 4981.33	145
(5507.33), 4981.34 (5507.34), 4981.35 (5507.35),	146
4981.36 (5507.36), 4981.361 (5507.361), 5101.211	147
(5101.212), 5101.212 (5101.213), 5108.06	148
(5108.04), 5108.07 (5108.05), 5111.08 (5111.071),	149
5111.16 (5111.08), 5111.25 (5111.27), 5111.252	150
(5123.199), 5111.26 (5111.23), 5111.263 (5111.30),	151
5111.29 (5111.31), 5111.30 (5111.224), 5111.31	152
(5111.222), 5111.32 (5111.223), 5111.33 (5111.29),	153
5115.02 (5115.04), 5115.04 (5115.02), 5115.07	154
(5115.06), 5115.13 (5115.07), and 5115.15	155
(5115.23); to enact new sections 718.11, 718.12,	156
3301.33, 4104.42, 4104.43, 4104.46, 5108.06,	157

5108.07, 5111.16, 5111.173, 5111.221, 5111.24,	158
5111.241, 5111.25, 5111.251, 5111.252, 5111.255,	159
5111.257, 5111.26, 5111.261, 5111.262, 5111.263,	160
5111.264, 5111.32, and 5733.052, and sections	161
122.90, 123.152, 123.153, 173.08, 305.28, 317.36,	162
319.63, 718.021, 718.031, 718.051, 718.111,	163
718.112, 927.701, 1503.50, 1503.51, 1503.52,	164
1503.53, 1503.54, 1503.55, 1503.56, 1503.57,	165
1503.58, 2113.041, 2117.061, 3123.97, 3301.31,	166
3301.34, 3301.35, 3301.36, 3301.37, 3314.083,	167
3701.029, 3702.63, 3721.561, 4104.47, 4115.17,	168
4115.18, 4115.19, 4115.20, 4707.24, 5101.1410,	169
5101.211, 5101.214, 5101.241, 5101.242, 5101.243,	170
5101.601, 5103.155, 5108.11, 5108.12, 5111.0113,	171
5111.025, 5111.172, 5111.174, 5111.175, 5111.176,	172
5111.177, 5111.206, 5111.211, 5111.253, 5111.254,	173
5111.256, 5111.265, 5111.266, 5111.267, 5111.268,	174
5111.269, 5111.2610, 5111.88, 5111.881, 5111.882,	175
5111.911, 5111.912, 5111.913, 5111.95, 5111.96,	176
5111.97, 5111.98, 5111.981, 5111.982, 5115.12,	177
5115.13, 5115.14, 5115.22, 5123.196, 5123.197,	178
5123.198, 5123.38, 5123.851, 5703.491, 5703.56,	179
5703.58, 5703.80, 5709.201, 5709.211, 5709.212,	180
5709.23, 5709.24, 5717.011, 5733.044, 5733.55,	181
5733.56, 5733.57, 5735.053, 5741.25, 5745.042, and	182
5745.044; and to repeal sections 122.12, 125.931,	183
125.932, 125.933, 125.934, 125.935, 131.38,	184
179.01, 179.02, 179.03, 179.04, 319.311, 718.11,	185
718.12, 1333.96, 1513.05, 1513.10, 1533.06,	186
1533.39, 1553.01, 1553.02, 1553.03, 1553.04,	187
1553.05, 1553.06, 1553.07, 1553.08, 1553.09,	188
1553.10, 1553.99, 3301.31, 3301.581, 3302.041,	189
3701.142, 3701.144, 4104.42, 4104.43, 4141.044,	190

4141.045, 5101.213, 5101.251, 5101.71, 5101.72,	191
5108.05, 5111.017, 5111.173, 5111.221, 5111.23,	192
5111.231, 5111.24, 5111.241, 5111.251, 5111.255,	193
5111.257, 5111.261, 5111.262, 5111.264, 5111.27,	194
5111.291, 5111.34, 5115.011, 5115.012, 5115.06,	195
5115.061, 5502.49, 5709.231, 5709.30, 5709.31,	196
5709.32, 5709.33, 5709.34, 5709.35, 5709.36,	197
5709.37, 5709.45, 5709.46, 5709.47, 5709.48,	198
5709.49, 5709.50, 5709.51, 5709.52, 5709.64,	199
5709.65, 5709.66, 5727.39, 5727.44, 5733.052,	200
5733.055, 5733.061, 5733.064, 5733.068, 5733.111,	201
5733.32, 5733.36, 5733.38, 5733.43, 5733.44,	202
5735.33, 5739.012, 5739.35, 5741.011, 5741.24,	203
5743.45, 5743.46, 5747.051, 5747.131, 5747.28,	204
5747.34, 5747.36, 5747.38, 5747.60, 6111.31,	205
6111.311, 6111.32, 6111.34, 6111.35, 6111.36,	206
6111.37, 6111.38, and 6111.39 of the Revised Code;	207
to amend Section 14 of Am. Sub. S.B. 242 of the	208
124th General Assembly; to amend Section 3 of Am.	209
Sub. H.B. 215 of the 122nd General Assembly, as	210
subsequently amended; to amend Section 3 of Am.	211
Sub. H.B. 621 of the 122nd General Assembly, as	212
subsequently amended; to amend Section 153 of Am.	213
Sub. H.B. 117 of the 121st General Assembly, as	214
subsequently amended; to amend Section 27 of Sub	215
H.B. 670 of the 121st General Assembly, as	216
subsequently amended; to amend Section 5 of Am.	217
Sub. S.B. 50 of the 121st General Assembly, as	218
subsequently amended; to repeal section 63.37 of	219
Am. Sub. H.B. 94 of the 124th General Assembly, as	220
subsequently amended; to repeal Section 129 of Am.	221
Sub. H.B. 283 of the 123rd General Assembly, as	222
subsequently amended; to repeal Section 3 of S.B.	223

238 of the 123rd General Assembly; and to repeal 224
Section 11 of Am. Sub. S.B. 50 of the 121st 225
General Assembly, as subsequently amended; to levy 226
taxes and provide for implementation of those 227
levies, to make operating appropriations for the 228
biennium beginning July 1, 2003, and ending June 229
30, 2005, and to provide authorization and 230
conditions for the operation of state programs; to 231
amend the version of section 921.22 of the Revised 232
Code that is scheduled to take effect July 1, 233
2004, to continue the provisions of this act on 234
and after that effective date; to amend the 235
version of section 3332.04 of the Revised Code 236
that is scheduled to take effect July 1, 2003; to 237
amend the version of section 4511.75 of the 238
Revised Code that is scheduled to take effect 239
January 1, 2004; to amend the versions of sections 240
5739.03, 5739.12, and 5741.02 of the Revised Code 241
that are scheduled to take effect July 1, 2003, to 242
continue certain provisions of this act on and 243
after that date. 244

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

Section 1. That sections 9.01, 9.83, 101.82, 102.02, 109.57, 245
109.572, 109.71, 117.45, 119.035, 121.04, 121.084, 122.011, 246
122.04, 122.08, 122.17, 122.25, 122.651, 122.658, 122.87, 122.88, 247
123.01, 124.03, 125.05, 125.15, 125.91, 125.92, 125.93, 125.95, 248
125.96, 125.98, 126.11, 127.16, 131.23, 131.35, 147.01, 147.37, 249
149.011, 149.33, 149.331, 149.332, 149.333, 149.34, 149.35, 250
153.65, 163.06, 164.27, 165.09, 173.14, 173.20, 173.21, 173.26, 251
173.55, 173.57, 175.03, 175.21, 175.22, 183.02, 183.28, 307.202, 252

307.86, 307.98, 307.981, 307.987, 311.17, 317.32, 319.302, 321.24,	253
323.01, 323.13, 323.152, 329.03, 329.04, 329.05, 329.051, 329.06,	254
340.03, 505.69, 715.013, 717.01, 718.01, 718.02, 718.03, 718.05,	255
901.17, 901.21, 902.11, 921.151, 927.69, 1309.109, 1321.21,	256
1333.99, 1501.04, 1502.02, 1503.011, 1503.05, 1503.99, 1509.06,	257
1509.08, 1513.02, 1513.07, 1513.13, 1513.131, 1513.14, 1513.16,	258
1514.021, 1514.071, 1514.09, 1514.10, 1519.05, 1521.06, 1521.063,	259
1531.26, 1533.08, 1533.10, 1533.101, 1533.11, 1533.111, 1533.112,	260
1533.12, 1533.13, 1533.151, 1533.19, 1533.23, 1533.301, 1533.32,	261
1533.35, 1533.40, 1533.54, 1533.631, 1533.632, 1533.71, 1533.82,	262
1561.31, 1561.35, 1561.351, 1561.51, 1563.13, 1563.42, 1702.59,	263
2101.16, 2117.06, 2117.25, 2151.3529, 2151.3530, 2151.83, 2151.84,	264
2305.234, 2329.66, 2505.13, 2715.041, 2715.045, 2716.13, 2743.02,	265
2915.01, 2921.13, 2925.44, 2933.43, 2935.01, 2949.091, 3111.04,	266
3111.72, 3119.01, 3123.952, 3125.12, 3125.25, 3301.33, 3301.52,	267
3301.53, 3301.54, 3301.55, 3301.57, 3301.58, 3301.80, 3301.801,	268
3313.979, 3314.074, 3316.08, 3317.012, 3317.013, 3317.022,	269
3317.023, 3317.024, 3317.029, 3317.0213, 3317.0217, 3317.03,	270
3317.032, 3317.05, 3317.06, 3317.064, 3317.07, 3317.10, 3317.11,	271
3317.16, 3317.50, 3317.51, 3319.22, 3319.235, 3323.16, 3332.04,	272
3333.12, 3383.01, 3383.07, 3501.18, 3501.30, 3505.08, 3517.092,	273
3701.021, 3701.022, 3701.141, 3701.145, 3702.31, 3702.68, 3702.74,	274
3705.23, 3705.24, 3709.09, 3710.05, 3711.021, 3721.02, 3721.19,	275
3721.56, 3722.15, 3722.16, 3727.17, 3733.43, 3733.45, 3734.02,	276
3734.05, 3734.12, 3734.123, 3734.124, 3734.18, 3734.28, 3734.42,	277
3734.44, 3734.46, 3734.57, 3735.67, 3735.671, 3737.81, 3745.04,	278
3745.11, 3745.14, 3745.40, 3746.13, 3747.16, 3748.07, 3748.13,	279
3770.07, 3770.10, 3770.99, 3773.33, 3773.43, 3781.19, 4104.01,	280
4104.02, 4104.04, 4104.06, 4104.07, 4104.08, 4104.15, 4104.18,	281
4104.19, 4104.20, 4104.41, 4104.44, 4104.45, 4104.46, 4105.17,	282
4112.15, 4115.03, 4117.02, 4117.10, 4117.14, 4123.27, 4123.41,	283
4141.04, 4141.09, 4141.23, 4301.12, 4301.30, 4301.42, 4301.43,	284
4303.02, 4303.021, 4303.03, 4303.04, 4303.05, 4303.06, 4303.07,	285

4303.08, 4303.09, 4303.10, 4303.11, 4303.12, 4303.121, 4303.13,	286
4303.14, 4303.141, 4303.15, 4303.151, 4303.16, 4303.17, 4303.171,	287
4303.18, 4303.181, 4303.182, 4303.183, 4303.184, 4303.19, 4303.20,	288
4303.201, 4303.202, 4303.203, 4303.204, 4303.21, 4303.22, 4303.23,	289
4303.231, 4305.01, 4503.06, 4505.06, 4509.60, 4511.75, 4707.071,	290
4707.072, 4707.10, 4709.12, 4717.07, 4717.09, 4719.01, 4723.06,	291
4723.08, 4723.082, 4725.44, 4725.45, 4725.48, 4725.50, 4725.51,	292
4725.52, 4725.57, 4731.65, 4731.71, 4734.15, 4736.12, 4741.17,	293
4743.05, 4747.05, 4747.06, 4747.07, 4747.10, 4751.06, 4751.07,	294
4759.08, 4771.22, 4779.08, 4779.17, 4779.18, 4903.24, 4905.79,	295
4905.91, 4919.79, 4931.45, 4931.47, 4931.48, 4973.17, 4981.01,	296
4981.03, 4981.031, 4981.032, 4981.033, 4981.04, 4981.06, 4981.07,	297
4981.08, 4981.09, 4981.091, 4981.10, 4981.11, 4981.12, 4981.13,	298
4981.131, 4981.14, 4981.15, 4981.16, 4981.17, 4981.18, 4981.19,	299
4981.20, 4981.21, 4981.22, 4981.23, 4981.25, 4981.26, 4981.28,	300
4981.29, 4981.30, 4981.31, 4981.32, 4981.33, 4981.34, 4981.35,	301
4981.361, 5101.11, 5101.14, 5101.141, 5101.142, 5101.144,	302
5101.145, 5101.146, 5101.16, 5101.162, 5101.18, 5101.181, 5101.21,	303
5101.211, 5101.212, 5101.22, 5101.24, 5101.36, 5101.58, 5101.59,	304
5101.60, 5101.61, 5101.611, 5101.62, 5101.63, 5101.65, 5101.67,	305
5101.68, 5101.69, 5101.70, 5101.75, 5101.80, 5101.83, 5101.97,	306
5101.99, 5103.031, 5103.033, 5103.034, 5103.036, 5103.037,	307
5103.038, 5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316,	308
5103.154, 5104.01, 5104.011, 5104.02, 5104.30, 5104.32, 5104.42,	309
5107.02, 5107.30, 5107.37, 5107.40, 5107.60, 5108.01, 5108.03,	310
5108.06, 5108.07, 5108.09, 5108.10, 5111.019, 5111.0112, 5111.02,	311
5111.021, 5111.022, 5111.03, 5111.06, 5111.111, 5111.17, 5111.171,	312
5111.20, 5111.204, 5111.21, 5111.22, 5111.231, 5111.25, 5111.252,	313
5111.26, 5111.263, 5111.28, 5111.29, 5111.30, 5111.31, 5111.32,	314
5111.33, 5111.34, 5111.85, 5111.87, 5111.872, 5111.94, 5111.99,	315
5112.03, 5112.08, 5112.17, 5112.31, 5112.99, 5115.01, 5115.02,	316
5115.03, 5115.04, 5115.05, 5115.07, 5115.10, 5115.11, 5115.13,	317
5115.15, 5115.20, 5119.61, 5119.611, 5123.01, 5123.051, 5123.19,	318

5123.61, 5123.801, 5126.042, 5126.12, 5126.31, 5139.36, 5139.87, 319
5153.16, 5153.163, 5153.60, 5153.69, 5153.72, 5153.78, 5310.15, 320
5501.03, 5502.13, 5519.01, 5703.054, 5703.19, 5705.19, 5707.03, 321
5709.01, 5709.20, 5709.21, 5709.22, 5709.25, 5709.26, 5709.27, 322
5709.62, 5709.63, 5709.632, 5709.64, 5709.67, 5709.84, 5711.02, 323
5711.13, 5711.22, 5711.27, 5711.33, 5713.07, 5713.08, 5713.081, 324
5713.082, 5715.27, 5715.39, 5717.02, 5717.03, 5719.07, 5725.01, 325
5725.14, 5725.25, 5725.26, 5727.01, 5727.06, 5727.111, 5727.15, 326
5727.24, 5727.25, 5727.26, 5727.27, 5727.28, 5727.30, 5727.32, 327
5727.33, 5727.38, 5727.56, 5728.04, 5728.99, 5733.01, 5733.04, 328
5733.042, 5733.05, 5733.051, 5733.056, 5733.057, 5733.059, 329
5733.06, 5733.065, 5733.066, 5733.069, 5733.09, 5733.18, 5733.22, 330
5733.33, 5733.39, 5733.40, 5733.45, 5733.98, 5735.05, 5735.14, 331
5735.15, 5735.19, 5735.23, 5735.26, 5735.291, 5735.30, 5735.99, 332
5739.01, 5739.011, 5739.02, 5739.03, 5739.071, 5739.12, 5739.17, 333
5739.33, 5741.01, 5741.02, 5743.02, 5743.32, 5745.01, 5745.02, 334
5745.04, 5747.01, 5747.02, 5747.022, 5747.025, 5747.05, 5747.057, 335
5747.08, 5747.09, 5747.30, 5747.98, 5748.01, 5749.02, 6101.09, 336
6109.21, 6111.044, 6111.06, 6115.09, 6301.05, and 6301.07 be 337
amended; that sections 3301.33 (3301.40), 3701.145 (3701.0210), 338
4104.46 (4104.48), 4981.01 (5507.01), 4981.03 (5507.03), 4981.031 339
(5507.031), 4981.032 (5507.032), 4981.033 (5507.033), 4981.04 340
(5507.04), 4981.05 (5507.05), 4981.06 (5507.06), 4981.07 341
(5507.07), 4981.08 (5507.08), 4981.09 (5507.09), 4981.091 342
(5507.091), 4981.10 (5507.10), 4981.11 (5507.11), 4981.12 343
(5507.12), 4981.13 (5507.13), 4981.131 (5507.131), 4981.14 344
(5507.14), 4981.15 (5507.15), 4981.16 (5507.16), 4981.17 345
(5507.17), 4981.18 (5507.18), 4981.19 (5507.19), 4981.20 346
(5507.20), 4981.21 (5507.21), 4981.22 (5507.22), 4981.23 347
(5507.23), 4981.25 (5507.25), 4981.26 (5507.26), 4981.28 348
(5507.28), 4981.29 (5507.29), 4981.30 (5507.30), 4981.31 349
(5507.31), 4981.32 (5507.32), 4981.33 (5507.33), 4981.34 350
(5507.34), 4981.35 (5507.35), 4981.36 (5507.36), 4981.361 351

(5507.361), 5101.211 (5101.212), 5101.212 (5101.213), 5108.06 352
(5108.04), 5108.07 (5108.05), 5111.08 (5111.071), 5111.16 353
(5111.08), 5111.25 (5111.27), 5111.252 (5123.199), 5111.26 354
(5111.23), 5111.263 (5111.30), 5111.29 (5111.31), 5111.30 355
(5111.224), 5111.31 (5111.222), 5111.32 (5111.223), 5111.33 356
(5111.29), 5115.02 (5115.04), 5115.04 (5115.02), 5115.07 357
(5115.06), 5115.13 (5115.07), and 5115.15 (5115.23) be amended for 358
the purpose of adopting new section numbers as indicated in 359
parentheses; that new sections 718.11, 718.12, 3301.33, 4104.42, 360
4104.43, 4104.46, 5108.06, 5108.07, 5111.16, 5111.173, 5111.221, 361
5111.24, 5111.241, 5111.25, 5111.251, 5111.252, 5111.255, 362
5111.257, 5111.26, 5111.261, 5111.262, 5111.263, 5111.264, 363
5111.32, and 5733.052, and sections 122.90, 123.152, 123.153, 364
173.08, 305.28, 317.36, 319.63, 718.021, 718.031, 718.051, 365
718.111, 718.112, 927.701, 1503.50, 1503.51, 1503.52, 1503.53, 366
1503.54, 1503.55, 1503.56, 1503.57, 1503.58, 2113.041, 2117.061, 367
3123.97, 3301.31, 3301.34, 3301.35, 3301.36, 3301.37, 3314.083, 368
3701.029, 3702.63, 3721.561, 4104.47, 4115.17, 4115.18, 4115.19, 369
4115.20, 4707.24, 5101.1410, 5101.211, 5101.214, 5101.241, 370
5101.242, 5101.243, 5101.601, 5103.155, 5108.11, 5108.12, 371
5111.0113, 5111.025, 5111.172, 5111.174, 5111.175, 5111.176, 372
5111.177, 5111.206, 5111.211, 5111.253, 5111.254, 5111.256, 373
5111.265, 5111.266, 5111.267, 5111.268, 5111.269, 5111.2610, 374
5111.88, 5111.881, 5111.882, 5111.911, 5111.912, 5111.913, 375
5111.95, 5111.96, 5111.97, 5111.98, 5111.981, 5111.982, 5115.12, 376
5115.13, 5115.14, 5115.22, 5123.196, 5123.197, 5123.198, 5123.38, 377
5123.851, 5703.491, 5703.56, 5703.58, 5703.80, 5709.201, 5709.211, 378
5709.212, 5709.23, 5709.24, 5717.011, 5733.044, 5733.55, 5733.56, 379
5733.57, 5735.053, 5741.25, 5745.042, and 5745.044 of the Revised 380
Code be enacted to read as follows: 381

Sec. 9.01. When any officer, office, court, commission, 382
board, institution, department, agent, or employee of the state, 383

~~or~~ of a county, or of any other political subdivision, who is 384
charged with the duty or authorized or required by law to record, 385
preserve, keep, maintain, or file any record, document, plat, 386
court file, paper, or instrument in writing, or to make or furnish 387
copies of any ~~thereof~~ of them, deems it necessary or advisable, 388
when recording ~~any such document, plat, court file, paper, or~~ 389
~~instrument in writing~~, or ~~when~~ making a copy or reproduction of 390
any ~~thereof~~ of them or of any such record, for the purpose of 391
recording or copying, preserving, and protecting ~~the same~~ them, 392
reducing space required for storage, or any similar purpose, to do 393
so by means of any photostatic, photographic, miniature 394
photographic, film, microfilm, or microphotographic process, or 395
perforated tape, magnetic tape, other magnetic means, electronic 396
data processing, machine readable means, or graphic or video 397
display, or any combination ~~thereof~~ of those processes, means, or 398
displays, which correctly and accurately copies, records, or 399
reproduces, or provides a medium of copying, recording, or 400
reproducing, the original record, document, plat, court file, 401
paper, or instrument in writing, such use of any ~~such photographic~~ 402
~~or electromagnetic~~ of those processes, means, or displays for any 403
such purpose, ~~is~~ hereby authorized. Any such records, copies, or 404
reproductions may be made in duplicate, and ~~such~~ the duplicates 405
shall be stored in different buildings. The film or paper used for 406
~~this~~ a process shall comply with the minimum standards of quality 407
approved for permanent photographic records by the national bureau 408
of standards. All such records, copies, or reproductions shall 409
carry a certificate of authenticity and completeness, on a form 410
specified by the director of administrative services through the 411
state records ~~administrator~~ program. 412

Any such officer, office, court, commission, board, 413
institution, department, agent, or employee of the state, of a 414
county, or of any other political subdivision may purchase or rent 415
required equipment for any such photographic process and may enter 416

into contracts with private concerns or other governmental 417
agencies for the development of film and the making of 418
reproductions ~~thereof~~ of film as a part of any such photographic 419
process. When so recorded, or copied or reproduced to reduce space 420
required for storage or filing of such records, ~~said such~~ 421
photographs, microphotographs, microfilms, perforated tape, 422
magnetic tape, other magnetic means, electronic data processing, 423
machine readable means, graphic or video display, or ~~any~~ 424
combination ~~thereof~~ of these processes, means, or displays, or 425
films, or prints made therefrom, when properly identified by the 426
officer by whom or under whose supervision ~~the same~~ they were 427
made, or who has ~~the~~ their custody ~~thereof~~, have the same effect 428
at law as the original record or of a record made by any other 429
legally authorized means, and may be offered in like manner and 430
shall be received in evidence in any court where ~~such the~~ the original 431
record, or record made by other legally authorized means, could 432
have been so introduced and received. Certified or authenticated 433
copies or prints of such photographs, microphotographs, films, 434
microfilms, perforated tape, magnetic tape, other magnetic means, 435
electronic data processing, machine readable means, graphic or 436
video display, or ~~any~~ combination ~~thereof~~ of these processes, 437
means, or displays, shall be admitted in evidence equally with the 438
original ~~photographs, microphotographs, films, or microfilms.~~ 439

Such photographs, microphotographs, microfilms, or films 440
shall be placed and kept in conveniently accessible, fireproof, 441
and insulated files, cabinets, or containers, and provisions shall 442
be made for preserving, safekeeping, using, examining, exhibiting, 443
projecting, and enlarging ~~the same~~ them whenever requested, during 444
office hours. 445

All persons utilizing the methods described in this section 446
for keeping records and information shall keep and make readily 447
available to the public the machines and equipment necessary to 448

reproduce the records and information in a readable form. 449

Sec. 9.83. (A) The state and any political subdivision may 450
procure a policy or policies of insurance insuring its officers 451
and employees against liability for injury, death, or loss to 452
person or property that arises out of the operation of an 453
automobile, truck, motor vehicle with auxiliary equipment, 454
self-propelling equipment or trailer, aircraft, or watercraft by 455
the officers or employees while engaged in the course of their 456
employment or official responsibilities for the state or the 457
political subdivision. The state is authorized to expend funds to 458
pay judgments that are rendered in any court against its officers 459
or employees and that result from such operation, and is 460
authorized to expend funds to compromise claims for liability 461
against its officers or employees that result from such operation. 462
No insurer shall deny coverage under such a policy, and the state 463
shall not refuse to pay judgments or compromise claims, on the 464
ground that an automobile, truck, motor vehicle with auxiliary 465
equipment, self-propelling equipment or trailer, aircraft, or 466
watercraft was not being used in the course of an officer's or 467
employee's employment or official responsibilities for the state 468
or a political subdivision unless the officer or employee who was 469
operating an automobile, truck, motor vehicle with auxiliary 470
equipment, or self-propelling equipment or trailer is convicted of 471
a violation of section 124.71 of the Revised Code as a result of 472
the same events. 473

(B) ~~Such funds~~ Funds shall be reserved as ~~are~~ necessary, in 474
the exercise of sound and prudent actuarial judgment, to cover 475
potential expense, fees, damage, loss, or other liability. The 476
superintendent of insurance may recommend or, if the state 477
requests of the superintendent, shall recommend, a specific amount 478
for any period of time that, in the superintendent's opinion, 479
represents such a judgment. 480

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

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

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

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

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

(H) Reserves shall be maintained in the vehicle liability fund in any amount that is necessary and adequate, in the exercise of sound and prudent actuarial judgment, to cover potential liability claims, expenses, fees, or damages. Money in the fund

may be applied to the payment of liability claims that are filed 512
against the state in the court of claims and determined in the 513
manner provided in Chapter 2743. of the Revised Code. The director 514
of administrative services may procure the services of a qualified 515
actuarial firm for the purpose of recommending the specific amount 516
of money that is required to maintain adequate reserves for a 517
specified period of time. 518

(I) The director of administrative services shall collect 519
from each state agency or any participating state body its 520
contribution to the vehicle liability fund for the purpose of 521
purchasing insurance or administering self-insurance programs for 522
coverage authorized under this section. The amount of the 523
contribution shall be determined by the director, with the 524
approval of the director of budget and management. It shall be 525
based upon actuarial assumptions and the relative risk and loss 526
experience of each state agency or participating state body. The 527
amount of the contribution also shall include a reasonable sum to 528
cover administrative costs of the department of administrative 529
services. 530

Sec. 101.82. As used in sections 101.82 to 101.87 of the 531
Revised Code: 532

(A) "Agency" means any board, commission, committee, or 533
council, or any other similar state public body required to be 534
established pursuant to state statutes for the exercise of any 535
function of state government and to which members are appointed or 536
elected. "Agency" does not include the following: 537

(1) The general assembly, or any commission, committee, or 538
other body composed entirely of members ~~thereof~~ of the general 539
assembly; 540

(2) Any court; 541

(3) Any public body created by or directly pursuant to the constitution of this state;	542 543
(4) The board of trustees of any institution of higher education financially supported in whole or in part by the state;	544 545
(5) Any public body that has the authority to issue bonds or notes or that has issued bonds or notes that have not been fully repaid;	546 547 548
(6) The public utilities commission of Ohio;	549
(7) The consumers' council governing board;	550
(8) The Ohio board of regents;	551
(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;	552 553 554
(10) Any board of elections;	555
(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association;	556 557 558
(12) The Ohio public employees deferred compensation board;	559
(13) The Ohio retirement study council;	560
(14) The board of trustees of the Ohio police and fire pension fund, public employees retirement board, school employees retirement board, state highway patrol retirement board, and state teachers retirement board;	561 562 563 564
(15) The industrial commission.	565
(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) <u>(E)</u> of section 149.331 of the Revised Code.	566 567 568 569

(C) "Terminate" means to amend or repeal the statutes 570
creating and empowering an agency, remove its personnel, and 571
reassign its functions and records to another agency or officer 572
designated by the general assembly. 573

(D) "Transfer" means to amend the statutes creating and 574
empowering an agency so that its functions, records, and personnel 575
are conveyed to another agency or officer. 576

(E) "Renew" means to continue an agency, and may include 577
amendment of the statutes creating and empowering the agency, or 578
recommendations for changes in agency operation or personnel. 579

Sec. 102.02. (A) Except as otherwise provided in division (H) 580
of this section, every person who is elected to or is a candidate 581
for a state, county, or city office, or the office of member of 582
the United States congress, and every person who is appointed to 583
fill a vacancy for an unexpired term in such an elective office; 584
all members of the state board of education; the director, 585
assistant directors, deputy directors, division chiefs, or persons 586
of equivalent rank of any administrative department of the state; 587
the president or other chief administrative officer of every state 588
institution of higher education as defined in section 3345.011 of 589
the Revised Code; the chief executive officer of each state 590
retirement system; all members of the board of commissioners on 591
grievances and discipline of the supreme court and the ethics 592
commission created under section 102.05 of the Revised Code; every 593
business manager, treasurer, or superintendent of a city, local, 594
exempted village, joint vocational, or cooperative education 595
school district or an educational service center; every person who 596
is elected to or is a candidate for the office of member of a 597
board of education of a city, local, exempted village, joint 598
vocational, or cooperative education school district or of a 599
governing board of an educational service center that has a total 600

student count of twelve thousand or more as most recently 601
determined by the department of education pursuant to section 602
3317.03 of the Revised Code; every person who is appointed to the 603
board of education of a municipal school district pursuant to 604
division (B) or (F) of section 3311.71 of the Revised Code; all 605
members of the board of directors of a sanitary district 606
established under Chapter 6115. of the Revised Code and organized 607
wholly for the purpose of providing a water supply for domestic, 608
municipal, and public use that includes two municipal corporations 609
in two counties; every public official or employee who is paid a 610
salary or wage in accordance with schedule C of section 124.15 or 611
schedule E-2 of section 124.152 of the Revised Code; members of 612
the board of trustees and the executive director of the tobacco 613
use prevention and control foundation; members of the board of 614
trustees and the executive director of the southern Ohio 615
agricultural and community development foundation; and every other 616
public official or employee who is designated by the appropriate 617
ethics commission pursuant to division (B) of this section shall 618
file with the appropriate ethics commission on a form prescribed 619
by the commission, a statement disclosing all of the following: 620

(1) The name of the person filing the statement and each 621
member of the person's immediate family and all names under which 622
the person or members of the person's immediate family do 623
business; 624

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 625
and except as otherwise provided in section 102.022 of the Revised 626
Code, identification of every source of income, other than income 627
from a legislative agent identified in division (A)(2)(b) of this 628
section, received during the preceding calendar year, in the 629
person's own name or by any other person for the person's use or 630
benefit, by the person filing the statement, and a brief 631
description of the nature of the services for which the income was 632

received. If the person filing the statement is a member of the 633
general assembly, the statement shall identify the amount of every 634
source of income received in accordance with the following ranges 635
of amounts: zero or more, but less than one thousand dollars; one 636
thousand dollars or more, but less than ten thousand dollars; ten 637
thousand dollars or more, but less than twenty-five thousand 638
dollars; twenty-five thousand dollars or more, but less than fifty 639
thousand dollars; fifty thousand dollars or more, but less than 640
one hundred thousand dollars; and one hundred thousand dollars or 641
more. Division (A)(2)(a) of this section shall not be construed to 642
require a person filing the statement who derives income from a 643
business or profession to disclose the individual items of income 644
that constitute the gross income of that business or profession, 645
except for those individual items of income that are attributable 646
to the person's or, if the income is shared with the person, the 647
partner's, solicitation of services or goods or performance, 648
arrangement, or facilitation of services or provision of goods on 649
behalf of the business or profession of clients, including 650
corporate clients, who are legislative agents as defined in 651
section 101.70 of the Revised Code. A person who files the 652
statement under this section shall disclose the identity of and 653
the amount of income received from a person who the public 654
official or employee knows or has reason to know is doing or 655
seeking to do business of any kind with the public official's or 656
employee's agency. 657

(b) If the person filing the statement is a member of the 658
general assembly, the statement shall identify every source of 659
income and the amount of that income that was received from a 660
legislative agent, as defined in section 101.70 of the Revised 661
Code, during the preceding calendar year, in the person's own name 662
or by any other person for the person's use or benefit, by the 663
person filing the statement, and a brief description of the nature 664
of the services for which the income was received. Division 665

(A)(2)(b) of this section requires the disclosure of clients of 666
attorneys or persons licensed under section 4732.12 of the Revised 667
Code, or patients of persons certified under section 4731.14 of 668
the Revised Code, if those clients or patients are legislative 669
agents. Division (A)(2)(b) of this section requires a person 670
filing the statement who derives income from a business or 671
profession to disclose those individual items of income that 672
constitute the gross income of that business or profession that 673
are received from legislative agents. 674

(c) Except as otherwise provided in division (A)(2)(c) of 675
this section, division (A)(2)(a) of this section applies to 676
attorneys, physicians, and other persons who engage in the 677
practice of a profession and who, pursuant to a section of the 678
Revised Code, the common law of this state, a code of ethics 679
applicable to the profession, or otherwise, generally are required 680
not to reveal, disclose, or use confidences of clients, patients, 681
or other recipients of professional services except under 682
specified circumstances or generally are required to maintain 683
those types of confidences as privileged communications except 684
under specified circumstances. Division (A)(2)(a) of this section 685
does not require an attorney, physician, or other professional 686
subject to a confidentiality requirement as described in division 687
(A)(2)(c) of this section to disclose the name, other identity, or 688
address of a client, patient, or other recipient of professional 689
services if the disclosure would threaten the client, patient, or 690
other recipient of professional services, would reveal details of 691
the subject matter for which legal, medical, or professional 692
advice or other services were sought, or would reveal an otherwise 693
privileged communication involving the client, patient, or other 694
recipient of professional services. Division (A)(2)(a) of this 695
section does not require an attorney, physician, or other 696
professional subject to a confidentiality requirement as described 697
in division (A)(2)(c) of this section to disclose in the brief 698

description of the nature of services required by division 699
(A)(2)(a) of this section any information pertaining to specific 700
professional services rendered for a client, patient, or other 701
recipient of professional services that would reveal details of 702
the subject matter for which legal, medical, or professional 703
advice was sought or would reveal an otherwise privileged 704
communication involving the client, patient, or other recipient of 705
professional services. 706

(3) The name of every corporation on file with the secretary 707
of state that is incorporated in this state or holds a certificate 708
of compliance authorizing it to do business in this state, trust, 709
business trust, partnership, or association that transacts 710
business in this state in which the person filing the statement or 711
any other person for the person's use and benefit had during the 712
preceding calendar year an investment of over one thousand dollars 713
at fair market value as of the thirty-first day of December of the 714
preceding calendar year, or the date of disposition, whichever is 715
earlier, or in which the person holds any office or has a 716
fiduciary relationship, and a description of the nature of the 717
investment, office, or relationship. Division (A)(3) of this 718
section does not require disclosure of the name of any bank, 719
savings and loan association, credit union, or building and loan 720
association with which the person filing the statement has a 721
deposit or a withdrawable share account. 722

(4) All fee simple and leasehold interests to which the 723
person filing the statement holds legal title to or a beneficial 724
interest in real property located within the state, excluding the 725
person's residence and property used primarily for personal 726
recreation; 727

(5) The names of all persons residing or transacting business 728
in the state to whom the person filing the statement owes, in the 729
person's own name or in the name of any other person, more than 730

one thousand dollars. Division (A)(5) of this section shall not be 731
construed to require the disclosure of debts owed by the person 732
resulting from the ordinary conduct of a business or profession or 733
debts on the person's residence or real property used primarily 734
for personal recreation, except that the superintendent of 735
financial institutions shall disclose the names of all 736
state-chartered savings and loan associations and of all service 737
corporations subject to regulation under division (E)(2) of 738
section 1151.34 of the Revised Code to whom the superintendent in 739
the superintendent's own name or in the name of any other person 740
owes any money, and that the superintendent and any deputy 741
superintendent of banks shall disclose the names of all 742
state-chartered banks and all bank subsidiary corporations subject 743
to regulation under section 1109.44 of the Revised Code to whom 744
the superintendent or deputy superintendent owes any money. 745

(6) The names of all persons residing or transacting business 746
in the state, other than a depository excluded under division 747
(A)(3) of this section, who owe more than one thousand dollars to 748
the person filing the statement, either in the person's own name 749
or to any person for the person's use or benefit. Division (A)(6) 750
of this section shall not be construed to require the disclosure 751
of clients of attorneys or persons licensed under section 4732.12 752
or 4732.15 of the Revised Code, or patients of persons certified 753
under section 4731.14 of the Revised Code, nor the disclosure of 754
debts owed to the person resulting from the ordinary conduct of a 755
business or profession. 756

(7) Except as otherwise provided in section 102.022 of the 757
Revised Code, the source of each gift of over seventy-five 758
dollars, or of each gift of over twenty-five dollars received by a 759
member of the general assembly from a legislative agent, received 760
by the person in the person's own name or by any other person for 761
the person's use or benefit during the preceding calendar year, 762

except gifts received by will or by virtue of section 2105.06 of 763
the Revised Code, or received from spouses, parents, grandparents, 764
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 765
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 766
fathers-in-law, mothers-in-law, or any person to whom the person 767
filing the statement stands in loco parentis, or received by way 768
of distribution from any inter vivos or testamentary trust 769
established by a spouse or by an ancestor; 770

(8) Except as otherwise provided in section 102.022 of the 771
Revised Code, identification of the source and amount of every 772
payment of expenses incurred for travel to destinations inside or 773
outside this state that is received by the person in the person's 774
own name or by any other person for the person's use or benefit 775
and that is incurred in connection with the person's official 776
duties, except for expenses for travel to meetings or conventions 777
of a national or state organization to which any state agency, 778
including, but not limited to, any legislative agency or state 779
institution of higher education as defined in section 3345.011 of 780
the Revised Code, pays membership dues, or any political 781
subdivision or any office or agency of a political subdivision 782
pays membership dues; 783

(9) Except as otherwise provided in section 102.022 of the 784
Revised Code, identification of the source of payment of expenses 785
for meals and other food and beverages, other than for meals and 786
other food and beverages provided at a meeting at which the person 787
participated in a panel, seminar, or speaking engagement or at a 788
meeting or convention of a national or state organization to which 789
any state agency, including, but not limited to, any legislative 790
agency or state institution of higher education as defined in 791
section 3345.011 of the Revised Code, pays membership dues, or any 792
political subdivision or any office or agency of a political 793
subdivision pays membership dues, that are incurred in connection 794

with the person's official duties and that exceed one hundred 795
dollars aggregated per calendar year; 796

(10) If the financial disclosure statement is filed by a 797
public official or employee described in division (B)(2) of 798
section 101.73 of the Revised Code or division (B)(2) of section 799
121.63 of the Revised Code who receives a statement from a 800
legislative agent, executive agency lobbyist, or employer that 801
contains the information described in division (F)(2) of section 802
101.73 of the Revised Code or division (G)(2) of section 121.63 of 803
the Revised Code, all of the nondisputed information contained in 804
the statement delivered to that public official or employee by the 805
legislative agent, executive agency lobbyist, or employer under 806
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 807
the Revised Code. As used in division (A)(10) of this section, 808
"legislative agent," "executive agency lobbyist," and "employer" 809
have the same meanings as in sections 101.70 and 121.60 of the 810
Revised Code. 811

A person may file a statement required by this section in 812
person or by mail. A person who is a candidate for elective office 813
shall file the statement no later than the thirtieth day before 814
the primary, special, or general election at which the candidacy 815
is to be voted on, whichever election occurs soonest, except that 816
a person who is a write-in candidate shall file the statement no 817
later than the twentieth day before the earliest election at which 818
the person's candidacy is to be voted on. A person who holds 819
elective office shall file the statement on or before the 820
fifteenth day of April of each year unless the person is a 821
candidate for office. A person who is appointed to fill a vacancy 822
for an unexpired term in an elective office shall file the 823
statement within fifteen days after the person qualifies for 824
office. Other persons shall file an annual statement on or before 825
the fifteenth day of April or, if appointed or employed after that 826

date, within ninety days after appointment or employment. No 827
person shall be required to file with the appropriate ethics 828
commission more than one statement or pay more than one filing fee 829
for any one calendar year. 830

The appropriate ethics commission, for good cause, may extend 831
for a reasonable time the deadline for filing a statement under 832
this section. 833

A statement filed under this section is subject to public 834
inspection at locations designated by the appropriate ethics 835
commission except as otherwise provided in this section. 836

(B) The Ohio ethics commission, the joint legislative ethics 837
committee, and the board of commissioners on grievances and 838
discipline of the supreme court, using the rule-making procedures 839
of Chapter 119. of the Revised Code, may require any class of 840
public officials or employees under its jurisdiction and not 841
specifically excluded by this section whose positions involve a 842
substantial and material exercise of administrative discretion in 843
the formulation of public policy, expenditure of public funds, 844
enforcement of laws and rules of the state or a county or city, or 845
the execution of other public trusts, to file an annual statement 846
on or before the fifteenth day of April under division (A) of this 847
section. The appropriate ethics commission shall send the public 848
officials or employees written notice of the requirement by the 849
fifteenth day of February of each year the filing is required 850
unless the public official or employee is appointed after that 851
date, in which case the notice shall be sent within thirty days 852
after appointment, and the filing shall be made not later than 853
ninety days after appointment. 854

Except for disclosure statements filed by members of the 855
board of trustees and the executive director of the tobacco use 856
prevention and control foundation and members of the board of 857
trustees and the executive director of the southern Ohio 858

agricultural and community development foundation, disclosure 859
statements filed under this division with the Ohio ethics 860
commission by members of boards, commissions, or bureaus of the 861
state for which no compensation is received other than reasonable 862
and necessary expenses shall be kept confidential. Disclosure 863
statements filed with the Ohio ethics commission under division 864
(A) of this section by business managers, treasurers, and 865
superintendents of city, local, exempted village, joint 866
vocational, or cooperative education school districts or 867
educational service centers shall be kept confidential, except 868
that any person conducting an audit of any such school district or 869
educational service center pursuant to section 115.56 or Chapter 870
117. of the Revised Code may examine the disclosure statement of 871
any business manager, treasurer, or superintendent of that school 872
district or educational service center. The Ohio ethics commission 873
shall examine each disclosure statement required to be kept 874
confidential to determine whether a potential conflict of interest 875
exists for the person who filed the disclosure statement. A 876
potential conflict of interest exists if the private interests of 877
the person, as indicated by the person's disclosure statement, 878
might interfere with the public interests the person is required 879
to serve in the exercise of the person's authority and duties in 880
the person's office or position of employment. If the commission 881
determines that a potential conflict of interest exists, it shall 882
notify the person who filed the disclosure statement and shall 883
make the portions of the disclosure statement that indicate a 884
potential conflict of interest subject to public inspection in the 885
same manner as is provided for other disclosure statements. Any 886
portion of the disclosure statement that the commission determines 887
does not indicate a potential conflict of interest shall be kept 888
confidential by the commission and shall not be made subject to 889
public inspection, except as is necessary for the enforcement of 890
Chapters 102. and 2921. of the Revised Code and except as 891

otherwise provided in this division. 892

(C) No person shall knowingly fail to file, on or before the 893
applicable filing deadline established under this section, a 894
statement that is required by this section. 895

(D) No person shall knowingly file a false statement that is 896
required to be filed under this section. 897

(E)(1) Except as provided in divisions (E)(2) and (3) of this 898
section, the statement required by division (A) or (B) of this 899
section shall be accompanied by a filing fee of ~~twenty-five~~ forty 900
dollars. 901

(2) The statement required by division (A) of this section 902
shall be accompanied by a the following filing fee to be paid by 903
the person who is elected or appointed to, or is a candidate for, 904
any of the following offices: 905

For state office, except member of the 906
state board of education \$~~50~~ 65 907

For office of member of United States 908
congress or member of general assembly \$25 909

For county office \$~~25~~ 40 910

For city office \$~~10~~ 25 911

For office of member of the state board 912
of education \$~~20~~ 25 913

For office of member of a city, local, 914
exempted village, or cooperative 915
education board of 916
education or educational service 917
center governing board \$ ~~5~~ 20 918

For position of business manager, 919
treasurer, or superintendent of a 920
city, local, exempted village, joint 921
vocational, or cooperative education 922
school district or 923

educational service center \$ 5 20 924

(3) No judge of a court of record or candidate for judge of a 925
court of record, and no referee or magistrate serving a court of 926
record, shall be required to pay the fee required under division 927
(E)(1) or (2) or (F) of this section. 928

(4) For any public official who is appointed to a nonelective 929
office of the state and for any employee who holds a nonelective 930
position in a public agency of the state, the state agency that is 931
the primary employer of the state official or employee shall pay 932
the fee required under division (E)(1) or (F) of this section. 933

(F) If a statement required to be filed under this section is 934
not filed by the date on which it is required to be filed, the 935
appropriate ethics commission shall assess the person required to 936
file the statement a late filing fee ~~equal to one half of the~~ 937
~~applicable filing fee~~ ten dollars for each day the statement is 938
not filed, except that the total amount of the late filing fee 939
shall not exceed ~~one~~ two hundred fifty dollars. 940

(G)(1) The appropriate ethics commission other than the Ohio 941
ethics commission shall deposit all fees it receives under 942
divisions (E) and (F) of this section into the general revenue 943
fund of the state. 944

(2) The Ohio ethics commission shall deposit all receipts, 945
including, but not limited to, fees it receives under divisions 946
(E) and (F) of this section and all moneys it receives from 947
settlements under division (G) of section 102.06 of the Revised 948
Code, into the Ohio ethics commission fund, which is hereby 949
created in the state treasury. All moneys credited to the fund 950
shall be used solely for expenses related to the operation and 951
statutory functions of the commission. 952

(H) Division (A) of this section does not apply to a person 953
elected or appointed to the office of precinct, ward, or district 954

committee member under Chapter 3517. of the Revised Code; a 955
presidential elector; a delegate to a national convention; village 956
or township officials and employees; any physician or psychiatrist 957
who is paid a salary or wage in accordance with schedule C of 958
section 124.15 or schedule E-2 of section 124.152 of the Revised 959
Code and whose primary duties do not require the exercise of 960
administrative discretion; or any member of a board, commission, 961
or bureau of any county or city who receives less than one 962
thousand dollars per year for serving in that position. 963

Sec. 109.57. (A)(1) The superintendent of the bureau of 964
criminal identification and investigation shall procure from 965
wherever procurable and file for record photographs, pictures, 966
descriptions, fingerprints, measurements, and other information 967
that may be pertinent of all persons who have been convicted of 968
committing within this state a felony, any crime constituting a 969
misdemeanor on the first offense and a felony on subsequent 970
offenses, or any misdemeanor described in division (A)(1)(a) of 971
section 109.572 of the Revised Code, of all children under 972
eighteen years of age who have been adjudicated delinquent 973
children for committing within this state an act that would be a 974
felony or an offense of violence if committed by an adult or who 975
have been convicted of or pleaded guilty to committing within this 976
state a felony or an offense of violence, and of all well-known 977
and habitual criminals. The person in charge of any county, 978
multicounty, municipal, municipal-county, or multicounty-municipal 979
jail or workhouse, community-based correctional facility, halfway 980
house, alternative residential facility, or state correctional 981
institution and the person in charge of any state institution 982
having custody of a person suspected of having committed a felony, 983
any crime constituting a misdemeanor on the first offense and a 984
felony on subsequent offenses, or any misdemeanor described in 985
division (A)(1)(a) of section 109.572 of the Revised Code or 986

having custody of a child under eighteen years of age with respect 987
to whom there is probable cause to believe that the child may have 988
committed an act that would be a felony or an offense of violence 989
if committed by an adult shall furnish such material to the 990
superintendent of the bureau. Fingerprints, photographs, or other 991
descriptive information of a child who is under eighteen years of 992
age, has not been arrested or otherwise taken into custody for 993
committing an act that would be a felony or an offense of violence 994
if committed by an adult, has not been adjudicated a delinquent 995
child for committing an act that would be a felony or an offense 996
of violence if committed by an adult, has not been convicted of or 997
pleaded guilty to committing a felony or an offense of violence, 998
and is not a child with respect to whom there is probable cause to 999
believe that the child may have committed an act that would be a 1000
felony or an offense of violence if committed by an adult shall 1001
not be procured by the superintendent or furnished by any person 1002
in charge of any county, multicounty, municipal, municipal-county, 1003
or multicounty-municipal jail or workhouse, community-based 1004
correctional facility, halfway house, alternative residential 1005
facility, or state correctional institution, except as authorized 1006
in section 2151.313 of the Revised Code. 1007

(2) Every clerk of a court of record in this state, other 1008
than the supreme court or a court of appeals, shall send to the 1009
superintendent of the bureau a weekly report containing a summary 1010
of each case involving a felony, involving any crime constituting 1011
a misdemeanor on the first offense and a felony on subsequent 1012
offenses, involving a misdemeanor described in division (A)(1)(a) 1013
of section 109.572 of the Revised Code, or involving an 1014
adjudication in a case in which a child under eighteen years of 1015
age was alleged to be a delinquent child for committing an act 1016
that would be a felony or an offense of violence if committed by 1017
an adult. The clerk of the court of common pleas shall include in 1018
the report and summary the clerk sends under this division all 1019

information described in divisions (A)(2)(a) to (f) of this 1020
section regarding a case before the court of appeals that is 1021
served by that clerk. The summary shall be written on the standard 1022
forms furnished by the superintendent pursuant to division (B) of 1023
this section and shall include the following information: 1024

(a) The incident tracking number contained on the standard 1025
forms furnished by the superintendent pursuant to division (B) of 1026
this section; 1027

(b) The style and number of the case; 1028

(c) The date of arrest; 1029

(d) The date that the person was convicted of or pleaded 1030
guilty to the offense, adjudicated a delinquent child for 1031
committing the act that would be a felony or an offense of 1032
violence if committed by an adult, found not guilty of the 1033
offense, or found not to be a delinquent child for committing an 1034
act that would be a felony or an offense of violence if committed 1035
by an adult, the date of an entry dismissing the charge, an entry 1036
declaring a mistrial of the offense in which the person is 1037
discharged, an entry finding that the person or child is not 1038
competent to stand trial, or an entry of a nolle prosequi, or the 1039
date of any other determination that constitutes final resolution 1040
of the case; 1041

(e) A statement of the original charge with the section of 1042
the Revised Code that was alleged to be violated; 1043

(f) If the person or child was convicted, pleaded guilty, or 1044
was adjudicated a delinquent child, the sentence or terms of 1045
probation imposed or any other disposition of the offender or the 1046
delinquent child. 1047

If the offense involved the disarming of a law enforcement 1048
officer or an attempt to disarm a law enforcement officer, the 1049
clerk shall clearly state that fact in the summary, and the 1050

superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

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

chapter. 1083

(B) The superintendent shall prepare and furnish to every 1084
county, multicounty, municipal, municipal-county, or 1085
multicounty-municipal jail or workhouse, community-based 1086
correctional facility, halfway house, alternative residential 1087
facility, or state correctional institution and to every clerk of 1088
a court in this state specified in division (A)(2) of this section 1089
standard forms for reporting the information required under 1090
division (A) of this section. The standard forms that the 1091
superintendent prepares pursuant to this division may be in a 1092
tangible format, in an electronic format, or in both tangible 1093
formats and electronic formats. 1094

(C) The superintendent may operate a center for electronic, 1095
automated, or other data processing for the storage and retrieval 1096
of information, data, and statistics pertaining to criminals and 1097
to children under eighteen years of age who are adjudicated 1098
delinquent children for committing an act that would be a felony 1099
or an offense of violence if committed by an adult, criminal 1100
activity, crime prevention, law enforcement, and criminal justice, 1101
and may establish and operate a statewide communications network 1102
to gather and disseminate information, data, and statistics for 1103
the use of law enforcement agencies. The superintendent may 1104
gather, store, retrieve, and disseminate information, data, and 1105
statistics that pertain to children who are under eighteen years 1106
of age and that are gathered pursuant to sections 109.57 to 109.61 1107
of the Revised Code together with information, data, and 1108
statistics that pertain to adults and that are gathered pursuant 1109
to those sections. 1110

(D) The information and materials furnished to the 1111
superintendent pursuant to division (A) of this section and 1112
information and materials furnished to any board or person under 1113
division (F) or (G) of this section are not public records under 1114

section 149.43 of the Revised Code. 1115

(E) The attorney general shall adopt rules, in accordance 1116
with Chapter 119. of the Revised Code, setting forth the procedure 1117
by which a person may receive or release information gathered by 1118
the superintendent pursuant to division (A) of this section. A 1119
reasonable fee may be charged for this service. If a temporary 1120
employment service submits a request for a determination of 1121
whether a person the service plans to refer to an employment 1122
position has been convicted of or pleaded guilty to an offense 1123
listed in division (A)(1), (3), (4), ~~or (5)~~, or (6) of section 1124
109.572 of the Revised Code, the request shall be treated as a 1125
single request and only one fee shall be charged. 1126

(F)(1) As used in division (F)(2) of this section, "head 1127
start agency" means an entity in this state that has been approved 1128
to be an agency for purposes of subchapter II of the "Community 1129
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1130
as amended. 1131

(2)(a) In addition to or in conjunction with any request that 1132
is required to be made under section 109.572, 2151.86, 3301.32, 1133
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 1134
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 1135
education of any school district; the director of mental 1136
retardation and developmental disabilities; any county board of 1137
mental retardation and developmental disabilities; any entity 1138
under contract with a county board of mental retardation and 1139
developmental disabilities; the chief administrator of any 1140
chartered nonpublic school; the chief administrator of any home 1141
health agency; the chief administrator of or person operating any 1142
child day-care center, type A family day-care home, or type B 1143
family day-care home licensed or certified under Chapter 5104. of 1144
the Revised Code; the administrator of any type C family day-care 1145
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1146

general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1147
general assembly; the chief administrator of any head start 1148
agency; or the executive director of a public children services 1149
agency may request that the superintendent of the bureau 1150
investigate and determine, with respect to any individual who has 1151
applied for employment in any position after October 2, 1989, or 1152
any individual wishing to apply for employment with a board of 1153
education may request, with regard to the individual, whether the 1154
bureau has any information gathered under division (A) of this 1155
section that pertains to that individual. On receipt of the 1156
request, the superintendent shall determine whether that 1157
information exists and, upon request of the person, board, or 1158
entity requesting information, also shall request from the federal 1159
bureau of investigation any criminal records it has pertaining to 1160
that individual. Within thirty days of the date that the 1161
superintendent receives a request, the superintendent shall send 1162
to the board, entity, or person a report of any information that 1163
the superintendent determines exists, including information 1164
contained in records that have been sealed under section 2953.32 1165
of the Revised Code, and, within thirty days of its receipt, shall 1166
send the board, entity, or person a report of any information 1167
received from the federal bureau of investigation, other than 1168
information the dissemination of which is prohibited by federal 1169
law. 1170

(b) When a board of education is required to receive 1171
information under this section as a prerequisite to employment of 1172
an individual pursuant to section 3319.39 of the Revised Code, it 1173
may accept a certified copy of records that were issued by the 1174
bureau of criminal identification and investigation and that are 1175
presented by an individual applying for employment with the 1176
district in lieu of requesting that information itself. In such a 1177
case, the board shall accept the certified copy issued by the 1178
bureau in order to make a photocopy of it for that individual's 1179

employment application documents and shall return the certified 1180
copy to the individual. In a case of that nature, a district only 1181
shall accept a certified copy of records of that nature within one 1182
year after the date of their issuance by the bureau. 1183

(3) The state board of education may request, with respect to 1184
any individual who has applied for employment after October 2, 1185
1989, in any position with the state board or the department of 1186
education, any information that a school district board of 1187
education is authorized to request under division (F)(2) of this 1188
section, and the superintendent of the bureau shall proceed as if 1189
the request has been received from a school district board of 1190
education under division (F)(2) of this section. 1191

(4) When the superintendent of the bureau receives a request 1192
for information that is authorized under section 3319.291 of the 1193
Revised Code, the superintendent shall proceed as if the request 1194
has been received from a school district board of education under 1195
division (F)(2) of this section. 1196

(5) When a recipient of an OhioReads classroom or community 1197
reading grant paid under section 3301.86 or 3301.87 of the Revised 1198
Code or an entity approved by the OhioReads council requests, with 1199
respect to any individual who applies to participate in providing 1200
any program or service through an entity approved by the OhioReads 1201
council or funded in whole or in part by the grant, the 1202
information that a school district board of education is 1203
authorized to request under division (F)(2)(a) of this section, 1204
the superintendent of the bureau shall proceed as if the request 1205
has been received from a school district board of education under 1206
division (F)(2)(a) of this section. 1207

(G) In addition to or in conjunction with any request that is 1208
required to be made under section 173.41, 3701.881, 3712.09, 1209
3721.121, or 3722.151 of the Revised Code with respect to an 1210
individual who has applied for employment in a position that 1211

involves providing direct care to an older adult, the chief 1212
administrator of a PASSPORT agency that provides services through 1213
the PASSPORT program created under section 173.40 of the Revised 1214
Code, home health agency, hospice care program, home licensed 1215
under Chapter 3721. of the Revised Code, adult day-care program 1216
operated pursuant to rules adopted under section 3721.04 of the 1217
Revised Code, or adult care facility may request that the 1218
superintendent of the bureau investigate and determine, with 1219
respect to any individual who has applied after January 27, 1997, 1220
for employment in a position that does not involve providing 1221
direct care to an older adult, whether the bureau has any 1222
information gathered under division (A) of this section that 1223
pertains to that individual. On receipt of the request, the 1224
superintendent shall determine whether that information exists 1225
and, on request of the administrator requesting information, shall 1226
also request from the federal bureau of investigation any criminal 1227
records it has pertaining to that individual. Within thirty days 1228
of the date a request is received, the superintendent shall send 1229
to the administrator a report of any information determined to 1230
exist, including information contained in records that have been 1231
sealed under section 2953.32 of the Revised Code, and, within 1232
thirty days of its receipt, shall send the administrator a report 1233
of any information received from the federal bureau of 1234
investigation, other than information the dissemination of which 1235
is prohibited by federal law. 1236

(H) Information obtained by a board, administrator, or other 1237
person under this section is confidential and shall not be 1238
released or disseminated. 1239

(I) The superintendent may charge a reasonable fee for 1240
providing information or criminal records under division (F)(2) or 1241
(G) of this section. 1242

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1243
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 1244
or 5153.111 of the Revised Code, a completed form prescribed 1245
pursuant to division (C)(1) of this section, and a set of 1246
fingerprint impressions obtained in the manner described in 1247
division (C)(2) of this section, the superintendent of the bureau 1248
of criminal identification and investigation shall conduct a 1249
criminal records check in the manner described in division (B) of 1250
this section to determine whether any information exists that 1251
indicates that the person who is the subject of the request 1252
previously has been convicted of or pleaded guilty to any of the 1253
following: 1254

(a) A violation of section 2903.01, 2903.02, 2903.03, 1255
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1256
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1257
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1258
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1259
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1260
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1261
2925.06, or 3716.11 of the Revised Code, felonious sexual 1262
penetration in violation of former section 2907.12 of the Revised 1263
Code, a violation of section 2905.04 of the Revised Code as it 1264
existed prior to July 1, 1996, a violation of section 2919.23 of 1265
the Revised Code that would have been a violation of section 1266
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1267
had the violation been committed prior to that date, or a 1268
violation of section 2925.11 of the Revised Code that is not a 1269
minor drug possession offense; 1270

(b) A violation of an existing or former law of this state, 1271
any other state, or the United States that is substantially 1272
equivalent to any of the offenses listed in division (A)(1)(a) of 1273

this section. 1274

(2) On receipt of a request pursuant to section 5123.081 of 1275
the Revised Code with respect to an applicant for employment in 1276
any position with the department of mental retardation and 1277
developmental disabilities, pursuant to section 5126.28 of the 1278
Revised Code with respect to an applicant for employment in any 1279
position with a county board of mental retardation and 1280
developmental disabilities, or pursuant to section 5126.281 of the 1281
Revised Code with respect to an applicant for employment in a 1282
direct services position with an entity contracting with a county 1283
board for employment, a completed form prescribed pursuant to 1284
division (C)(1) of this section, and a set of fingerprint 1285
impressions obtained in the manner described in division (C)(2) of 1286
this section, the superintendent of the bureau of criminal 1287
identification and investigation shall conduct a criminal records 1288
check. The superintendent shall conduct the criminal records check 1289
in the manner described in division (B) of this section to 1290
determine whether any information exists that indicates that the 1291
person who is the subject of the request has been convicted of or 1292
pleaded guilty to any of the following: 1293

(a) A violation of section 2903.01, 2903.02, 2903.03, 1294
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1295
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1296
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1297
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1298
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1299
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 1300
3716.11 of the Revised Code; 1301

(b) An existing or former municipal ordinance or law of this 1302
state, any other state, or the United States that is substantially 1303
equivalent to any of the offenses listed in division (A)(2)(a) of 1304
this section. 1305

(3) On receipt of a request pursuant to section 173.41, 1306
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 1307
form prescribed pursuant to division (C)(1) of this section, and a 1308
set of fingerprint impressions obtained in the manner described in 1309
division (C)(2) of this section, the superintendent of the bureau 1310
of criminal identification and investigation shall conduct a 1311
criminal records check with respect to any person who has applied 1312
for employment in a position that involves providing direct care 1313
to an older adult. The superintendent shall conduct the criminal 1314
records check in the manner described in division (B) of this 1315
section to determine whether any information exists that indicates 1316
that the person who is the subject of the request previously has 1317
been convicted of or pleaded guilty to any of the following: 1318

(a) A violation of section 2903.01, 2903.02, 2903.03, 1319
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1320
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1321
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1322
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1323
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1324
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1325
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1326
2925.22, 2925.23, or 3716.11 of the Revised Code; 1327

(b) An existing or former law of this state, any other state, 1328
or the United States that is substantially equivalent to any of 1329
the offenses listed in division (A)(3)(a) of this section. 1330

(4) On receipt of a request pursuant to section 3701.881 of 1331
the Revised Code with respect to an applicant for employment with 1332
a home health agency as a person responsible for the care, 1333
custody, or control of a child, a completed form prescribed 1334
pursuant to division (C)(1) of this section, and a set of 1335
fingerprint impressions obtained in the manner described in 1336
division (C)(2) of this section, the superintendent of the bureau 1337

of criminal identification and investigation shall conduct a 1338
criminal records check. The superintendent shall conduct the 1339
criminal records check in the manner described in division (B) of 1340
this section to determine whether any information exists that 1341
indicates that the person who is the subject of the request 1342
previously has been convicted of or pleaded guilty to any of the 1343
following: 1344

(a) A violation of section 2903.01, 2903.02, 2903.03, 1345
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1346
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1347
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1348
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1349
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1350
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1351
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1352
violation of section 2925.11 of the Revised Code that is not a 1353
minor drug possession offense; 1354

(b) An existing or former law of this state, any other state, 1355
or the United States that is substantially equivalent to any of 1356
the offenses listed in division (A)(4)(a) of this section. 1357

(5) On receipt of a request pursuant to section 5111.95 or 1358
5111.96 of the Revised Code with respect to an applicant for 1359
employment with agencies participating in department of job and 1360
family services administered waivers or independent providers in 1361
department administered home and community-based service programs 1362
in a position that involves providing home and community-based 1363
waiver services to consumers with disabilities, a completed form 1364
prescribed pursuant to division (C)(1) of this section, and a set 1365
of fingerprint impressions obtained in the manner described in 1366
division (C)(2) of this section, the superintendent of the bureau 1367
of criminal identification and investigation shall conduct a 1368
criminal records check. The superintendent shall conduct the 1369

criminal records check in the manner described in division (B) of 1370
this section to determine whether any information exists that 1371
indicates that the person who is the subject of the request 1372
previously has been convicted of or pleaded guilty to any of the 1373
following: 1374

(a) A violation of section 2903.01, 2903.02, 2903.03, 1375
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1376
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 1377
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1378
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1379
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 1380
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 1381
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 1382
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1383
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 1384
Revised Code, felonious sexual penetration in violation of former 1385
section 2907.12 of the Revised Code, a violation of section 1386
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1387
violation of section 2919.23 of the Revised Code that would have 1388
been a violation of section 2905.04 of the Revised Code as it 1389
existed prior to July 1, 1996, had the violation been committed 1390
prior to that date; 1391

(b) An existing or former law of this state, any other state, 1392
or the United States that is substantially equivalent to any of 1393
the offenses listed in division (A)(5)(a) of this section. 1394

(6) On receipt of a request pursuant to section 3701.881 of 1395
the Revised Code with respect to an applicant for employment with 1396
a home health agency in a position that involves providing direct 1397
care to an older adult, a completed form prescribed pursuant to 1398
division (C)(1) of this section, and a set of fingerprint 1399
impressions obtained in the manner described in division (C)(2) of 1400
this section, the superintendent of the bureau of criminal 1401

identification and investigation shall conduct a criminal records 1402
check. The superintendent shall conduct the criminal records check 1403
in the manner described in division (B) of this section to 1404
determine whether any information exists that indicates that the 1405
person who is the subject of the request previously has been 1406
convicted of or pleaded guilty to any of the following: 1407

(a) A violation of section 2903.01, 2903.02, 2903.03, 1408
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1409
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1410
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1411
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1412
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1413
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1414
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1415
2925.22, 2925.23, or 3716.11 of the Revised Code; 1416

(b) An existing or former law of this state, any other state, 1417
or the United States that is substantially equivalent to any of 1418
the offenses listed in division (A)~~(5)~~(6)(a) of this section. 1419

~~(6)~~(7) When conducting a criminal records check upon a 1420
request pursuant to section 3319.39 of the Revised Code for an 1421
applicant who is a teacher, in addition to the determination made 1422
under division (A)(1) of this section, the superintendent shall 1423
determine whether any information exists that indicates that the 1424
person who is the subject of the request previously has been 1425
convicted of or pleaded guilty to any offense specified in section 1426
3319.31 of the Revised Code. 1427

~~(7)~~(8) When conducting a criminal records check on a request 1428
pursuant to section 2151.86 of the Revised Code for a person who 1429
is a prospective foster caregiver or who is eighteen years old or 1430
older and resides in the home of a prospective foster caregiver, 1431
the superintendent, in addition to the determination made under 1432
division (A)(1) of this section, shall determine whether any 1433

information exists that indicates that the person has been 1434
convicted of or pleaded guilty to a violation of: 1435

(a) Section 2909.02 or 2909.03 of the Revised Code; 1436

(b) An existing or former law of this state, any other state, 1437
or the United States that is substantially equivalent to section 1438
2909.02 or 2909.03 of the Revised Code. 1439

~~(8)~~(9) Not later than thirty days after the date the 1440
superintendent receives the request, completed form, and 1441
fingerprint impressions, the superintendent shall send the person, 1442
board, or entity that made the request any information, other than 1443
information the dissemination of which is prohibited by federal 1444
law, the superintendent determines exists with respect to the 1445
person who is the subject of the request that indicates that the 1446
person previously has been convicted of or pleaded guilty to any 1447
offense listed or described in division (A)(1), (2), (3), (4), 1448
(5), (6), ~~or (7)~~, or (8) of this section, as appropriate. The 1449
superintendent shall send the person, board, or entity that made 1450
the request a copy of the list of offenses specified in division 1451
(A)(1), (2), (3), (4), (5), (6), ~~or (7)~~, or (8) of this section, 1452
as appropriate. If the request was made under section 3701.881 of 1453
the Revised Code with regard to an applicant who may be both 1454
responsible for the care, custody, or control of a child and 1455
involved in providing direct care to an older adult, the 1456
superintendent shall provide a list of the offenses specified in 1457
divisions (A)(4) and ~~(5)~~(6) of this section. 1458

(B) The superintendent shall conduct any criminal records 1459
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 1460
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 1461
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 1462
5153.111 of the Revised Code as follows: 1463

(1) The superintendent shall review or cause to be reviewed 1464

any relevant information gathered and compiled by the bureau under 1465
division (A) of section 109.57 of the Revised Code that relates to 1466
the person who is the subject of the request, including any 1467
relevant information contained in records that have been sealed 1468
under section 2953.32 of the Revised Code; 1469

(2) If the request received by the superintendent asks for 1470
information from the federal bureau of investigation, the 1471
superintendent shall request from the federal bureau of 1472
investigation any information it has with respect to the person 1473
who is the subject of the request and shall review or cause to be 1474
reviewed any information the superintendent receives from that 1475
bureau. 1476

(C)(1) The superintendent shall prescribe a form to obtain 1477
the information necessary to conduct a criminal records check from 1478
any person for whom a criminal records check is required by 1479
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 1480
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 1481
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 1482
form that the superintendent prescribes pursuant to this division 1483
may be in a tangible format, in an electronic format, or in both 1484
tangible and electronic formats. 1485

(2) The superintendent shall prescribe standard impression 1486
sheets to obtain the fingerprint impressions of any person for 1487
whom a criminal records check is required by section 173.41, 1488
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1489
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1490
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1491
records check is required by any of those sections shall obtain 1492
the fingerprint impressions at a county sheriff's office, 1493
municipal police department, or any other entity with the ability 1494
to make fingerprint impressions on the standard impression sheets 1495
prescribed by the superintendent. The office, department, or 1496

entity may charge the person a reasonable fee for making the 1497
impressions. The standard impression sheets the superintendent 1498
prescribes pursuant to this division may be in a tangible format, 1499
in an electronic format, or in both tangible and electronic 1500
formats. 1501

(3) Subject to division (D) of this section, the 1502
superintendent shall prescribe and charge a reasonable fee for 1503
providing a criminal records check requested under section 173.41, 1504
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1505
3722.151, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 1506
5126.281, or 5153.111 of the Revised Code. The person making a 1507
criminal records request under section 173.41, 2151.86, 3301.32, 1508
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 1509
5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, 1510
or 5153.111 of the Revised Code shall pay the fee prescribed 1511
pursuant to this division. A person making a request under section 1512
3701.881 of the Revised Code for a criminal records check for an 1513
applicant who may be both responsible for the care, custody, or 1514
control of a child and involved in providing direct care to an 1515
older adult shall pay one fee for the request. 1516

(4) The superintendent of the bureau of criminal 1517
identification and investigation may prescribe methods of 1518
forwarding fingerprint impressions and information necessary to 1519
conduct a criminal records check, which methods shall include, but 1520
not be limited to, an electronic method. 1521

(D) A determination whether any information exists that 1522
indicates that a person previously has been convicted of or 1523
pleaded guilty to any offense listed or described in division 1524
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1525
(b), (A)(5)(a) or (b), (A)(6), ~~or~~ (A)(7)(a) or (b), or (A)(8)(a) 1526
or (b) of this section that is made by the superintendent with 1527
respect to information considered in a criminal records check in 1528

accordance with this section is valid for the person who is the 1529
subject of the criminal records check for a period of one year 1530
from the date upon which the superintendent makes the 1531
determination. During the period in which the determination in 1532
regard to a person is valid, if another request under this section 1533
is made for a criminal records check for that person, the 1534
superintendent shall provide the information that is the basis for 1535
the superintendent's initial determination at a lower fee than the 1536
fee prescribed for the initial criminal records check. 1537

(E) As used in this section: 1538

(1) "Criminal records check" means any criminal records check 1539
conducted by the superintendent of the bureau of criminal 1540
identification and investigation in accordance with division (B) 1541
of this section. 1542

(2) "Home and community-based waiver services" has the same 1543
meaning as in section 5111.95 of the Revised Code. 1544

(3) "Minor drug possession offense" has the same meaning as 1545
in section 2925.01 of the Revised Code. 1546

~~(3)~~(4) "Older adult" means a person age sixty or older. 1547

Sec. 109.71. There is hereby created in the office of the 1548
attorney general the Ohio peace officer training commission. The 1549
commission shall consist of nine members appointed by the governor 1550
with the advice and consent of the senate and selected as follows: 1551
one member representing the public; two members who are incumbent 1552
sheriffs; two members who are incumbent chiefs of police; one 1553
member from the bureau of criminal identification and 1554
investigation; one member from the state highway patrol; one 1555
member who is the special agent in charge of a field office of the 1556
federal bureau of investigation in this state; and one member from 1557
the department of education, trade and industrial education 1558

services, law enforcement training.	1559
As used in sections 109.71 to 109.77 of the Revised Code:	1560
(A) "Peace officer" means:	1561
(1) A deputy sheriff, marshal, deputy marshal, member of the organized police department of a township or municipal corporation, member of a township police district or joint township police district police force, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or township constable, who is commissioned and employed as a peace officer by a political subdivision of this state or by a metropolitan housing authority, and whose primary duties are to preserve the peace, to protect life and property, and to enforce the laws of this state, ordinances of a municipal corporation, resolutions of a township, or regulations of a board of county commissioners or board of township trustees, or any of those laws, ordinances, resolutions, or regulations;	1562 1563 1564 1565 1566 1567 1568 1569 1570 1571 1572 1573 1574 1575
(2) A police officer who is employed by a railroad company and appointed and commissioned by the governor pursuant to sections 4973.17 to 4973.22 of the Revised Code;	1576 1577 1578
(3) Employees of the department of taxation engaged in the enforcement of Chapter 5743. of the Revised Code <u>laws the tax commissioner administers</u> and designated by the tax commissioner for peace officer training for purposes of the delegation of investigation powers under section 5743.45 <u>5703.58</u> of the Revised Code;	1579 1580 1581 1582 1583 1584
(4) An undercover drug agent;	1585
(5) Enforcement agents of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1586 1587 1588

- (6) An employee of the department of natural resources who is 1589
a natural resources law enforcement staff officer designated 1590
pursuant to section 1501.013, a park officer designated pursuant 1591
to section 1541.10, a forest officer designated pursuant to 1592
section 1503.29, a preserve officer designated pursuant to section 1593
1517.10, a wildlife officer designated pursuant to section 1594
1531.13, or a state watercraft officer designated pursuant to 1595
section 1547.521 of the Revised Code; 1596
- (7) An employee of a park district who is designated pursuant 1597
to section 511.232 or 1545.13 of the Revised Code; 1598
- (8) An employee of a conservancy district who is designated 1599
pursuant to section 6101.75 of the Revised Code; 1600
- (9) A police officer who is employed by a hospital that 1601
employs and maintains its own proprietary police department or 1602
security department, and who is appointed and commissioned by the 1603
governor pursuant to sections 4973.17 to 4973.22 of the Revised 1604
Code; 1605
- (10) Veterans' homes police officers designated under section 1606
5907.02 of the Revised Code; 1607
- (11) A police officer who is employed by a qualified 1608
nonprofit corporation police department pursuant to section 1609
1702.80 of the Revised Code; 1610
- (12) A state university law enforcement officer appointed 1611
under section 3345.04 of the Revised Code or a person serving as a 1612
state university law enforcement officer on a permanent basis on 1613
June 19, 1978, who has been awarded a certificate by the executive 1614
director of the Ohio peace officer training commission attesting 1615
to the person's satisfactory completion of an approved state, 1616
county, municipal, or department of natural resources peace 1617
officer basic training program; 1618

(13) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	1619 1620 1621 1622
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	1623 1624
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	1625 1626 1627
(16) Investigators appointed by the auditor of state pursuant to section 117.091 of the Revised Code and engaged in the enforcement of Chapter 117. of the Revised Code;	1628 1629 1630
(17) A special police officer designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person who was serving as a special police officer pursuant to that section on a permanent basis on October 21, 1997, and who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	1631 1632 1633 1634 1635 1636 1637 1638 1639
(18) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code or a person serving as a special police officer employed by a port authority on a permanent basis on May 17, 2000, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	1640 1641 1642 1643 1644 1645 1646 1647
(19) A special police officer employed by a municipal corporation who has been awarded a certificate by the executive	1648 1649

director of the Ohio peace officer training commission for 1650
satisfactory completion of an approved peace officer basic 1651
training program and who is employed on a permanent basis on or 1652
after ~~the effective date of this amendment~~ March 19, 2003, at a 1653
municipal airport, or other municipal air navigation facility, 1654
that has scheduled operations, as defined in section 119.3 of 1655
Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as 1656
amended, and that is required to be under a security program and 1657
is governed by aviation security rules of the transportation 1658
security administration of the United States department of 1659
transportation as provided in Parts 1542. and 1544. of Title 49 of 1660
the Code of Federal Regulations, as amended. 1661

(B) "Undercover drug agent" has the same meaning as in 1662
division (B)(2) of section 109.79 of the Revised Code. 1663

(C) "Crisis intervention training" means training in the use 1664
of interpersonal and communication skills to most effectively and 1665
sensitively interview victims of rape. 1666

(D) "Missing children" has the same meaning as in section 1667
2901.30 of the Revised Code. 1668

Sec. 117.45. (A) The auditor of state shall draw warrants 1669
against the treasurer of state pursuant to all requests for 1670
payment that the director of budget and management has approved 1671
under section 126.07 of the Revised Code. 1672

(B) Unless the director of job and family services has 1673
provided for the making of payments by electronic benefit 1674
transfer, if a financial institution and account have been 1675
designated by the participant or recipient, payment by the auditor 1676
of state to a participant in the Ohio works first program pursuant 1677
to Chapter 5107. of the Revised Code or a recipient of disability 1678
financial assistance pursuant to Chapter 5115. of the Revised Code 1679
shall be made by direct deposit to the account of the participant 1680

or recipient in the financial institution. Payment by the auditor 1681
of state to a recipient of benefits distributed through the medium 1682
of electronic benefit transfer pursuant to section 5101.33 of the 1683
Revised Code shall be by electronic benefit transfer. Payment by 1684
the auditor of state as compensation to an employee of the state 1685
who has, pursuant to section 124.151 of the Revised Code, 1686
designated a financial institution and account for the direct 1687
deposit of such payments shall be made by direct deposit to the 1688
account of the employee. Payment to any other payee who has 1689
designated a financial institution and account for the direct 1690
deposit of such payment may be made by direct deposit to the 1691
account of the payee in the financial institution as provided in 1692
section 9.37 of the Revised Code. The auditor of state shall 1693
contract with an authorized financial institution for the services 1694
necessary to make direct deposits or electronic benefit transfers 1695
under this division and draw lump sum warrants payable to that 1696
institution in the amount to be transferred. Accounts maintained 1697
by the auditor of state or the auditor of state's agent in a 1698
financial institution for the purpose of effectuating payment by 1699
direct deposit or electronic benefit transfer shall be maintained 1700
in accordance with section 135.18 of the Revised Code. 1701

(C) All other payments from the state treasury shall be made 1702
by paper warrants or by direct deposit payable to the respective 1703
payees. The auditor of state may mail the paper warrants to the 1704
respective payees or distribute them through other state agencies, 1705
whichever the auditor of state determines to be the better 1706
procedure. 1707

(D) If the average per transaction cost the auditor of state 1708
incurs in making direct deposits for a state agency exceeds the 1709
average per transaction cost the auditor of state incurs in 1710
drawing paper warrants for all public offices during the same 1711
period of time, the auditor of state may certify the difference in 1712

cost and the number of direct deposits for the agency to the 1713
director of administrative services. The director shall reimburse 1714
the auditor of state for such additional costs and add the amount 1715
to the processing charge assessed upon the state agency. 1716

Sec. 119.035. An agency may appoint an advisory committee to 1717
advise the agency concerning its development of a rule, amendment, 1718
or rescission, and may otherwise consult with persons representing 1719
interests that would be affected by the rule, amendment, or 1720
rescission were it actually to be proposed and adopted. ~~Upon an~~ 1721
~~agency's request, the executive director or another officer or~~ 1722
~~employee of the Ohio commission on dispute resolution and conflict~~ 1723
~~management may serve as a group facilitator for, but not as a~~ 1724
~~member of, such an advisory committee.~~ 1725

Sec. 121.04. Offices are created within the several 1726
departments as follows: 1727

In the department of commerce: 1728

Commissioner of securities; 1729

Superintendent of real estate and professional 1730
licensing;

Superintendent of financial institutions; 1731

Fire marshal; 1732

Superintendent of labor and worker safety; 1733

Beginning on July 1, 1997, 1734

Superintendent of liquor control; 1735

Superintendent of industrial compliance. 1736

In the department of administrative services: 1737

State architect and engineer; 1738

Equal employment opportunity coordinator. 1739

In the department of agriculture: 1740

Chiefs of divisions as follows: 1741

Administration;	1742
Animal industry;	1743
Dairy;	1744
Food safety;	1745
Plant industry;	1746
Markets;	1747
Meat inspection;	1748
Consumer analytical laboratory;	1749
Amusement ride safety;	1750
Enforcement;	1751
Weights and measures.	1752
In the department of natural resources:	1753
Chiefs of divisions as follows:	1754
Water;	1755
Mineral resources management;	1756
Forestry;	1757
Natural areas and preserves;	1758
Wildlife;	1759
Geological survey;	1760
Parks and recreation;	1761
Watercraft;	1762
Recycling and litter prevention;	1763
Civilian conservation;	1764
Soil and water conservation;	1765
Real estate and land management;	1766
Engineering.	1767
In the department of insurance:	1768
Deputy superintendent of insurance;	1769
Assistant superintendent of insurance, technical;	1770
Assistant superintendent of insurance, administrative;	1771
Assistant superintendent of insurance, research.	1772

Sec. 121.084. (A) All moneys collected under sections 1773
~~1333.96~~, 3783.05, 3791.07, 4104.07, 4104.18, ~~4104.42~~, 4104.44, 1774
~~4104.45~~, 4105.17, 4105.20, 4169.03, 4171.04, and 5104.051 of the 1775
Revised Code, and any other moneys collected by the division of 1776
industrial compliance shall be paid into the state treasury to the 1777
credit of the industrial compliance operating fund, which is 1778
hereby created. The department of commerce shall use the moneys in 1779
the fund for paying the operating expenses of the division and the 1780
administrative assessment described in division (B) of this 1781
section. 1782

(B) The director of commerce, with the approval of the 1783
director of budget and management, shall prescribe procedures for 1784
assessing the industrial compliance operating fund a proportionate 1785
share of the administrative costs of the department of commerce. 1786
The assessment shall be made in accordance with those procedures 1787
and be paid from the industrial compliance operating fund to the 1788
division of administration fund created in section 121.08 of the 1789
Revised Code. 1790

Sec. 122.011. (A) The department of development shall develop 1791
and promote plans and programs designed to assure that state 1792
resources are efficiently used, economic growth is properly 1793
balanced, community growth is developed in an orderly manner, and 1794
local governments are coordinated with each other and the state, 1795
and for such purposes may do all of the following: 1796

(1) Serve as a clearinghouse for information, data, and other 1797
materials that may be helpful or necessary to persons or local 1798
governments, as provided in section 122.07 of the Revised Code; 1799

(2) Prepare and activate plans for the retention, 1800
development, expansion, and use of the resources and commerce of 1801
the state, as provided in section 122.04 of the Revised Code; 1802

(3) Assist and cooperate with federal, state, and local governments and agencies of federal, state, and local governments in the coordination of programs to carry out the functions and duties of the department;

(4) Encourage and foster research and development activities, conduct studies related to the solution of community problems, and develop recommendations for administrative or legislative actions, as provided in section 122.03 of the Revised Code;

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

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

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

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

(9) Study existing structure, operations, and financing of regional or local government and those state activities that involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the

operations of regional or local government, and conduct other 1834
studies of legal provisions that affect problems related to 1835
carrying out the purposes of this section; 1836

(10) Appoint, with the approval of the governor, technical 1837
and other advisory councils as it considers appropriate, as 1838
provided in section 122.09 of the Revised Code; 1839

(11) Create and operate a division of community development 1840
to develop and administer programs and activities that are 1841
authorized by federal statute or the Revised Code; 1842

(12) Until ~~July 1, 2003~~ October 15, 2005, establish fees and 1843
charges, in consultation with the director of agriculture, for 1844
purchasing loans from financial institutions and providing loan 1845
guarantees under the family farm loan program created under 1846
sections 901.80 to 901.83 of the Revised Code; 1847

(13) Provide loan servicing for the loans purchased and loan 1848
guarantees provided under section 901.80 of the Revised Code as 1849
that section existed prior to ~~July 1, 2003~~ October 15, 2005; 1850

(14) Until ~~July 1, 2003~~ October 15, 2005, and upon approval 1851
by the controlling board under division (A)(3) of section 901.82 1852
of the Revised Code of the release of money to be used for 1853
purchasing a loan or providing a loan guarantee, request the 1854
release of that money in accordance with division (B) of section 1855
166.03 of the Revised Code for use for the purposes of the fund 1856
created by section 166.031 of the Revised Code. 1857

(B) The director of development may request the attorney 1858
general to, and the attorney general, in accordance with section 1859
109.02 of the Revised Code, shall bring a civil action in any 1860
court of competent jurisdiction. The director may be sued in the 1861
director's official capacity, in connection with this chapter, in 1862
accordance with Chapter 2743. of the Revised Code. 1863

Sec. 122.04. The department of development shall <u>do the</u>	1864
<u>following:</u>	1865
(A) Maintain a continuing evaluation of the sources available	1866
for the retention, development, or expansion of industrial and	1867
commercial facilities in this state through both public and	1868
private agencies;	1869
(B) Assist public and private agencies in obtaining	1870
information necessary to evaluate the desirability of the	1871
retention, construction, or expansion of industrial and commercial	1872
facilities in the state;	1873
(C) Facilitate contracts between community improvement	1874
corporations organized under Chapter 1724. of the Revised Code or	1875
Ohio development corporations organized under Chapter 1726. of the	1876
Revised Code and industrial and commercial concerns seeking to	1877
locate or expand in Ohio <u>the state</u> ;	1878
(D) Upon request, consult with public agencies or authorities	1879
in the preparation of studies of human and economic needs or	1880
advantages relating to economic and community development;	1881
(E) Encourage, promote, and assist trade and commerce between	1882
this state and foreign nations;	1883
(F) Promote and encourage persons to visit and travel within	1884
this state;	1885
(G) Maintain membership in <u>the</u> national association of state	1886
development agencies;	1887
(H) Assist in the development of facilities and technologies	1888
that will lead to increased, environmentally sound use of Ohio	1889
coal;	1890
<u>(I) Promote economic growth in the state.</u>	1891

Sec. 122.08. (A) There is hereby created within the 1892
department of development an office to be known as the office of 1893
small business. The office shall be under the supervision of a 1894
manager appointed by the director of development. 1895

(B) The office shall do all of the following: 1896

(1) Act as liaison between the small business community and 1897
state governmental agencies; 1898

(2) Furnish information and technical assistance to persons 1899
and small businesses concerning the establishment and maintenance 1900
of a small business, and concerning state laws and rules relevant 1901
to the operation of a small business. In conjunction with these 1902
duties, the office shall keep a record of all state agency rules 1903
affecting individuals, small businesses, or small organizations, 1904
as defined in section 121.24 of the Revised Code, and may testify 1905
before the joint committee on agency rule review concerning any 1906
proposed rule affecting individuals, small businesses, or small 1907
organizations. 1908

(3) Prepare and publish the small business register under 1909
section 122.081 of the Revised Code; 1910

(4) Receive complaints from small businesses concerning 1911
governmental activity, compile and analyze those complaints, and 1912
periodically make recommendations to the governor and the general 1913
assembly on changes in state laws or agency rules needed to 1914
eliminate burdensome and unproductive governmental regulation to 1915
improve the economic climate within which small businesses 1916
operate; 1917

(5) Receive complaints or questions from small businesses and 1918
direct ~~such~~ those businesses to the appropriate governmental 1919
agency. If, within a reasonable period of time, a complaint is not 1920
satisfactorily resolved or a question is not satisfactorily 1921

answered, the office shall, on behalf of the small business, make 1922
every effort to secure a satisfactory result. For this purpose, 1923
the office may consult with any state governmental agency and may 1924
make any suggestion or request that seems appropriate. 1925

(6) Utilize, to the maximum extent possible, the printed and 1926
electronic media to disseminate information of current concern and 1927
interest to the small business community and to make known to 1928
small businesses the services available through the office. The 1929
office shall publish such books, pamphlets, and other printed 1930
materials, and shall participate in such trade association 1931
meetings, conventions, fairs, and other meetings involving the 1932
small business community, as the manager considers appropriate. 1933

(7) Prepare for inclusion in the department of development's 1934
annual report to the governor and general assembly, a description 1935
of the activities of the office and a report of the number of 1936
rules affecting individuals, small businesses, and small 1937
organizations that were filed with the office under division 1938
(B)(2) of section 121.24 of the Revised Code, during the preceding 1939
calendar year; 1940

(8) Operate the Ohio ~~one stop business permit center~~ 1941
first-stop business connection to assist individuals in 1942
identifying and preparing applications for business licenses, 1943
permits, and certificates and to serve as the central public 1944
distributor for all forms, applications, and other information 1945
related to business licensing. Each state agency, board, and 1946
commission shall cooperate in providing assistance, information, 1947
and materials to enable the ~~center~~ connection to perform its 1948
duties under this division ~~(B)(8) of this section.~~ 1949

(C) The office of ~~small business~~ may, upon the request of a 1950
state agency, assist the agency with the preparation of any rule 1951
that will affect individuals, small businesses, or small 1952
organizations. 1953

(D) The director of development shall assign ~~such~~ employees 1954
and furnish ~~such~~ equipment and supplies to the office as the 1955
director considers necessary for the proper performance of the 1956
duties assigned to the office. 1957

Sec. 122.17. (A) As used in this section: 1958

(1) "Full-time employee" means an individual who is employed 1959
for consideration for at least thirty-five hours a week, or who 1960
renders any other standard of service generally accepted by custom 1961
or specified by contract as full-time employment. 1962

(2) "New employee" means one of the following: 1963

(a) A full-time employee first employed by a taxpayer in the 1964
project that is the subject of the agreement after the taxpayer 1965
enters into a tax credit agreement with the tax credit authority 1966
under this section; 1967

(b) A full-time employee first employed by a taxpayer in the 1968
project that is the subject of the tax credit after the tax credit 1969
authority approves a project for a tax credit under this section 1970
in a public meeting, as long as the taxpayer enters into the tax 1971
credit agreement prepared by the department of development after 1972
such meeting within sixty days after receiving the agreement from 1973
the department. If the taxpayer fails to enter into the agreement 1974
within sixty days, "new employee" has the same meaning as under 1975
division (A)(2)(a) of this section. 1976

Under division (A)(2)(a) or (b) of this section, if the tax 1977
credit authority determines it appropriate, "new employee" also 1978
may include an employee re-hired or called back from lay-off to 1979
work in a new facility or on a new product or service established 1980
or produced by the taxpayer after entering into the agreement 1981
under this section or after the tax credit authority approves the 1982
tax credit in a public meeting. "New employee" does not include 1983

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

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

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

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

allowance of all other credits provided by Chapter 5733. or 5747. 2016
of the Revised Code. The amount of the credit equals the new 2017
income tax revenue for the taxable year multiplied by the 2018
percentage specified in the agreement with the tax credit 2019
authority. 2020

(C) A taxpayer or potential taxpayer who proposes a project 2021
to create new jobs in this state may apply to the tax credit 2022
authority to enter into an agreement for a tax credit under this 2023
section. The director of development shall prescribe the form of 2024
the application. After receipt of an application, the authority 2025
may enter into an agreement with the taxpayer for a credit under 2026
this section if it determines all of the following: 2027

(1) The taxpayer's project will create new jobs in this 2028
state; 2029

(2) The taxpayer's project is economically sound and will 2030
benefit the people of this state by increasing opportunities for 2031
employment and strengthening the economy of this state; 2032

(3) Receiving the tax credit is a major factor in the 2033
taxpayer's decision to go forward with the project. 2034

(D) An agreement under this section shall include all of the 2035
following: 2036

(1) A detailed description of the project that is the subject 2037
of the agreement; 2038

(2) The term of the tax credit, which shall not exceed ten 2039
years, and the first taxable year for which the credit may be 2040
claimed; 2041

(3) A requirement that the taxpayer shall maintain operations 2042
at the project location for at least twice the number of years as 2043
the term of the tax credit; 2044

(4) The percentage, as determined by the tax credit 2045

authority, of new income tax revenue that will be allowed as the 2046
amount of the credit for each taxable year; 2047

(5) A specific method for determining how many new employees 2048
are employed during a taxable year; 2049

(6) A requirement that the taxpayer annually shall report to 2050
the director of development the number of new employees, the new 2051
income tax revenue withheld in connection with the new employees, 2052
and any other information the director needs to perform ~~his~~ the 2053
director's duties under this section; 2054

(7) A requirement that the director of development annually 2055
shall verify the amounts reported under division (D)(6) of this 2056
section, and after doing so shall issue a certificate to the 2057
taxpayer stating that the amounts have been verified; 2058

(8)(a) A provision requiring that the taxpayer, except as 2059
otherwise provided in division (D)(8)(b) of this section, shall 2060
not relocate employment positions from elsewhere in this state to 2061
the project site that is the subject of the agreement for the 2062
lesser of five years from the date the agreement is entered into 2063
or the number of years the taxpayer is entitled to claim the tax 2064
credit. 2065

(b) The taxpayer may relocate employment positions from 2066
elsewhere in this state to the project site that is the subject of 2067
the agreement if the director of development determines both of 2068
the following: 2069

(i) That the site from which the employment positions would 2070
be relocated is inadequate to meet market and industry conditions, 2071
expansion plans, consolidation plans, or other business 2072
considerations affecting the taxpayer; 2073

(ii) That the legislative authority of the county, township, 2074
or municipal corporation from which the employment positions would 2075
be relocated has been notified of the relocation. 2076

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

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

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

point-of-final-purchase retail facilities for the purposes of this 2109
division, and are eligible for tax credits under this section. 2110

(G) Financial statements and other information submitted to 2111
the department of development or the tax credit authority by an 2112
applicant or recipient of a tax credit under this section, and any 2113
information taken for any purpose from such statements or 2114
information, are not public records subject to section 149.43 of 2115
the Revised Code. However, the chairperson of the authority may 2116
make use of the statements and other information for purposes of 2117
issuing public reports or in connection with court proceedings 2118
concerning tax credit agreements under this section. Upon the 2119
request of the tax commissioner, the chairperson of the authority 2120
shall provide to the commissioner any statement or information 2121
submitted by an applicant or recipient of a tax credit in 2122
connection with the credit. The commissioner shall preserve the 2123
confidentiality of the statement or information. 2124

(H) A taxpayer claiming a credit under this section shall 2125
submit to the tax commissioner a copy of the director of 2126
development's certificate of verification under division (D)(7) of 2127
this section for the taxable year. However, failure to submit a 2128
copy of the certificate does not invalidate a claim for a credit. 2129

(I) The director of development, after consultation with the 2130
tax commissioner and in accordance with Chapter 119. of the 2131
Revised Code, shall adopt rules necessary to implement this 2132
section. The rules may provide for recipients of tax credits under 2133
this section to be charged fees to cover administrative costs of 2134
the tax credit program. At the time the director gives public 2135
notice under division (A) of section 119.03 of the Revised Code of 2136
the adoption of the rules, the director shall submit copies of the 2137
proposed rules to the chairpersons of the standing committees on 2138
economic development in the senate and the house of 2139
representatives. 2140

(J) For the purposes of this section, a taxpayer may include 2141
a partnership, a corporation that has made an election under 2142
subchapter S of chapter one of subtitle A of the Internal Revenue 2143
Code, or any other business entity through which income flows as a 2144
distributive share to its owners. A credit received under this 2145
section by a partnership, S-corporation, or other such business 2146
entity shall be apportioned among the persons to whom the income 2147
or profit of the partnership, S-corporation, or other entity is 2148
distributed, in the same proportions as those in which the income 2149
or profit is distributed. 2150

(K) If the director of development determines that a taxpayer 2151
who has received a credit under this section is not complying with 2152
the requirement under division (D)(3) of this section, the 2153
director shall notify the tax credit authority of the 2154
noncompliance. After receiving such a notice, and after giving the 2155
taxpayer an opportunity to explain the noncompliance, the tax 2156
credit authority may require the taxpayer to refund to this state 2157
a portion of the credit in accordance with the following: 2158

(1) If the taxpayer maintained operations at the project 2159
location for at least one and one-half times the number of years 2160
of the term of the tax credit, an amount not exceeding twenty-five 2161
per cent of the sum of any previously allowed credits under this 2162
section; 2163

(2) If the taxpayer maintained operations at the project 2164
location for at least the number of years of the term of the tax 2165
credit, an amount not exceeding fifty per cent of the sum of any 2166
previously allowed credits under this section; 2167

(3) If the taxpayer maintained operations at the project 2168
location for less than the number of years of the term of the tax 2169
credit, an amount not exceeding one hundred per cent of the sum of 2170
any previously allowed credits under this section. 2171

In determining the portion of the tax credit to be refunded 2172
to this state, the tax credit authority shall consider the effect 2173
of market conditions on the taxpayer's project and whether the 2174
taxpayer continues to maintain other operations in this state. 2175
After making the determination, the authority shall certify the 2176
amount to be refunded to the tax commissioner. The commissioner 2177
shall make an assessment for that amount against the taxpayer 2178
under Chapter 5733. or 5747. of the Revised Code. The time 2179
limitations on assessments under Chapter 5733. or 5747. of the 2180
Revised Code do not apply to an assessment under this division, 2181
but the commissioner shall make the assessment within one year 2182
after the date the authority certifies to the commissioner the 2183
amount to be refunded. 2184

(L) On or before the thirty-first day of March each year, the 2185
director of development shall submit a report to the governor, the 2186
president of the senate, and the speaker of the house of 2187
representatives on the tax credit program under this section. The 2188
report shall include information on the number of agreements that 2189
were entered into under this section during the preceding calendar 2190
year, a description of the project that is the subject of each 2191
such agreement, and an update on the status of projects under 2192
agreements entered into before the preceding calendar year. 2193

During the fifth year of the tax credit program, the director 2194
of development in conjunction with the director of budget and 2195
management shall conduct an evaluation of it. The evaluation shall 2196
include assessments of the effectiveness of the program in 2197
creating new jobs in this state and of the revenue impact of the 2198
program, and may include a review of the practices and experiences 2199
of other states with similar programs. The director of development 2200
shall submit a report on the evaluation to the governor, the 2201
president of the senate, and the speaker of the house of 2202
representatives on or before January 1, 1998. 2203

(M) There is hereby created the tax credit authority, which 2204
consists of the director of development and four other members 2205
appointed as follows: the governor, the president of the senate, 2206
and the speaker of the house of representatives each shall appoint 2207
one member who shall be a specialist in economic development; the 2208
governor also shall appoint a member who is a specialist in 2209
taxation. Of the initial appointees, the members appointed by the 2210
governor shall serve a term of two years; the members appointed by 2211
the president of the senate and the speaker of the house of 2212
representatives shall serve a term of four years. Thereafter, 2213
terms of office shall be for four years. Initial appointments to 2214
the authority shall be made within thirty days after January 13, 2215
1993. Each member shall serve on the authority until the end of 2216
the term for which the member was appointed. Vacancies shall be 2217
filled in the same manner provided for original appointments. Any 2218
member appointed to fill a vacancy occurring prior to the 2219
expiration of the term for which the member's predecessor was 2220
appointed shall hold office for the remainder of that term. 2221
Members may be reappointed to the authority. Members of the 2222
authority shall receive their necessary and actual expenses while 2223
engaged in the business of the authority. The director of 2224
development shall serve as chairperson of the authority, and the 2225
members annually shall elect a vice-chairperson from among 2226
themselves. Three members of the authority constitute a quorum to 2227
transact and vote on the business of the authority. The majority 2228
vote of the membership of the authority is necessary to approve 2229
any such business, including the election of the vice-chairperson. 2230

The director of development may appoint a professional 2231
employee of the department of development to serve as the 2232
director's substitute at a meeting of the authority. The director 2233
shall make the appointment in writing. In the absence of the 2234
director from a meeting of the authority, the appointed substitute 2235

shall serve as chairperson. In the absence of both the director 2236
and the director's substitute from a meeting, the vice-chairperson 2237
shall serve as chairperson. 2238

Sec. 122.25. (A) In administering the program established 2239
under section 122.24 of the Revised Code, the director of 2240
development shall do all of the following: 2241

(1) Annually designate, by the first day of January of each 2242
year, the entities that constitute the eligible areas in this 2243
state as defined in section 122.23 of the Revised Code; 2244

(2) Inform local governments and others in the state of the 2245
availability of the program and financial assistance established 2246
under sections 122.23 to 122.27 of the Revised Code; 2247

(3) Report to the governor, president of the senate, speaker 2248
of the house of representatives, and minority leaders of the 2249
senate and the house of representatives by the thirtieth day of 2250
June of each year on the activities carried out under the program 2251
during the preceding calendar year. The report shall include the 2252
number of loans made that year and the amount and recipient of 2253
each loan. 2254

(4) Work in conjunction with conventional lending 2255
institutions, local revolving loan funds, private investors, and 2256
other private and public financing sources to provide loans or 2257
loan guarantees to eligible applicants; 2258

(5) Establish fees, charges, interest rates, payment 2259
schedules, local match requirements, and other terms and 2260
conditions for loans and loan guarantees provided under the loan 2261
program created by section 122.24 of the Revised Code; 2262

(6) Require each applicant to demonstrate the suitability of 2263
any site for the assistance sought; that the site has been 2264
surveyed, has adequate or available utilities, and that there are 2265

no zoning restrictions, environmental regulations, or other	2266
matters impairing the use of the site for the purpose intended;	2267
(7) Require each applicant to provide a marketing plan and	2268
management strategy for the project;	2269
(8) Adopt rules in accordance with Chapter 119. of the	2270
Revised Code establishing all of the following:	2271
(a) Forms and procedures by which eligible applicants may	2272
apply for assistance;	2273
(b) Criteria for reviewing, evaluating, and ranking	2274
applications, and for approving applications that best serve the	2275
goals of the program;	2276
(c) Reporting requirements and monitoring procedures;	2277
(d) Guidelines regarding situations in which industrial parks	2278
would be considered to compete against one another for the	2279
purposes of division (B)(2) of section 122.27 of the Revised Code;	2280
(e) Any other rules necessary to implement and administer the	2281
program created by section 122.24 of the Revised Code.	2282
(B) The director may adopt rules in accordance with Chapter	2283
119. of the Revised Code establishing requirements governing the	2284
use of any industrial park site receiving assistance under section	2285
122.24 of the Revised Code, such that a certain portion of the	2286
site must be used for manufacturing, distribution, high	2287
technology, research and development, or other businesses wherein	2288
a majority of the product or service produced is exported out of	2289
the state.	2290
(C) As a condition to receiving assistance under section	2291
122.24 of the Revised Code, and except as provided in division (D)	2292
of this section, an applicant must agree, for a period of five	2293
years, not to permit the use of a site that is developed or	2294
improved with such assistance to cause the relocation of jobs to	2295

that site from elsewhere in Ohio. 2296

(D) A site developed or improved with assistance under 2297
section 122.24 of the Revised Code may be the site of jobs 2298
relocated from elsewhere in Ohio if the director of development 2299
does all of the following: 2300

(1) Makes a written determination that the site from which 2301
the jobs would be relocated is inadequate to meet market or 2302
industry conditions, expansion plans, consolidation plans, or 2303
other business considerations affecting the relocating employer; 2304

(2) Provides a copy of the determination required by division 2305
(D)(1) of this section to the members of the general assembly 2306
whose legislative districts include the site from which the jobs 2307
would be relocated, ~~and to the joint legislative committee on tax~~ 2308
~~incentives;~~ 2309

(3) Determines that the governing body of the area from which 2310
the jobs would be relocated has been notified in writing by the 2311
relocating company of the possible relocation. 2312

(E) The director of development must obtain the approval of 2313
the controlling board for any loan or loan guarantee provided 2314
under sections 122.23 to 122.27 of the Revised Code. 2315

Sec. 122.651. (A) There is hereby created the clean Ohio 2316
council consisting of the director of development or the 2317
director's designee, the director of environmental protection or 2318
the director's designee, the lieutenant governor or the lieutenant 2319
governor's designee, the director of the Ohio public works 2320
commission as a nonvoting, ex officio member, one member of the 2321
majority party of the senate and one member of the minority party 2322
of the senate to be appointed by the president of the senate, one 2323
member of the majority party of the house of representatives and 2324
one member of the minority party of the house of representatives 2325

to be appointed by the speaker of the house of representatives, 2326
and seven members to be appointed by the governor with the advice 2327
and consent of the senate. Of the members appointed by the 2328
governor, one shall represent the interests of counties, one shall 2329
represent the interests of townships, one shall represent the 2330
interests of municipal corporations, two shall represent the 2331
interests of business and development, and two shall represent 2332
statewide environmental advocacy organizations. The members 2333
appointed by the governor shall reflect the demographic and 2334
economic diversity of the population of the state. Additionally, 2335
the governor's appointments shall represent all areas of the 2336
state. All appointments to the council shall be made not later 2337
than one hundred twenty days after July 26, 2001. 2338

(B) The members appointed by the president of the senate and 2339
speaker of the house of representatives shall serve at the 2340
pleasure of their appointing authorities. Of the initial members 2341
appointed by the governor to the clean Ohio council, four shall be 2342
appointed for two years and three shall be appointed for one year. 2343
Thereafter, terms of office for members appointed by the governor 2344
shall be for two years, with each term ending on the same day of 2345
the same month as did the term that it succeeds. Each of those 2346
members shall hold office from the date of appointment until the 2347
end of the term for which the member is appointed. 2348

Members may be reappointed. Vacancies shall be filled in the 2349
same manner as provided for original appointments. Any member 2350
appointed to fill a vacancy occurring prior to the expiration date 2351
of the term for which the member was appointed shall hold office 2352
for the remainder of that term. A member shall continue in office 2353
after the expiration date of the member's term until the member's 2354
successor takes office or until a period of sixty days has 2355
elapsed, whichever occurs first. The governor may remove a member 2356
appointed by the governor for misfeasance, nonfeasance, or 2357

malfeasance in office. 2358

(C) ~~The director of development~~ governor shall appoint a 2359
member of the clean Ohio council to serve as the chairperson of 2360
the clean Ohio council. The director of development shall serve as 2361
the vice-chairperson of the council unless appointed chairperson. 2362
If the director is appointed chairperson, the council annually 2363
shall select from among its members a vice-chairperson to serve 2364
while the director is chairperson. The council annually shall 2365
select from among its members ~~a vice-chairperson and~~ a secretary 2366
to keep a record of its proceedings. A majority vote of a quorum 2367
of the members of the council is necessary to take action on any 2368
matter. The council may adopt bylaws governing its operation, 2369
including bylaws that establish the frequency of meetings, 2370
procedures for reviewing eligible projects under sections 122.65 2371
to 122.658 of the Revised Code and policies and requirements 2372
established under section 122.657 of the Revised Code, and other 2373
necessary procedures. 2374

(D) Members of the clean Ohio council shall be deemed to be 2375
public officials or officers only for the purposes of section 9.86 2376
and Chapters 102. and 2921. of the Revised Code. Serving as a 2377
member of the clean Ohio council does not constitute holding a 2378
public office or position of employment so as to constitute 2379
grounds for removal of public officers or employees serving as 2380
members of the council from their offices or positions of 2381
employment. Members of the council shall file with the Ohio ethics 2382
commission the disclosure statement described in division (A) of 2383
section 102.02 of the Revised Code on the form prescribed by the 2384
commission and be subject to divisions (C) and (D) of that 2385
section. Members of the council shall serve without compensation 2386
for attending council meetings, but shall receive their actual and 2387
necessary traveling and other expenses incurred in the performance 2388
of their official duties in accordance with the rules of the 2389

office of budget and management. 2390

(E) Members appointed by the governor to represent the 2391
interests of counties, townships, and municipal corporations do 2392
not have a conflict of interest by virtue of their service in the 2393
position. For the purposes of this division, "conflict of 2394
interest" means the taking of any action as a member of the 2395
council that affects a public agency the person serves as an 2396
officer or employee. 2397

(F) The department of development shall provide office space 2398
for the council. The council shall be assisted in its duties by 2399
the staff of the department of development and the environmental 2400
protection agency. 2401

(G) Sections 101.82 to 101.87 of the Revised Code do not 2402
apply to the clean Ohio council. 2403

Sec. 122.658. (A) The clean Ohio revitalization fund is 2404
hereby created in the state treasury. The fund shall consist of 2405
moneys credited to it pursuant to section 151.40 of the Revised 2406
Code. Moneys in the fund shall be used to make grants or loans for 2407
projects that have been approved by the clean Ohio council in 2408
accordance with section 122.653 of the Revised Code, except that 2409
the council annually shall devote twenty per cent of the net 2410
proceeds of obligations deposited in the clean Ohio revitalization 2411
fund for the purposes of section 122.656 of the Revised Code. 2412

Moneys in the clean Ohio revitalization fund may be used to 2413
pay reasonable costs incurred by the department of development and 2414
the environmental protection agency in administering sections 2415
122.65 to 122.658 of the Revised Code. All investment earnings of 2416
the fund shall be credited to the fund. ~~For two years after July~~ 2417
~~26, 2001, investment~~ Investment earnings credited to the clean 2418
Ohio revitalization fund may be used to pay costs incurred by the 2419
department of development and the environmental protection agency 2420

pursuant to sections 122.65 to 122.658 of the Revised Code. 2421

The department of development shall administer the clean Ohio 2422
revitalization fund in accordance with this section, policies and 2423
requirements established under section 122.657 of the Revised 2424
Code, and the terms of agreements entered into by the council 2425
under section 122.653 of the Revised Code. 2426

(B) Grants awarded and loans made under section 122.653 of 2427
the Revised Code shall provide not more than seventy-five per cent 2428
of the estimated total cost of a project. A grant or loan to any 2429
one project shall not exceed three million dollars. An applicant 2430
shall provide at least twenty-five per cent of the estimated total 2431
cost of a project. The applicant's share may consist of one or a 2432
combination of any of the following: 2433

(1) Payment of the cost of acquiring the property for the 2434
purposes of sections 122.65 to 122.658 of the Revised Code; 2435

(2) Payment of the reasonable cost of an assessment at the 2436
property; 2437

(3) The reasonable value, as determined by the council, of 2438
labor and materials that will be contributed by the applicant in 2439
performing the cleanup or remediation; 2440

(4) Moneys received by the applicant in any form for use in 2441
performing the cleanup or remediation; 2442

(5) Loans secured by the applicant for the purpose of the 2443
cleanup or remediation of the brownfield. 2444

Costs that were incurred more than two years prior to the 2445
submission of an application to the clean Ohio council for the 2446
acquisition of property, assessments, and labor and materials 2447
shall not be used as part of the applicant's matching share. 2448

(C) The department of development shall not make any payment 2449
to an applicant from the clean Ohio revitalization fund to pay 2450

costs of the applicant that were not included in an application 2451
for a grant or loan under section 122.653 of the Revised Code or 2452
that exceed the amount of the estimated total cost of the project 2453
included in the application. If, upon completion of a project, the 2454
costs of the project are less than the amounts included in the 2455
application, the amounts included in the application less the 2456
amounts of the actual costs of the project shall be credited to 2457
the clean Ohio revitalization fund. However, the amounts credited 2458
shall be equivalent in percentage to the percentage of the costs 2459
of the project that were to be funded by the grant or loan from 2460
the fund. 2461

(D) Grants awarded or loans made under section 122.653 of the 2462
Revised Code from the clean Ohio revitalization fund shall be used 2463
by an applicant only to pay the costs of the actual cleanup or 2464
remediation of a brownfield and shall not be used by an applicant 2465
to pay any administrative costs incurred by the applicant. Costs 2466
related to the use of a certified professional for purposes of 2467
section 122.654 of the Revised Code are not administrative costs 2468
and may be paid with moneys from grants awarded or loans made 2469
under section 122.653 of the Revised Code. 2470

(E) The portion of net proceeds of obligations devoted under 2471
division (A) of this section for the purposes of section 122.656 2472
of the Revised Code shall be used to make grants for assessments, 2473
cleanup or remediation of brownfields, and public health projects 2474
that have been approved by the director of development under that 2475
section. The department of development shall administer section 2476
122.656 of the Revised Code in accordance with this section, 2477
policies and requirements established under section 122.657 of the 2478
Revised Code, and the terms of agreements entered into by the 2479
director under section 122.656 of the Revised Code. The director 2480
shall not grant more than twenty-five million dollars for public 2481
health projects under section 122.656 of the Revised Code. 2482

(F) Grants awarded under section 122.656 of the Revised Code 2483
shall be used by an applicant only to pay the costs of actually 2484
conducting an assessment, a cleanup or remediation of a 2485
brownfield, or a public health project and shall not be used by an 2486
applicant to pay any administrative costs incurred by the 2487
applicant. Costs related to the use of a certified professional 2488
for purposes of section 122.654 of the Revised Code are not 2489
administrative costs and may be paid with moneys from grants 2490
awarded under section 122.656 of the Revised Code. 2491

(G)(1) The clean Ohio revitalization revolving loan fund is 2492
hereby created in the state treasury. Payments of principal and 2493
interest on loans made from the clean Ohio revitalization fund 2494
shall be credited to this revolving loan fund, as shall payments 2495
of principal and interest on loans made from the revolving loan 2496
fund itself. The revolving loan fund's investment earnings shall 2497
be credited to it. 2498

(2) The clean Ohio revitalization revolving loan fund shall 2499
be used to make loans for the same purposes and subject to the 2500
same policies, requirements, criteria, and application procedures 2501
as loans made from the clean Ohio revitalization fund. 2502

Sec. 122.87. As used in sections 122.87 to ~~122.89~~ 122.90 of 2503
the Revised Code: 2504

(A) "Surety company" means a company that is authorized by 2505
the department of insurance to issue bonds as surety. 2506

(B) "Minority business" means any of the following 2507
occupations: 2508

(1) Minority construction contractor; 2509

(2) Minority seller; 2510

(3) Minority service vendor. 2511

(C) "Minority construction contractor" means a person who is 2512
both a construction contractor and an owner of a minority business 2513
enterprise certified under division (B) of section 123.151 of the 2514
Revised Code. 2515

(D) "Minority seller" means a person who is both a seller of 2516
goods and an owner of a minority business enterprise listed on the 2517
special minority business enterprise bid notification list under 2518
division (B) of section 125.08 of the Revised Code. 2519

(E) "Minority service vendor" means a person who is both a 2520
vendor of services and an owner of a minority business enterprise 2521
listed on the special minority business enterprise bid 2522
notification list under division (B) of section 125.08 of the 2523
Revised Code. 2524

(F) "Minority business enterprise" has the meaning given in 2525
section 122.71 of the Revised Code. 2526

(G) "EDGE business enterprise" means a sole proprietorship, 2527
association, partnership, corporation, limited liability 2528
corporation, or joint venture certified as a participant in the 2529
encouraging diversity, growth, and equity program by the director 2530
of administrative services under section 123.152 of the Revised 2531
Code. 2532

Sec. 122.88. (A) There is hereby created in the state 2533
treasury the minority business bonding fund, consisting of moneys 2534
deposited or credited to it pursuant to section 169.05 of the 2535
Revised Code; all grants, gifts, and contributions received 2536
pursuant to division (B)(9) of section 122.74 of the Revised Code; 2537
all moneys recovered following defaults; and any other moneys 2538
obtained by the director of development for the purposes of 2539
sections 122.87 to ~~122.89~~ 122.90 of the Revised Code. The fund 2540
shall be administered by the director. Moneys in the fund shall be 2541

held in trust for the purposes of sections 122.87 to ~~122.89~~ 122.90 2542
of the Revised Code. 2543

(B) Any claims against the state arising from defaults shall 2544
be payable from the minority business bonding program 2545
administrative and loss reserve fund as provided in division (C) 2546
of this section or from the minority business bonding fund. 2547
Nothing in sections 122.87 to ~~122.89~~ 122.90 of the Revised Code 2548
grants or pledges to any obligee or other person any state moneys 2549
other than the moneys in the minority business bonding program 2550
administrative and loss reserve fund or the minority business 2551
bonding fund, or moneys available to the minority business bonding 2552
fund upon request of the director in accordance with division (B) 2553
of section 169.05 of the Revised Code. 2554

(C) There is hereby created in the state treasury the 2555
minority business bonding program administrative and loss reserve 2556
fund, consisting of all premiums charged and collected in 2557
accordance with section 122.89 of the Revised Code and any 2558
interest income earned from the moneys in the minority business 2559
bonding fund. All expenses of the director and the minority 2560
development financing advisory board in carrying out the purposes 2561
of sections 122.87 to ~~122.89~~ 122.90 of the Revised Code shall be 2562
paid from the minority business bonding program administrative and 2563
loss reserve fund. 2564

Any moneys to the credit of the minority business bonding 2565
program administrative and loss reserve fund in excess of the 2566
amount necessary to fund the appropriation authority for the 2567
minority business bonding program administrative and loss reserve 2568
fund shall be held as a loss reserve to pay claims arising from 2569
defaults on surety bonds underwritten in accordance with section 2570
122.89 of the Revised Code or guaranteed in accordance with 2571
section 122.90 of the Revised Code. If the balance of funds in the 2572
minority business bonding program administrative and loss reserve 2573

fund is insufficient to pay a claim against the state arising from 2574
default, then such claim shall be payable from the minority 2575
business bonding fund. 2576

Sec. 122.90. (A) The director of development may guarantee 2577
bonds executed by sureties for minority businesses and EDGE 2578
business enterprises certified under section 123.152 of the 2579
Revised Code as principals on contracts with the state, any 2580
political subdivision or instrumentality, or any person as the 2581
obligee. The director, as guarantor, may exercise all the rights 2582
and powers of a company authorized by the department of insurance 2583
to guarantee bonds under Chapter 3929. of the Revised Code but 2584
otherwise is not subject to any laws related to a guaranty company 2585
under Title XXXIX of the Revised Code nor to any rules of the 2586
department of insurance. 2587

(B) The director shall adopt rules under Chapter 119. of the 2588
Revised Code to establish procedures for the application for bond 2589
guarantees and the review and approval of applications for bond 2590
guarantees submitted by sureties that execute bonds eligible for 2591
guarantees under division (A) of this section. 2592

(C) In accordance with rules adopted pursuant to this 2593
section, the director may guarantee up to ninety per cent of the 2594
loss incurred and paid by sureties on bonds guaranteed under 2595
division (A) of this section. 2596

(D) The penal sum amounts of all outstanding guarantees made 2597
by the director under this section shall not exceed three times 2598
the difference between the amount of moneys in the minority 2599
business bonding fund and available to the fund under division (B) 2600
of section 169.05 of the Revised Code and the amount of all 2601
outstanding bonds issued by the director in accordance with 2602
division (A) of section 122.89 of the Revised Code. 2603

Sec. 123.01. (A) The department of administrative services, 2604
in addition to those powers enumerated in Chapters 124. and 125. 2605
of the Revised Code, and as provided elsewhere by law, shall 2606
exercise the following powers: 2607

(1) To prepare, or contract to be prepared, by licensed 2608
engineers or architects, surveys, general and detailed plans, 2609
specifications, bills of materials, and estimates of cost for any 2610
projects, improvements, or public buildings to be constructed by 2611
state agencies that may be authorized by legislative 2612
appropriations or any other funds made available therefor, 2613
provided that the construction of the projects, improvements, or 2614
public buildings is a statutory duty of the department. This 2615
section does not require the independent employment of an 2616
architect or engineer as provided by section 153.01 of the Revised 2617
Code in the cases to which that section applies nor affect or 2618
alter the existing powers of the director of transportation. 2619

(2) To have general supervision over the construction of any 2620
projects, improvements, or public buildings constructed for a 2621
state agency and over the inspection of materials previous to 2622
their incorporation into those projects, improvements, or 2623
buildings; 2624

(3) To make contracts for and supervise the construction of 2625
any projects and improvements or the construction and repair of 2626
buildings under the control of a state agency, except contracts 2627
for the repair of buildings under the management and control of 2628
the departments of public safety, job and family services, mental 2629
health, mental retardation and developmental disabilities, 2630
rehabilitation and correction, and youth services, the bureau of 2631
workers' compensation, the rehabilitation services commission, and 2632
boards of trustees of educational and benevolent institutions. 2633
These contracts shall be made and entered into by the directors of 2634

public safety, job and family services, mental health, mental 2635
retardation and developmental disabilities, rehabilitation and 2636
correction, and youth services, the administrator of workers' 2637
compensation, the rehabilitation services commission, and the 2638
boards of trustees of such institutions, respectively. All such 2639
contracts may be in whole or in part on unit price basis of 2640
maximum estimated cost, with payment computed and made upon actual 2641
quantities or units. 2642

(4) To prepare and suggest comprehensive plans for the 2643
development of grounds and buildings under the control of a state 2644
agency; 2645

(5) To acquire, by purchase, gift, devise, lease, or grant, 2646
all real estate required by a state agency, in the exercise of 2647
which power the department may exercise the power of eminent 2648
domain, in the manner provided by sections 163.01 to 163.22 of the 2649
Revised Code; 2650

(6) To make and provide all plans, specifications, and models 2651
for the construction and perfection of all systems of sewerage, 2652
drainage, and plumbing for the state in connection with buildings 2653
and grounds under the control of a state agency; 2654

(7) To erect, supervise, and maintain all public monuments 2655
and memorials erected by the state, except where the supervision 2656
and maintenance is otherwise provided by law; 2657

(8) To procure, by lease, storage accommodations for a state 2658
agency; 2659

(9) To lease or grant easements or licenses for unproductive 2660
and unused lands or other property under the control of a state 2661
agency. Such leases, easements, or licenses shall be granted for a 2662
period not to exceed fifteen years and shall be executed for the 2663
state by the director of administrative services and the governor 2664
and shall be approved as to form by the attorney general, provided 2665

that leases, easements, or licenses may be granted to any county, 2666
township, municipal corporation, port authority, water or sewer 2667
district, school district, library district, health district, park 2668
district, soil and water conservation district, conservancy 2669
district, or other political subdivision or taxing district, or 2670
any agency of the United States government, for the exclusive use 2671
of that agency, political subdivision, or taxing district, without 2672
any right of sublease or assignment, for a period not to exceed 2673
fifteen years, and provided that the director shall grant leases, 2674
easements, or licenses of university land for periods not to 2675
exceed twenty-five years for purposes approved by the respective 2676
university's board of trustees wherein the uses are compatible 2677
with the uses and needs of the university and may grant leases of 2678
university land for periods not to exceed forty years for purposes 2679
approved by the respective university's board of trustees pursuant 2680
to section 123.77 of the Revised Code. 2681

(10) To lease office space in buildings for the use of a 2682
state agency; 2683

(11) To have general supervision and care of the storerooms, 2684
offices, and buildings leased for the use of a state agency; 2685

(12) To exercise general custodial care of all real property 2686
of the state; 2687

(13) To assign and group together state offices in any city 2688
in the state and to establish, in cooperation with the state 2689
agencies involved, rules governing space requirements for office 2690
or storage use; 2691

(14) To lease for a period not to exceed forty years, 2692
pursuant to a contract providing for the construction thereof 2693
under a lease-purchase plan, buildings, structures, and other 2694
improvements for any public purpose, and, in conjunction 2695
therewith, to grant leases, easements, or licenses for lands under 2696

the control of a state agency for a period not to exceed forty 2697
years. The lease-purchase plan shall provide that at the end of 2698
the lease period, the buildings, structures, and related 2699
improvements, together with the land on which they are situated, 2700
shall become the property of the state without cost. 2701

(a) Whenever any building, structure, or other improvement is 2702
to be so leased by a state agency, the department shall retain 2703
either basic plans, specifications, bills of materials, and 2704
estimates of cost with sufficient detail to afford bidders all 2705
needed information or, alternatively, all of the following plans, 2706
details, bills of materials, and specifications: 2707

(i) Full and accurate plans suitable for the use of mechanics 2708
and other builders in the improvement; 2709

(ii) Details to scale and full sized, so drawn and 2710
represented as to be easily understood; 2711

(iii) Accurate bills showing the exact quantity of different 2712
kinds of material necessary to the construction; 2713

(iv) Definite and complete specifications of the work to be 2714
performed, together with such directions as will enable a 2715
competent mechanic or other builder to carry them out and afford 2716
bidders all needed information; 2717

(v) A full and accurate estimate of each item of expense and 2718
of the aggregate cost thereof. 2719

(b) The department shall give public notice, in such 2720
newspaper, in such form, and with such phraseology as the director 2721
of administrative services prescribes, published once each week 2722
for four consecutive weeks, of the time when and place where bids 2723
will be received for entering into an agreement to lease to a 2724
state agency a building, structure, or other improvement. The last 2725
publication shall be at least eight days preceding the day for 2726
opening the bids. The bids shall contain the terms upon which the 2727

builder would propose to lease the building, structure, or other 2728
improvement to the state agency. The form of the bid approved by 2729
the department shall be used, and a bid is invalid and shall not 2730
be considered unless that form is used without change, alteration, 2731
or addition. Before submitting bids pursuant to this section, any 2732
builder shall comply with Chapter 153. of the Revised Code. 2733

(c) On the day and at the place named for receiving bids for 2734
entering into lease agreements with a state agency, the director 2735
of administrative services shall open the bids and shall publicly 2736
proceed immediately to tabulate the bids upon duplicate sheets. No 2737
lease agreement shall be entered into until the bureau of workers' 2738
compensation has certified that the person to be awarded the lease 2739
agreement has complied with Chapter 4123. of the Revised Code, 2740
until, if the builder submitting the lowest and best bid is a 2741
foreign corporation, the secretary of state has certified that the 2742
corporation is authorized to do business in this state, until, if 2743
the builder submitting the lowest and best bid is a person 2744
nonresident of this state, the person has filed with the secretary 2745
of state a power of attorney designating the secretary of state as 2746
its agent for the purpose of accepting service of summons in any 2747
action brought under Chapter 4123. of the Revised Code, and until 2748
the agreement is submitted to the attorney general and the 2749
attorney general's approval is certified thereon. Within thirty 2750
days after the day on which the bids are received, the department 2751
shall investigate the bids received and shall determine that the 2752
bureau and the secretary of state have made the certifications 2753
required by this section of the builder who has submitted the 2754
lowest and best bid. Within ten days of the completion of the 2755
investigation of the bids, the department shall award the lease 2756
agreement to the builder who has submitted the lowest and best bid 2757
and who has been certified by the bureau and secretary of state as 2758
required by this section. If bidding for the lease agreement has 2759
been conducted upon the basis of basic plans, specifications, 2760

bills of materials, and estimates of costs, upon the award to the 2761
builder the department, or the builder with the approval of the 2762
department, shall appoint an architect or engineer licensed in 2763
this state to prepare such further detailed plans, specifications, 2764
and bills of materials as are required to construct the building, 2765
structure, or improvement. The department shall adopt such rules 2766
as are necessary to give effect to this section. The department 2767
may reject any bid. Where there is reason to believe there is 2768
collusion or combination among bidders, the bids of those 2769
concerned therein shall be rejected. 2770

(15) To acquire by purchase, gift, devise, or grant and to 2771
transfer, lease, or otherwise dispose of all real property 2772
required to assist in the development of a conversion facility as 2773
defined in section 5709.30 of the Revised Code as that section 2774
existed before its repeal by . B. of the 125th general 2775
assembly; 2776

(16) To lease for a period not to exceed forty years, 2777
notwithstanding any other division of this section, the 2778
state-owned property located at 408-450 East Town Street, 2779
Columbus, Ohio, formerly the state school for the deaf, to a 2780
developer in accordance with this section. "Developer," as used in 2781
this section, has the same meaning as in section 123.77 of the 2782
Revised Code. 2783

Such a lease shall be for the purpose of development of the 2784
land for use by senior citizens by constructing, altering, 2785
renovating, repairing, expanding, and improving the site as it 2786
existed on June 25, 1982. A developer desiring to lease the land 2787
shall prepare for submission to the department a plan for 2788
development. Plans shall include provisions for roads, sewers, 2789
water lines, waste disposal, water supply, and similar matters to 2790
meet the requirements of state and local laws. The plans shall 2791
also include provision for protection of the property by insurance 2792

or otherwise, and plans for financing the development, and shall 2793
set forth details of the developer's financial responsibility. 2794

The department may employ, as employees or consultants, 2795
persons needed to assist in reviewing the development plans. Those 2796
persons may include attorneys, financial experts, engineers, and 2797
other necessary experts. The department shall review the 2798
development plans and may enter into a lease if it finds all of 2799
the following: 2800

(a) The best interests of the state will be promoted by 2801
entering into a lease with the developer; 2802

(b) The development plans are satisfactory; 2803

(c) The developer has established the developer's financial 2804
responsibility and satisfactory plans for financing the 2805
development. 2806

The lease shall contain a provision that construction or 2807
renovation of the buildings, roads, structures, and other 2808
necessary facilities shall begin within one year after the date of 2809
the lease and shall proceed according to a schedule agreed to 2810
between the department and the developer or the lease will be 2811
terminated. The lease shall contain such conditions and 2812
stipulations as the director considers necessary to preserve the 2813
best interest of the state. Moneys received by the state pursuant 2814
to this lease shall be paid into the general revenue fund. The 2815
lease shall provide that at the end of the lease period the 2816
buildings, structures, and related improvements shall become the 2817
property of the state without cost. 2818

(17) To lease to any person any tract of land owned by the 2819
state and under the control of the department, or any part of such 2820
a tract, for the purpose of drilling for or the pooling of oil or 2821
gas. Such a lease shall be granted for a period not exceeding 2822
forty years, with the full power to contract for, determine the 2823

conditions governing, and specify the amount the state shall 2824
receive for the purposes specified in the lease, and shall be 2825
prepared as in other cases. 2826

(B) This section and section 125.02 of the Revised Code shall 2827
not interfere with any of the following: 2828

(1) The power of the adjutant general to purchase military 2829
supplies, or with the custody of the adjutant general of property 2830
leased, purchased, or constructed by the state and used for 2831
military purposes, or with the functions of the adjutant general 2832
as director of state armories; 2833

(2) The power of the director of transportation in acquiring 2834
rights-of-way for the state highway system, or the leasing of 2835
lands for division or resident district offices, or the leasing of 2836
lands or buildings required in the maintenance operations of the 2837
department of transportation, or the purchase of real property for 2838
garage sites or division or resident district offices, or in 2839
preparing plans and specifications for and constructing such 2840
buildings as the director may require in the administration of the 2841
department; 2842

(3) The power of the director of public safety and the 2843
registrar of motor vehicles to purchase or lease real property and 2844
buildings to be used solely as locations to which a deputy 2845
registrar is assigned pursuant to division (B) of section 4507.011 2846
of the Revised Code and from which the deputy registrar is to 2847
conduct the deputy registrar's business, the power of the director 2848
of public safety to purchase or lease real property and buildings 2849
to be used as locations for division or district offices as 2850
required in the maintenance of operations of the department of 2851
public safety, and the power of the superintendent of the state 2852
highway patrol in the purchase or leasing of real property and 2853
buildings needed by the patrol, to negotiate the sale of real 2854
property owned by the patrol, to rent or lease real property owned 2855

or leased by the patrol, and to make or cause to be made repairs 2856
to all property owned or under the control of the patrol; 2857

(4) The power of the division of liquor control in the 2858
leasing or purchasing of retail outlets and warehouse facilities 2859
for the use of the division; 2860

(5) The power of the director of development to enter into 2861
leases of real property, buildings, and office space to be used 2862
solely as locations for the state's foreign offices to carry out 2863
the purposes of section 122.05 of the Revised Code. 2864

(C) Purchases for, and the custody and repair of, buildings 2865
under the management and control of the capitol square review and 2866
advisory board, the rehabilitation services commission, the bureau 2867
of workers' compensation, or the departments of public safety, job 2868
and family services, mental health, mental retardation and 2869
developmental disabilities, and rehabilitation and correction, and 2870
buildings of educational and benevolent institutions under the 2871
management and control of boards of trustees, are not subject to 2872
the control and jurisdiction of the department of administrative 2873
services. 2874

(D) Any instrument by which real property is acquired 2875
pursuant to this section shall identify the agency of the state 2876
that has the use and benefit of the real property as specified in 2877
section 5301.012 of the Revised Code. 2878

Sec. 123.152. (A) As used in this section, "EDGE business 2879
enterprise" means a sole proprietorship, association, partnership, 2880
corporation, limited liability corporation, or joint venture 2881
certified as a participant in the encouraging diversity, growth, 2882
and equity program by the director of administrative services 2883
under this section of the Revised Code. 2884

(B) The director of administrative services shall establish a 2885

business assistance program known as the encouraging diversity, growth, and equity program and shall adopt rules in accordance with Chapter 119. of the Revised Code to administer the program and that do all of the following: 2886
2887
2888
2889

(1) Establish procedures by which a sole proprietorship, association, partnership, corporation, limited liability corporation, or joint venture may apply for certification as an EDGE business enterprise; 2890
2891
2892
2893

(2) Establish agency procurement goals for contracting with EDGE business enterprises in the award of contracts under Chapters 123., 125., and 153. of the Revised Code based on the availability of eligible program participants by region or geographic area, as determined by the director, and by standard industrial code. 2894
2895
2896
2897
2898

(a) Goals established under division (B)(2) of this section shall be based on a percentage level of participation and a percentage of contractor availability. 2899
2900
2901

(b) Goals established under division (B)(2) of this section shall be applied at the contract level, relative to an overall dollar goal for each state agency, in accordance with the following certification categories: construction, architecture, and engineering; professional services; goods and services; and information technology services. 2902
2903
2904
2905
2906
2907

(3) Establish a system of certifying EDGE business enterprises based on a requirement that the business owner or owners show both social and economic disadvantage based on the following, as determined to be sufficient by the director: 2908
2909
2910
2911

(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business; 2912
2913
2914

(b) Social disadvantage based on any of the following: 2915

<u>(i) A rebuttable presumption when the business owner or</u>	2916
<u>owners demonstrate membership in a racial minority group or show</u>	2917
<u>personal disadvantage due to color, ethnic origin, gender,</u>	2918
<u>physical disability, long-term residence in an environment</u>	2919
<u>isolated from the mainstream of American society, location in an</u>	2920
<u>area of high unemployment;</u>	2921
<u>(ii) Some other demonstration of personal disadvantage not</u>	2922
<u>common to other small businesses;</u>	2923
<u>(iii) By business location in a qualified census tract.</u>	2924
<u>(c) Economic disadvantage based on economic and business size</u>	2925
<u>thresholds and eligibility criteria designed to stimulate economic</u>	2926
<u>development through contract awards to businesses located in</u>	2927
<u>qualified census tracts.</u>	2928
<u>(4) Establish standards to determine when an EDGE business</u>	2929
<u>enterprise no longer qualifies for EDGE business enterprise</u>	2930
<u>certification;</u>	2931
<u>(5) Develop a process for evaluating and adjusting goals</u>	2932
<u>established by this section to determine what adjustments are</u>	2933
<u>necessary to achieve participation goals established by the</u>	2934
<u>director;</u>	2935
<u>(6) Establish a point system to evaluate bid proposals to</u>	2936
<u>encourage EDGE business enterprises to participate in the</u>	2937
<u>procurement of professional design and information technology</u>	2938
<u>services;</u>	2939
<u>(7) Establish a system to track data and analyze each</u>	2940
<u>certification category established under division (B)(2)(b) of</u>	2941
<u>this section;</u>	2942
<u>(8) Establish a process to mediate complaints and to review</u>	2943
<u>EDGE business enterprise certification appeals;</u>	2944
<u>(9) Implement an outreach program to educate potential</u>	2945

participants about the encouraging diversity, growth, and equity 2946
program; 2947

(10) Establish a system to assist state agencies in 2948
identifying and utilizing EDGE business enterprises in their 2949
contracting processes; 2950

(11) Implement a system of self-reporting by EDGE business 2951
enterprises as well as an on-site inspection process to validate 2952
the qualifications of an EDGE business enterprise; 2953

(12) Establish a waiver mechanism to waive program goals or 2954
participation requirements for those companies that, despite their 2955
best-documented efforts, are unable to contract with certified 2956
EDGE business enterprises; 2957

(13) Establish a process for monitoring overall program 2958
compliance in which equal employment opportunity officers 2959
primarily are responsible for monitoring their respective 2960
agencies. 2961

(C) Not later than December 31, 2003, the director of 2962
administrative services shall prepare a detailed report to the 2963
governor outlining and evaluating the progress made in 2964
implementing the encouraging diversity, growth, and equity 2965
program. 2966

Sec. 123.153. The director of development shall do all of the 2967
following with regard to the encouraging diversity, growth, and 2968
equity program created under section 123.152 of the Revised Code: 2969

(A) Conduct outreach, marketing, and recruitment of EDGE 2971
business enterprises; 2972

(B) Provide assistance to the department of administrative 2973
services, as needed, to certify new EDGE business enterprises and 2974
to train appropriate state agency staff; 2975

(C) Provide business development services to EDGE business enterprises in the developmental and transitional stages of the program, including financial and bonding and management and technical assistance; 2976
2977
2978
2979

(D) Develop a mentor program to bring businesses into a working relationship with EDGE business enterprises in a way that commercially benefits both entities and serves the purpose of the EDGE program; 2980
2981
2982
2983

(E) Not later than December 31, 2003, prepare a detailed report to the governor outlining and evaluating the progress made in implementing the encouraging diversity, growth, and equity program; 2984
2985
2986
2987

(F) Establish processes by which an EDGE business enterprise may apply for contract assistance, financial and bonding assistance, management and technical assistance, and mentoring opportunities. 2988
2989
2990
2991

Sec. 124.03. The state personnel board of review shall 2992
exercise the following powers and perform the following duties: 2993

(A) Hear appeals, as provided by law, of employees in the 2994
classified state service from final decisions of appointing 2995
authorities or the director of administrative services relative to 2996
reduction in pay or position, job abolishments, layoff, 2997
suspension, discharge, assignment or reassignment to a new or 2998
different position classification, or refusal of the director, or 2999
anybody authorized to perform the director's functions, to 3000
reassign an employee to another classification or to reclassify 3001
the employee's position with or without a job audit under division 3002
(D) of section 124.14 of the Revised Code. As used in this 3003
division, "discharge" includes disability separations. ~~The~~ 3004

The board may affirm, disaffirm, or modify the decisions of 3005

the appointing authorities or the director, as the case may be, 3006
and its decision is final. The board's decisions shall be 3007
consistent with the applicable classification specifications. ~~The~~ 3008

The board shall not be deprived of jurisdiction to hear any 3009
appeal due to the failure of an appointing authority to file its 3010
decision with the board. Any final decision of an appointing 3011
authority or of the director not filed in the manner provided in 3012
this chapter shall be disaffirmed. ~~The~~ 3013

The board may place an exempt employee, as defined in section 3014
124.152 of the Revised Code, into a bargaining unit 3015
classification, if the board determines that the bargaining unit 3016
classification is the proper classification for that employee. 3017
Notwithstanding Chapter 4117. of the Revised Code or instruments 3018
and contracts negotiated under it, such placements are at the 3019
board's discretion. 3020

In any hearing before the board, including any hearing at 3021
which a record is taken that may be the basis of an appeal to a 3022
court, an employee may be represented by a person permitted to 3023
practice before the board who is not an attorney at law ~~so~~ as long 3024
as the person does not receive any compensation from the employee 3025
for ~~such~~ the representation. 3026

(B) Hear appeals, as provided by law, of appointing 3027
authorities from final decisions of the director relative to the 3028
classification or reclassification of any position in the 3029
classified state service under the jurisdiction of ~~such~~ that 3030
appointing authority. The board may affirm, disaffirm, or modify 3031
the decisions of the director, and its decision is final. The 3032
board's decisions shall be consistent with the applicable 3033
classification specifications. 3034

(C) Exercise the authority provided by section 124.40 of the 3035
Revised Code, for appointment, removal, and supervision of 3036

municipal and civil service township civil service commissions; 3037

(D) Appoint a secretary, referees, examiners, and whatever 3038
other employees are necessary in the exercise of its powers and 3039
performance of its duties and functions. The board shall determine 3040
appropriate education and experience requirements for its 3041
secretary, referees, examiners, and other employees and shall 3042
prescribe their duties. A referee or examiner does not need to 3043
have been admitted to the practice of law. 3044

(E) Maintain a journal ~~which~~ that shall be open to public 3045
inspection, in which it shall keep a record of all of its 3046
proceedings and of the vote of each of its members upon every 3047
action taken by it; 3048

(F) Adopt rules in accordance with Chapter 119. of the 3049
Revised Code relating to the procedure of the board in 3050
administering the laws ~~which~~ it has the authority or duty to 3051
administer and for the purpose of invoking the jurisdiction of the 3052
board in hearing appeals of appointing authorities and employees 3053
in matters set forth in divisions (A) and (B) of this section; 3054

(G) Subpoena and require the attendance and testimony of 3055
witnesses and the production of books, papers, public records, and 3056
other documentary evidence pertinent to any matter ~~which~~ it has 3057
authority to investigate, inquire into, or hear in the same manner 3058
and to the same extent as provided by division (G) of section 3059
124.09 of the Revised Code. All witness fees shall be paid in the 3060
manner set forth in that division. 3061

(H) The board shall be funded by general revenue fund 3062
appropriations. All moneys received by the board for copies of 3063
documents, rule books, and transcriptions shall be paid into the 3064
state treasury to the credit of the transcript and other documents 3065
fund, which is hereby created to defray the cost of ~~furnishing or~~ 3066
~~making available such copies, rule books, and transcriptions~~ 3067

producing an administrative record. 3068

Sec. 125.05. Except as provided in division (E) of this 3069
section, no state agency shall purchase any supplies or services 3070
except as provided in divisions (A) to (C) of this section. 3071

(A) Subject to division (D) of this section, a state agency 3072
may, without competitive selection, make any purchase of services 3073
that cost fifty thousand dollars or less or any purchase of 3074
supplies that cost twenty-five thousand dollars or less. The 3075
agency may make the purchase directly or may make the purchase 3076
from or through the department of administrative services, 3077
whichever the agency determines. The department shall establish 3078
written procedures to assist state agencies when they make direct 3079
purchases. If the agency makes the purchase directly, it shall 3080
make the purchase by a term contract whenever possible. 3081

(B) Subject to division (D) of this section, a state agency 3082
wanting to purchase services that cost more than fifty thousand 3083
dollars or supplies that cost more than twenty-five thousand 3084
dollars shall, unless otherwise authorized by law, make the 3085
purchase from or through the department. The department shall make 3086
the purchase by competitive selection under section 125.07 of the 3087
Revised Code. If the director of administrative services 3088
determines that it is not possible or not advantageous to the 3089
state for the department to make the purchase, the department 3090
shall grant the agency a release and permit under section 125.06 3091
of the Revised Code to make the purchase. Section 127.16 of the 3092
Revised Code does not apply to purchases the department makes 3093
under this section. 3094

(C) An agency that has been granted a release and permit to 3095
make a purchase may make the purchase without competitive 3096
selection if after making the purchase the cumulative purchase 3097
threshold as computed under division (F) of section 127.16 of the 3098

Revised Code would:	3099
(1) Be exceeded and the controlling board approves the purchase;	3100 3101
(2) Not be exceeded and the department of administrative services approves the purchase.	3102 3103
(D) Not later than January 31, 1997, the amounts specified in divisions (A) and (B) of this section and, not later than the thirty-first day of January of each second year thereafter, any amounts computed by adjustments made under this division, shall be increased or decreased by the average percentage increase or decrease in the consumer price index prepared by the United States bureau of labor statistics (U.S. City Average for Urban Wage Earners and Clerical Workers: "All Items 1982-1984=100") for the twenty-four calendar month period prior to the immediately preceding first day of January over the immediately preceding twenty-four calendar month period, as reported by the bureau. The director of administrative services shall make this determination and adjust the appropriate amounts accordingly.	3104 3105 3106 3107 3108 3109 3110 3111 3112 3113 3114 3115 3116
(E) If the Ohio SchoolNet commission, the department of education, or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the office, department, or network shall certify that fact to the department of administrative services and, acting as an agent for the specified school districts, shall make that purchase without following the provisions in divisions (A) to (D) of this section.	3117 3118 3119 3120 3121 3122 3123 3124 3125 3126
Sec. 125.15. All state agencies required to secure any equipment, materials, supplies, <u>or</u> services, or contracts of insurance from the department of administrative services shall	3127 3128 3129

make acquisition in the manner and upon forms prescribed by the 3130
director of administrative services and shall reimburse the 3131
department for the equipment, materials, supplies, or services, ~~or~~ 3132
~~contracts of insurance~~, including a reasonable sum to cover the 3133
department's administrative costs, whenever reimbursement is 3134
required by the department. The money so paid shall be deposited 3135
in the state treasury to the credit of the general services fund 3136
or the information technology fund, as appropriate. ~~Such~~ Those 3137
funds are hereby created. 3138

Sec. 125.91. As used in sections 125.92 to 125.98 of the 3139
Revised Code: 3140

(A) "State agency" includes every department, bureau, board, 3141
commission, office, or other organized body established by the 3142
constitution and laws of the state for the exercise of any 3143
function of state government, but does not include any 3144
state-supported institution of higher education, the general 3145
assembly or any legislative agency, the attorney general, the 3146
auditor of state, the secretary of state, the treasurer of state, 3147
the bureau of workers' compensation, any court or judicial agency, 3148
or any political subdivision or agency ~~thereof~~ of a political 3149
subdivision. 3150

(B) "Form" means any document, device, or item used to convey 3151
information, regardless of medium, that has blank spaces for the 3152
insertion of information and that may have a predetermined format 3153
and data elements to guide the entry, ~~interpretation~~ 3154
interpretation, and use of the information. "Form" does not 3155
include letterheads, envelopes, labels, tags, tickets, or note 3156
pads, or forms mandated by the federal government, but does 3157
include all computer-generated forms except those mandated by the 3158
federal government. ~~As used in sections 125.931 to 125.935 of the~~ 3159
~~Revised Code, "form" applies only to a form that is used by a~~ 3160

~~state agency and that is completed in whole or in part by private~~ 3161
~~business, political subdivisions, or the public.~~ 3162

Sec. 125.92. There is hereby established in the department of 3163
administrative services a state forms management ~~control center~~ 3164
program, which shall be under the control and supervision of the 3165
director of administrative services, ~~who shall appoint an~~ 3166
~~administrator of the center~~ or the director's designee. 3167

The ~~center~~ state forms management program shall ~~develop,~~ 3168
~~implement, and maintain a statewide forms management program that~~ 3169
~~involves~~ be developed, implemented, and maintained for all state 3170
agencies and ~~is~~ be designed to simplify, consolidate, or 3171
eliminate, when expedient, forms, surveys, and other documents 3172
used by state agencies. In developing the program, particular 3173
emphasis shall be placed upon determining the actual need for any 3174
information, records, and reports sought from private business, 3175
agriculture, and local governments through the use of ~~such~~ forms, 3176
surveys, and other documents. 3177

Sec. 125.93. The state forms management ~~control center~~ 3178
program shall do each of the following: 3179

(A) Assist state agencies in establishing internal forms 3180
management capabilities; 3181

(B) Study, develop, coordinate, and initiate forms of 3182
interagency and common administrative usage, and establish basic 3183
design and specification criteria to standardize state forms; 3184

(C) Assist state agencies to design economical forms ~~and~~ 3185
~~compose art work for forms;~~ 3186

(D) ~~Establish and supervise control procedures to prevent the~~ 3187
~~undue creation and reproduction of state forms;~~ 3188

~~(E)~~ Assist, train, and instruct state agencies and their 3189

forms management representatives in forms management techniques, 3190
and provide direct forms management assistance to new state 3191
agencies as they are created; 3192

~~(F)~~(E) Maintain a central ~~cross index~~ forms repository of all 3193
state forms to facilitate standardization of the forms, eliminate 3194
redundant forms, and provide a central source of information on 3195
forms usage and availability; 3196

~~(G) Utilize existing functions within the department of 3197
administrative services to design economical forms and compose art 3198
work, as well as use appropriate procurement techniques to take 3199
advantage of competitive selection, consolidated orders, and 3200
contract procurement of forms; 3201~~

~~(H) Conduct an annual evaluation of the effectiveness of the 3202
forms management program and the forms management practices of 3203
individual state agencies, and maintain records that indicate 3204
dollar savings resulting from, and the number of forms eliminated, 3205
simplified, or standardized through, centralized forms management. 3206
The results of the evaluation shall be reported to the speaker of 3207
the house of representatives and president of the senate not later 3208
than the fifteenth day of January each year. The center shall 3209
report on the first day of each month to the state records 3210
administrator on its activities during the preceding month. 3211~~

Sec. 125.95. (A) The ~~administrator of the state forms 3212
management control center~~ program may permit any state agency to 3213
manage fully any forms used or proposed to be used by it, whenever 3214
the ~~administrator~~ program determines that the delegation will 3215
result in the most timely and economical method of accomplishing 3216
the objectives of the ~~forms management~~ program as set forth in 3217
section 125.93 of the Revised Code. A determination to delegate to 3218
a state agency authority to manage forms may, among other matters, 3219
take into consideration the benefits of central management of any 3220

form in relation to the costs associated with ~~such~~ that 3221
management. 3222

(B) To expedite the collection and disposition of general 3223
state and local revenue, the ~~administrator~~ state forms management 3224
program shall permit, without prior authorization, the tax 3225
commissioner to design, print or have printed, distribute, and 3226
require the use of those forms ~~which~~ that the tax commissioner 3227
determines are necessary for the proper administration of those 3228
taxes and programs ~~he~~ the tax commissioner administers except as 3229
provided in division (A) of section 4307.05 of the Revised Code. 3230
The tax commissioner shall report to the ~~administrator~~ program not 3231
later than fifteen days after the close of each calendar quarter 3232
with respect to the forms activities occurring within ~~his~~ the tax 3233
commissioner's agency during the preceding calendar quarter. 3234

Sec. 125.96. The director of administrative services may 3235
adopt, amend, or rescind rules necessary to carry out the powers 3236
and duties imposed upon the state forms management ~~control center~~ 3237
~~and its administrator~~ program and state agencies by sections 3238
125.92 to 125.98 of the Revised Code. The director shall adopt, 3239
and may amend or rescind, rules providing ~~that~~ each of the 3240
following: 3241

(A) After a date to be determined by the ~~administrator~~ state 3242
forms management program, no state agency shall utilize any form, 3243
other than a form subject to division (B) of section 125.95 of the 3244
Revised Code, the management of which has not been delegated to 3245
the agency by the ~~administrator~~ program under division (A) of that 3246
section ~~125.95 of the Revised Code~~ or ~~that has not~~ been approved 3247
by the ~~center~~ program. 3248

(B) The notice required by section 125.97 of the Revised Code 3249
shall appear in a standard place and a standard manner on each 3250
form to which the notice applies, and shall include specified 3251

indicia of approval by the ~~administrator~~ state forms management 3252
program. 3253

(C) Any form required by a state agency on an emergency basis 3254
may be given interim approval by the ~~administrator~~ state forms 3255
management program if the form is accompanied by a letter from the 3256
director or other head of the agency setting forth the nature of 3257
the emergency and requesting interim approval. 3258

Sec. 125.98. (A) Each state agency shall appoint a forms 3259
management representative, who may be from existing personnel. The 3260
appointee shall cooperate with, and provide other necessary 3261
assistance to, the director of administrative services and the 3262
~~administrator of the state forms management control center~~ program 3263
in implementing the ~~state forms management~~ program. A forms 3264
management representative shall do all of the following: 3265

(1) Manage the agency's forms management program and 3266
cooperate with and provide other necessary assistance to the 3267
director of administrative services in implementing the state 3268
forms management program; 3269

(2) Monitor the use and reproduction of all forms to ensure 3270
that all policies, procedures, guidelines, and standards 3271
established by the agency and the director of administrative 3272
services are followed; 3273

(3) Ensure that every form used by the agency is presented to 3274
the state forms management ~~control center~~ program for registration 3275
prior to its reproduction; 3276

(4) Maintain a master forms file history file, in numeric 3277
order, of all agency forms; 3278

(5) Verify and update the information on all forms ~~computer~~ 3279
~~file reports returned to the agency by the state forms management~~ 3280
~~control center~~ in the central forms repository database. 3281

(B) Any state agency, as ~~such term is~~ defined in section 1.60 3282
of the Revised Code, not included within the definition of a state 3283
agency in section 125.91 of the Revised Code may elect to 3284
participate in the state forms management program. The ~~center~~ 3285
program may provide to any such agency any service required or 3286
authorized by sections 125.92 to 125.98 of the Revised Code to be 3287
performed for a state agency. 3288

Sec. 126.11. (A)(1) The director of budget and management 3289
shall, upon consultation with the treasurer of state, coordinate 3290
and approve the scheduling of initial sales of publicly offered 3291
securities of the state and of publicly offered fractionalized 3292
interests in or securitized issues of public obligations of the 3293
state. The director shall from time to time develop and distribute 3294
to state issuers an approved sale schedule for each of the 3295
obligations covered by division (A) or (B) of this section. 3296
Division (A) of this section applies only to those obligations on 3297
which the state or a state agency is the direct obligor or obligor 3298
on any backup security or related credit enhancement facility or 3299
source of money subject to state appropriations that is intended 3300
for payment of those obligations. 3301

(2) The issuers of obligations pursuant to section 151.03, 3302
151.04, 151.05, 151.07, or 151.09 or Chapter 152. of the Revised 3303
Code shall submit to the director: 3304

(a) For review and approval: the projected sale date, amount, 3305
and type of obligations proposed to be sold; their purpose, 3306
security, and source of payment; and the proposed structure and 3307
maturity schedule; 3308

(b) For review and comment: the authorizing order or 3309
resolution; preliminary and final offering documents; method of 3310
sale; preliminary and final pricing information; and any written 3311
reports or recommendations of financial advisors or consultants 3312

relating to those obligations; 3313

(c) Promptly after each sale of those obligations: final 3314
terms, including sale price, maturity schedule and yields, and 3315
sources and uses; names of the original purchasers or 3316
underwriters; a copy of the final offering document and of the 3317
transcript of proceedings; and any other pertinent information 3318
requested by the director. 3319

(3) The issuer of obligations pursuant to section 151.06 , 3320
151.08, or 151.40 or Chapter 154. of the Revised Code shall submit 3321
to the director: 3322

(a) For review and mutual agreement: the projected sale date, 3323
amount, and type of obligations proposed to be sold; their 3324
purpose, security, and source of payment; and the proposed 3325
structure and maturity schedule; 3326

(b) For review and comment: the authorizing order or 3327
resolution; preliminary and final offering documents; method of 3328
sale; preliminary and final pricing information; and any written 3329
reports or recommendations of financial advisors or consultants 3330
relating to those obligations; 3331

(c) Promptly after each sale of those obligations: final 3332
terms, including sale price, maturity schedule and yields, and 3333
sources and uses; names of the original purchasers or 3334
underwriters; a copy of the final offering document and of the 3335
transcript of proceedings; and any other pertinent information 3336
requested by the director. 3337

(4) The issuers of obligations pursuant to Chapter 166., 3338
~~4981.~~ 5507., 5540., or 6121., or section 5531.10, of the Revised 3339
Code shall submit to the director: 3340

(a) For review and comment: the projected sale date, amount, 3341
and type of obligations proposed to be sold; the purpose, 3342
security, and source of payment; and preliminary and final 3343

offering documents; 3344

(b) Promptly after each sale of those obligations: final 3345
terms, including a maturity schedule; names of the original 3346
purchasers or underwriters; a copy of the complete continuing 3347
disclosure agreement pursuant to S.E.C. rule 15c2-12 or equivalent 3348
rule as from time to time in effect; and any other pertinent 3349
information requested by the director. 3350

(5) Not later than thirty days after the end of a fiscal 3351
year, each issuer of obligations subject to divisions (A) and (B) 3352
of this section shall submit to the director and to the treasurer 3353
of state a sale plan for the then current fiscal year for each 3354
type of obligation, projecting the amount and term of each 3355
issuance, the method of sale, and the month of sale. 3356

(B) Issuers of obligations pursuant to section 3318.085 or 3357
Chapter 175., 3366., 3706., 3737., 5537., 6121., or 6123. of the 3358
Revised Code shall submit to the director copies of the 3359
preliminary and final offering documents upon their availability 3360
if not previously submitted pursuant to division (A) of this 3361
section. 3362

(C) Not later than the first day of January of each year, 3363
every state agency obligated to make payments on outstanding 3364
public obligations with respect to which fractionalized interests 3365
have been publicly issued, such as certificates of participation, 3366
shall submit a report to the director of the amounts payable from 3367
state appropriations under those public obligations during the 3368
then current and next two fiscal years, identifying the 3369
appropriation or intended appropriation from which payment is 3370
expected to be made. 3371

(D)(1) Information relating generally to the historic, 3372
current, or future demographics or economy or financial condition 3373
or funds or general operations of the state, and descriptions of 3374

any state contractual obligations relating to public obligations, 3375
to be contained in any offering document, continuing disclosure 3376
document, or written presentation prepared, approved, or provided, 3377
or committed to be provided, by an issuer in connection with the 3378
original issuance and sale of, or rating, remarketing, or credit 3379
enhancement facilities relating to, public obligations referred to 3380
in division (A) of this section shall be approved as to format and 3381
accuracy by the director before being presented, published, or 3382
disseminated in preliminary, draft, or final form, or publicly 3383
filed in paper, electronic, or other format. 3384

(2) Except for information described in division (D)(1) of 3385
this section that is to be contained in an offering document, 3386
continuing disclosure document, or written presentation, division 3387
(D)(1) of this section does not inhibit direct communication 3388
between an issuer and a rating agency, remarketing agent, or 3389
credit enhancement provider concerning an issuance of public 3390
obligations referred to in division (A) of this section or matters 3391
associated with that issuance. 3392

(3) The materials approved and provided pursuant to division 3393
(D) of this section are the information relating to the particular 3394
subjects provided by the state or state agencies that are required 3395
or contemplated by any applicable state or federal securities laws 3396
and any commitments by the state or state agencies made under 3397
those laws. Reliance for the purpose should not be placed on any 3398
other information publicly provided, in any format including 3399
electronic, by any state agency for other purposes, including 3400
general information provided to the public or to portions of the 3401
public. A statement to that effect shall be included in those 3402
materials so approved or provided. 3403

(E) Issuers of obligations referred to in division (A) of 3404
this section may take steps, by formal agreement, covenants in the 3405
proceedings, or otherwise, as may be necessary or appropriate to 3406

comply or permit compliance with applicable lawful disclosure 3407
requirements relating to those obligations, and may, subject to 3408
division (D) of this section, provide, make available, or file 3409
copies of any required disclosure materials as necessary or 3410
appropriate. Any such formal agreement or covenant relating to 3411
subjects referred to in division (D) of this section, and any 3412
description of that agreement or covenant to be contained in any 3413
offering document, shall be approved by the director before being 3414
entered into or published or publicly disseminated in preliminary, 3415
draft, or final form or publicly filed in paper, electronic, or 3416
other format. The director shall be responsible for making all 3417
filings in compliance with those requirements relating to direct 3418
obligations of the state, including fractionalized interests in 3419
those obligations. 3420

(F) No state agency or official shall, without the approval 3421
of the director of budget and management, do either of the 3422
following: 3423

(1) Enter into or commit to enter into a public obligation 3424
under which fractionalized interests in the payments are to be 3425
publicly offered, which payments are anticipated to be made from 3426
money from any source appropriated or to be appropriated by the 3427
general assembly or in which the provision stated in section 9.94 3428
of the Revised Code is not included; 3429

(2) Except as otherwise expressly authorized for the purpose 3430
by law, agree or commit to provide, from money from any source to 3431
be appropriated in the future by the general assembly, financial 3432
assistance to or participation in the costs of capital facilities, 3433
or the payment of debt charges, directly or by way of a credit 3434
enhancement facility, a reserve, rental payments, or otherwise, on 3435
obligations issued to pay costs of capital facilities. 3436

(G) As used in this section, "credit enhancement facilities," 3437
"debt charges," "fractionalized interests in public obligations," 3438

"obligor," "public issuer," and "securities" have the same 3439
meanings as in section 133.01 of the Revised Code; "public 3440
obligation" has the same meaning as in division (GG)(2) of section 3441
133.01 of the Revised Code; "obligations" means securities or 3442
public obligations or fractionalized interests in them; "issuers" 3443
means issuers of securities or state obligors on public 3444
obligations; "offering document" means an official statement, 3445
offering circular, private placement memorandum, or prospectus, or 3446
similar document; and "director" means the director of budget and 3447
management or the employee of the office of budget and management 3448
designated by the director for the purpose. 3449

Sec. 127.16. (A) Upon the request of either a state agency or 3450
the director of budget and management and after the controlling 3451
board determines that an emergency or a sufficient economic reason 3452
exists, the controlling board may approve the making of a purchase 3453
without competitive selection as provided in division (B) of this 3454
section. 3455

(B) Except as otherwise provided in this section, no state 3456
agency, using money that has been appropriated to it directly, 3457
shall: 3458

(1) Make any purchase from a particular supplier, that would 3459
amount to fifty thousand dollars or more when combined with both 3460
the amount of all disbursements to the supplier during the fiscal 3461
year for purchases made by the agency and the amount of all 3462
outstanding encumbrances for purchases made by the agency from the 3463
supplier, unless the purchase is made by competitive selection or 3464
with the approval of the controlling board; 3465

(2) Lease real estate from a particular supplier, if the 3466
lease would amount to seventy-five thousand dollars or more when 3467
combined with both the amount of all disbursements to the supplier 3468
during the fiscal year for real estate leases made by the agency 3469

and the amount of all outstanding encumbrances for real estate 3470
leases made by the agency from the supplier, unless the lease is 3471
made by competitive selection or with the approval of the 3472
controlling board. 3473

(C) Any person who authorizes a purchase in violation of 3474
division (B) of this section shall be liable to the state for any 3475
state funds spent on the purchase, and the attorney general shall 3476
collect the amount from the person. 3477

(D) Nothing in division (B) of this section shall be 3478
construed as: 3479

(1) A limitation upon the authority of the director of 3480
transportation as granted in sections 5501.17, 5517.02, and 3481
5525.14 of the Revised Code; 3482

(2) Applying to medicaid provider agreements under Chapter 3483
5111. of the Revised Code or payments or provider agreements under 3484
the disability ~~assistance~~ medical assistance program established 3485
under Chapter 5115. of the Revised Code; 3486

(3) Applying to the purchase of examinations from a sole 3487
supplier by a state licensing board under Title XLVII of the 3488
Revised Code; 3489

(4) Applying to entertainment contracts for the Ohio state 3490
fair entered into by the Ohio expositions commission, provided 3491
that the controlling board has given its approval to the 3492
commission to enter into such contracts and has approved a total 3493
budget amount for such contracts as agreed upon by commission 3494
action, and that the commission causes to be kept itemized records 3495
of the amounts of money spent under each contract and annually 3496
files those records with the clerk of the house of representatives 3497
and the clerk of the senate following the close of the fair; 3498

(5) Limiting the authority of the chief of the division of 3499
mineral resources management to contract for reclamation work with 3500

an operator mining adjacent land as provided in section 1513.27 of 3501
the Revised Code; 3502

(6) Applying to investment transactions and procedures of any 3503
state agency, except that the agency shall file with the board the 3504
name of any person with whom the agency contracts to make, broker, 3505
service, or otherwise manage its investments, as well as the 3506
commission, rate, or schedule of charges of such person with 3507
respect to any investment transactions to be undertaken on behalf 3508
of the agency. The filing shall be in a form and at such times as 3509
the board considers appropriate. 3510

(7) Applying to purchases made with money for the per cent 3511
for arts program established by section 3379.10 of the Revised 3512
Code; 3513

(8) Applying to purchases made by the rehabilitation services 3514
commission of services, or supplies, that are provided to persons 3515
with disabilities, or to purchases made by the commission in 3516
connection with the eligibility determinations it makes for 3517
applicants of programs administered by the social security 3518
administration; 3519

(9) Applying to payments by the department of job and family 3520
services under section 5111.13 of the Revised Code for group 3521
health plan premiums, deductibles, coinsurance, and other 3522
cost-sharing expenses; 3523

(10) Applying to any agency of the legislative branch of the 3524
state government; 3525

(11) Applying to agreements or contracts entered into under 3526
section 5101.11, 5101.21, ~~or~~ 5101.211, 5101.212, or 5101.214 of 3527
the Revised Code; 3528

(12) Applying to purchases of services by the adult parole 3529
authority under section 2967.14 of the Revised Code or by the 3530
department of youth services under section 5139.08 of the Revised 3531

Code;	3532
(13) Applying to dues or fees paid for membership in an organization or association;	3533 3534
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	3535 3536
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	3537 3538 3539 3540
(16) Applying to purchases of tickets for passenger air transportation;	3541 3542
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	3543 3544 3545
(18) Applying to the judicial branch of state government;	3546
(19) Applying to purchases of liquor for resale by the division of liquor control;	3547 3548
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	3549 3550 3551
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	3552 3553 3554 3555
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	3556 3557 3558
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	3559 3560

(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	3561 3562 3563 3564
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 4115.31 to 4115.35 of the Revised Code;	3565 3566
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	3567 3568 3569 3570 3571
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under sections 5123.18, 5123.182, and 5111.252 <u>5123.199</u> of the Revised Code;	3572 3573 3574
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	3575 3576 3577
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	3578 3579 3580 3581 3582 3583
(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	3584 3585 3586 3587 3588
(31) Applying to the department of job and family services' purchases of health assistance services under the children's	3589 3590

health insurance program part I provided for under section 5101.50 3591
of the Revised Code or the children's health insurance program 3592
part II provided for under section 5101.51 of the Revised Code; 3593

(32) Applying to payments by the attorney general from the 3594
reparations fund to hospitals and other emergency medical 3595
facilities for performing medical examinations to collect physical 3596
evidence pursuant to section 2907.28 of the Revised Code; 3597

(33) Applying to contracts with a contracting authority or 3598
administrative receiver under division (G)(2) of section 5126.055 3599
of the Revised Code. 3600

(E) Notwithstanding division (B)(1) of this section, the 3601
cumulative purchase threshold shall be seventy-five thousand 3602
dollars for the departments of mental retardation and 3603
developmental disabilities, mental health, rehabilitation and 3604
correction, and youth services. 3605

(F) When determining whether a state agency has reached the 3606
cumulative purchase thresholds established in divisions (B)(1), 3607
(B)(2), and (E) of this section, all of the following purchases by 3608
such agency shall not be considered: 3609

(1) Purchases made through competitive selection or with 3610
controlling board approval; 3611

(2) Purchases listed in division (D) of this section; 3612

(3) For the purposes of the thresholds of divisions (B)(1) 3613
and (E) of this section only, leases of real estate. 3614

(G) As used in this section, "competitive selection," 3615
"purchase," "supplies," and "services" have the same meanings as 3616
in section 125.01 of the Revised Code. 3617

Sec. 131.23. The various political subdivisions of this state 3618
may issue bonds, and any indebtedness created by such issuance 3619
shall not be subject to the limitations or included in the 3620

calculation of indebtedness prescribed by sections 133.05, 133.06, 3621
133.07, and 133.09 of the Revised Code, but such bonds may be 3622
issued only under the following conditions: 3623

(A) The subdivision desiring to issue such bonds shall obtain 3624
from the county auditor a certificate showing the total amount of 3625
delinquent taxes due and unpayable to such subdivision at the last 3626
semiannual tax settlement. 3627

(B) The fiscal officer of that subdivision shall prepare a 3628
statement, from the books of the subdivision, verified by ~~him~~ the 3629
fiscal officer under oath, which shall contain the following facts 3630
of such subdivision: 3631

(1) The total bonded indebtedness; 3632

(2) The aggregate amount of notes payable or outstanding 3633
accounts of the subdivision, incurred prior to the commencement of 3634
the current fiscal year, which shall include all evidences of 3635
indebtedness issued by the subdivision except notes issued in 3636
anticipation of bond issues and the indebtedness of any 3637
nontax-supported public utility; 3638

(3) Except in the case of school districts, the aggregate 3639
current year's requirement for disability financial assistance and 3640
disability medical assistance provided under Chapter 5115. of the 3641
Revised Code that the subdivision is unable to finance except by 3642
the issue of bonds; 3643

(4) The indebtedness outstanding through the issuance of any 3644
bonds or notes pledged or obligated to be paid by any delinquent 3645
taxes; 3646

(5) The total of any other indebtedness; 3647

(6) The net amount of delinquent taxes unpledged to pay any 3648
bonds, notes, or certificates, including delinquent assessments on 3649
improvements on which the bonds have been paid; 3650

(7) The budget requirements for the fiscal year for bond and note retirement; 3651
3652

(8) The estimated revenue for the fiscal year. 3653

(C) The certificate and statement provided for in divisions (A) and (B) of this section shall be forwarded to the tax commissioner together with a request for authority to issue bonds of such subdivision in an amount not to exceed seventy per cent of the net unobligated delinquent taxes and assessments due and owing to such subdivision, as set forth in division (B)(6) of this section. 3654
3655
3656
3657
3658
3659
3660

(D) No subdivision may issue bonds under this section in excess of a sufficient amount to pay the indebtedness of the subdivision as shown by division (B)(2) of this section and, except in the case of school districts, to provide funds for disability financial assistance and disability medical assistance, as shown by division (B)(3) of this section. 3661
3662
3663
3664
3665
3666

(E) The tax commissioner shall grant to such subdivision authority requested by such subdivision as restricted by divisions (C) and (D) of this section and shall make a record of the certificate, statement, and grant in a record book devoted solely to such recording and which shall be open to inspection by the public. 3667
3668
3669
3670
3671
3672

(F) The commissioner shall immediately upon issuing the authority provided in division (E) of this section notify the proper authority having charge of the retirement of bonds of such subdivision by forwarding a copy of such grant of authority and of the statement provided for in division (B) of this section. 3673
3674
3675
3676
3677

(G) Upon receipt of authority, the subdivision shall proceed according to law to issue the amount of bonds authorized by the commissioner, and authorized by the taxing authority, provided the taxing authority of that subdivision may by resolution submit to 3678
3679
3680
3681

the electors of that subdivision the question of issuing such 3682
bonds. Such resolution shall make the declarations and statements 3683
required by section 133.18 of the Revised Code. The county auditor 3684
and taxing authority shall thereupon proceed as set forth in 3685
divisions (C) and (D) of such section. The election on the 3686
question of issuing such bonds shall be held under divisions (E), 3687
(F), and (G) of such section, except that publication of the 3688
notice of such election shall be made on four separate days prior 3689
to such election in one or more newspapers of general circulation 3690
in the subdivisions. Such bonds may be exchanged at their face 3691
value with creditors of the subdivision in liquidating the 3692
indebtedness described and enumerated in division (B)(2) of this 3693
section or may be sold as provided in Chapter 133. of the Revised 3694
Code, and in either event shall be uncontestable. 3695

(H) The per cent of delinquent taxes and assessments 3696
collected for and to the credit of the subdivision after the 3697
exchange or sale of bonds as certified by the commissioner shall 3698
be paid to the authority having charge of the sinking fund of the 3699
subdivision, which money shall be placed in a separate fund for 3700
the purpose of retiring the bonds so issued. The proper authority 3701
of the subdivisions shall provide for the levying of a tax 3702
sufficient in amount to pay the debt charges on all such bonds 3703
issued under this section. 3704

(I) This section is for the sole purpose of assisting the 3705
various subdivisions in paying their unsecured indebtedness, and 3706
providing funds for disability financial assistance and disability 3707
medical assistance. The bonds issued under authority of this 3708
section shall not be used for any other purpose and any exchange 3709
for other purposes, or the use of the money derived from the sale 3710
of such bonds by the subdivision for any other purpose, is 3711
misapplication of funds. 3712

(J) The bonds authorized by this section shall be redeemable 3713

or payable in not to exceed ten years from date of issue and shall 3714
not be subject to or considered in calculating the net 3715
indebtedness of the subdivision. The budget commission of the 3716
county in which the subdivision is located shall annually allocate 3717
such portion of the then delinquent levy due such subdivision 3718
which is unpledged for other purposes to the payment of debt 3719
charges on the bonds issued under authority of this section. 3720

(K) The issue of bonds under this section shall be governed 3721
by Chapter 133. of the Revised Code, respecting the terms used, 3722
forms, manner of sale, and redemption except as otherwise provided 3723
in this section. 3724

The board of county commissioners of any county may issue 3725
bonds authorized by this section and distribute the proceeds of 3726
such bond issues to any or all of the cities and townships of such 3727
counties, according to their relative needs for disability 3728
financial assistance and disability medical assistance as 3729
determined by such county. 3730

All sections of the Revised Code inconsistent with or 3731
prohibiting the exercise of the authority conferred by this 3732
section are inoperative respecting bonds issued under this 3733
section. 3734

Sec. 131.35. (A) With respect to the federal funds received 3735
into any fund of the state from which transfers may be made under 3736
division (D) of section 127.14 of the Revised Code: 3737

(1) No state agency may make expenditures of any federal 3738
funds, whether such funds are advanced prior to expenditure or as 3739
reimbursement, unless such expenditures are made pursuant to 3740
specific appropriations of the general assembly ~~identifying the~~ 3741
~~federal program that is the source of funds, are authorized~~ 3742
~~pursuant to section 131.38 of the Revised Code, are authorized by~~ 3743
the controlling board pursuant to division (A)(5) of this section, 3744

or are authorized by an executive order issued in accordance with 3745
section 107.17 of the Revised Code, and until an allotment has 3746
been approved by the director of budget and management. All 3747
federal funds received by a state agency shall be reported to the 3748
director within fifteen days of the receipt of such funds or the 3749
notification of award, whichever occurs first. The director shall 3750
prescribe the forms and procedures to be used when reporting the 3751
receipt of federal funds. 3752

(2) If the federal funds received are greater than the amount 3753
of such funds appropriated by the general assembly for a specific 3754
purpose, the total appropriation of federal and state funds for 3755
such purpose shall remain at the amount designated by the general 3756
assembly, except that the expenditure of federal funds received in 3757
excess of such specific appropriation may be authorized by the 3758
controlling board. 3759

(3) To the extent that the expenditure of excess federal 3760
funds is authorized, the controlling board may transfer a like 3761
amount of general revenue fund appropriation authority from the 3762
affected agency to the emergency purposes appropriation of the 3763
controlling board, if such action is permitted under federal 3764
regulations. 3765

(4) Additional funds may be created by the controlling board 3766
to receive revenues not anticipated in an appropriations act for 3767
the biennium in which such new revenues are received. Expenditures 3768
from such additional funds may be authorized by the controlling 3769
board, but such authorization shall not extend beyond the end of 3770
the biennium in which such funds are created. 3771

(5) Controlling board authorization for a state agency to 3772
make an expenditure of federal funds constitutes authority for the 3773
agency to participate in the federal program providing the funds, 3774
and the agency is not required to obtain an executive order under 3775
section 107.17 of the Revised Code to participate in the federal 3776

program. 3777

(B) With respect to nonfederal funds received into the 3778
waterways safety fund, the wildlife fund, and any fund of the 3779
state from which transfers may be made under division (D) of 3780
section 127.14 of the Revised Code: 3781

(1) No state agency may make expenditures of any such funds 3782
unless the expenditures are made pursuant to specific 3783
appropriations of the general assembly. 3784

(2) If the receipts received into any fund are greater than 3785
the amount appropriated, the appropriation for that fund shall 3786
remain at the amount designated by the general assembly or as 3787
increased and approved by the controlling board. 3788

(3) Additional funds may be created by the controlling board 3789
to receive revenues not anticipated in an appropriations act for 3790
the biennium in which such new revenues are received. Expenditures 3791
from such additional funds may be authorized by the controlling 3792
board, but such authorization shall not extend beyond the end of 3793
the biennium in which such funds are created. 3794

(C) The controlling board shall not authorize more than ten 3795
per cent of additional spending from the occupational licensing 3796
and regulatory fund, created in section 4743.05 of the Revised 3797
Code, in excess of any appropriation made by the general assembly 3798
to a licensing agency except an appropriation for costs related to 3799
the examination or reexamination of applicants for a license. As 3800
used in this division, "licensing agency" and "license" have the 3801
same meanings as in section 4745.01 of the Revised Code. 3802

Sec. 147.01. (A) The secretary of state may appoint and 3803
commission as notaries public as many persons who meet the 3804
qualifications of division (B) of this section as the secretary of 3805
state considers necessary. 3806

(B) In order for a person to qualify to be appointed and commissioned as a notary public, the person must satisfy both of the following:

(1) The person has attained the age of eighteen years.

(2) One of the following applies:

(a) The person is a ~~citizen~~ legal resident of this state who is not an attorney admitted to the practice of law in this state by the Ohio supreme court.

(b) The person is a ~~citizen~~ legal resident of this state who is an attorney admitted to the practice of law in this state by the Ohio supreme court.

(c) The person is not a ~~citizen~~ legal resident of this state, is an attorney admitted to the practice of law in this state by the Ohio supreme court, and has the person's principal place of business or the person's primary practice in this state.

(C) A notary public shall be appointed and commissioned as a notary public for the state. The secretary of state may revoke a commission issued to a notary public upon presentation of satisfactory evidence of official misconduct or incapacity.

Sec. 147.37. Each person receiving a commission as notary public, ~~except~~ including an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay a fee of ~~five~~ fifteen dollars to the secretary of state. ~~Each person receiving a commission as a notary public who is an attorney admitted to the practice of law in this state by the Ohio supreme court shall pay a fee of ten dollars to the secretary of state.~~

Sec. 149.011. As used in this chapter:

(A) "Public office" includes any state agency, public institution, political subdivision, or ~~any~~ other organized body,

office, agency, institution, or entity established by the laws of 3836
this state for the exercise of any function of government. 3837

(B) "State agency" includes every department, bureau, board, 3838
commission, office, or other organized body established by the 3839
constitution and laws of this state for the exercise of any 3840
function of state government, including any state-supported 3841
institution of higher education, the general assembly, ~~or~~ any 3842
legislative agency, any court or judicial agency, or any political 3843
subdivision or agency ~~thereof~~ of a political subdivision. 3844

(C) "Public money" includes all money received or collected 3845
by or due a public official, whether in accordance with or under 3846
authority of any law, ordinance, resolution, or order, under color 3847
of office, or otherwise. It also includes any money collected by 3848
any individual on behalf of a public office or as a purported 3849
representative or agent of the public office. 3850

(D) "Public official" includes all officers, employees, or 3851
duly authorized representatives or agents of a public office. 3852

(E) "Color of office" includes any act purported or alleged 3853
to be done under any law, ordinance, resolution, order, or other 3854
pretension to official right, power, or authority. 3855

(F) "Archive" includes any public record that is transferred 3856
to the state archives or other designated archival institutions 3857
because of the historical information contained on it. 3858

(G) "Records" includes any document, device, or item, 3859
regardless of physical form or characteristic, including an 3860
electronic record as defined in section 1306.01 of the Revised 3861
Code, created or received by or coming under the jurisdiction of 3862
any public office of the state or its political subdivisions, 3863
which serves to document the organization, functions, policies, 3864
decisions, procedures, operations, or other activities of the 3865
office. 3866

Sec. 149.33. (A) The department of administrative services 3867
shall have full responsibility for establishing and administering 3868
a state records program for all state agencies, except for 3869
state-supported institutions of higher education. The department 3870
shall apply efficient and economical management methods to the 3871
creation, utilization, maintenance, retention, preservation, and 3872
disposition of state records. 3873

There is hereby established within the department of 3874
administrative services ~~an office of a~~ state records 3875
~~administration program~~, which shall be under the control and 3876
supervision of the director of administrative services or ~~his~~ the 3877
director's appointed deputy. ~~The director shall designate an~~ 3878
~~administrator of the office of state records administration.~~ 3879

(B) The boards of trustees of state-supported institutions of 3880
higher education shall have full responsibility for establishing 3881
and administering a records program for their respective 3882
institutions. The boards shall apply efficient and economical 3883
management methods to the creation, utilization, maintenance, 3884
retention, preservation, and disposition of the records of their 3885
respective institutions. 3886

Sec. 149.331. The state ~~record administration~~ records program 3887
of the department of administrative services shall do all of the 3888
following: 3889

(A) Establish and promulgate in consultation with the state 3890
archivist standards, procedures, and techniques for the effective 3891
management of state records; 3892

(B) ~~Make continuing surveys of record-keeping operations and~~ 3893
~~recommend improvements in current records management practices~~ 3894
~~including the use of space, equipment, and supplies employed in~~ 3895
~~creating, maintaining, storing, and servicing records;~~ 3896

~~(C) Establish and operate such state records centers and auxiliary facilities as may be authorized by appropriation and provide such related services as are deemed necessary for the preservation, screening, storage, and servicing of state records pending disposition;~~ 3897
3898
3899
3900
3901

~~(D)~~ Review applications for one-time records disposal and schedules of records retention and destruction submitted by state agencies in accordance with section 149.333 of the Revised Code; 3902
3903
3904

~~(E)~~(C) Establish "general schedules" proposing the disposal, after the lapse of specified periods of time, of records of specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, fiscal, or other value to warrant their further preservation by the state; 3905
3906
3907
3908
3909
3910
3911

~~(F)~~(D) Establish and maintain a records management training program, and provide a basic consulting service, for personnel involved in record-making and record-keeping functions of departments, offices, and institutions; 3912
3913
3914
3915

~~(G) Obtain reports from departments, offices, and institutions necessary for the effective administration of the program;~~ 3916
3917
3918

~~(H)~~(E) Provide for the disposition of any remaining records of any state agency, board, or commission, whether in the executive, judicial, or legislative branch of government, that has terminated its operations. After the closing of the Ohio veterans' children's home, the resident records of the home and the resident records of the home when it was known as the soldiers' and sailors' orphans' home required to be maintained by approved records retention schedules shall be administered by the state department of education pursuant to this chapter, the 3919
3920
3921
3922
3923
3924
3925
3926
3927

administrative records of the home required to be maintained by 3928
approved records retention schedules shall be administered by the 3929
department of administrative services pursuant to this chapter, 3930
and historical records of the home shall be transferred to an 3931
appropriate archival institution in this state prescribed by the 3932
state ~~record administration~~ records program. 3933

~~(I)~~(F) Establish a centralized program coordinating 3934
micrographics standards, training, and services for the benefit of 3935
all state agencies; 3936

~~(J)~~(G) Establish and publish in accordance with the 3937
applicable law necessary procedures and rules for the retention 3938
and disposal of state records. 3939

This section does not apply to the records of state-supported 3940
institutions of higher education, which shall keep their own 3941
records. 3942

Sec. 149.332. Upon request the ~~state records administrator~~ 3943
director of administrative services and the state archivist shall 3944
assist and advise in the establishment of records management 3945
programs in the legislative and judicial branches of state 3946
government and shall, as required by them, provide program 3947
services similar to those available to the executive branch 3948
~~pursuant to~~ under section 149.33 of the Revised Code. Prior to the 3949
disposal of any records, the state archivist shall be allowed 3950
sixty days to select for preservation in the state archives those 3951
records ~~he~~ the state archivist determines to have continuing 3952
historical value. 3953

Sec. 149.333. No state agency shall retain, destroy, or 3954
otherwise transfer its state records in violation of this section. 3955
This section does not apply to state-supported institutions of 3956
higher education. 3957

Each state agency shall submit to the state records 3958
~~administrator~~ program under the director of administrative 3959
services all applications for records disposal or transfer and all 3960
schedules of records retention and destruction. The state records 3961
~~administrator~~ program shall review ~~such~~ the applications and 3962
schedules and provide written approval, rejection, or modification 3963
of ~~the~~ an application or schedule. The state records ~~administrator~~ 3964
program shall then forward the application for records disposal or 3965
transfer or the schedule for retention or destruction, with the 3966
~~administrator's~~ program's recommendation attached, to the auditor 3967
of state for review and approval. The decision of the auditor of 3968
state to approve, reject, or modify the ~~applications~~ application 3969
or ~~schedules~~ schedule shall be based upon the continuing 3970
administrative and fiscal value of the state records to the state 3971
or to its citizens. If the auditor of state disapproves the action 3972
by the state agency, ~~he~~ the auditor of state shall so inform the 3973
state agency through the state records ~~administrator~~ program 3974
within sixty days, ~~and these~~ the records shall not be destroyed. 3975
~~At~~ 3976

At the same time, the state records ~~administrator~~ program 3977
shall forward the application for records disposal or transfer or 3978
the schedule for retention or destruction to the state archivist 3979
for review and approval. The state archivist shall have sixty days 3980
to select for custody ~~such~~ the state records ~~as he~~ that the state 3981
archivist determines to be of continuing historical value. Records 3982
not ~~so~~ selected shall be disposed of in accordance with this 3983
section. 3984

Sec. 149.34. The head of each state agency, office, 3985
institution, board, or commission shall do the following: 3986

(A) Establish, maintain, and direct an active continuing 3987
program for the effective management of the records of the state 3988

agency; 3989

~~(B) Cooperate with the state records administrator in the 3990
conduct of surveys pursuant to section 149.331 of the Revised 3991
Code; 3992~~

~~(C)~~ Submit to the state records ~~administrator~~ program, in 3993
accordance with applicable standards and procedures, schedules 3994
proposing the length of time each record series warrants retention 3995
for administrative, legal, or fiscal purposes after it has been 3996
received or created by the agency. The head ~~of each state agency~~ 3997
also shall submit to the state records ~~administrator~~ program 3998
applications for disposal of records in ~~his~~ the head's custody 3999
that are not needed in the transaction of current business and are 4000
not otherwise scheduled for retention or destruction. 4001

~~(D) Transfer to a state records center or auxiliary 4002
facilities, in the manner prescribed by the state records 4003
administrator, those records of the agency that can be retained 4004
more efficiently and economically in such a center; 4005~~

~~(E)~~(C) Within one year after their date of creation or 4006
receipt, schedule all records for disposition or retention in the 4007
manner prescribed by applicable law and procedures. 4008

This section does not apply to state-supported institutions 4009
of higher education. 4010

Sec. 149.35. If any law prohibits the destruction of records, 4011
~~neither the state records administrator nor~~ director of 4012
administrative services, the director's designee, or the boards of 4013
trustees of state-supported institutions of higher education shall 4014
not order their destruction or other disposition, ~~and, if.~~ If any 4015
law provides that records shall be kept for a specified period of 4016
time, ~~neither the administrator nor~~ director of administrative 4017
services, the director's designee, or the boards shall not order 4018

their destruction or other disposition prior to the expiration of 4019
~~such~~ that period. 4020

Sec. 153.65. As used in sections 153.65 to 153.71 of the 4021
Revised Code: 4022

(A) "Public authority" means the state, ~~or~~ a county, 4023
township, municipal corporation, school district, or other 4024
political subdivision, or any public agency, authority, board, 4025
commission, instrumentality, or special district of the state or a 4026
county, township, municipal corporation, school district, or other 4027
political subdivision. 4028

(B) "Professional design firm" means any person legally 4029
engaged in rendering professional design services. 4030

(C) "Professional design services" means services within the 4031
scope of practice of an architect or landscape architect 4032
registered under Chapter 4703. of the Revised Code or a 4033
professional engineer or surveyor registered under Chapter 4733. 4034
of the Revised Code. 4035

(D) "Qualifications" means all of the following: 4036

(1) Competence of the professional design firm to perform the 4037
required professional design services as indicated by the 4038
technical training, education, and experience of the firm's 4039
personnel, especially the technical training, education, and 4040
experience of the employees within the firm who would be assigned 4041
to perform the services; 4042

(2) Ability of the firm in terms of its workload and the 4043
availability of qualified personnel, equipment, and facilities to 4044
perform the required professional design services competently and 4045
expeditiously; 4046

(3) Past performance of the firm as reflected by the 4047
evaluations of previous clients with respect to such factors as 4048

control of costs, quality of work, and meeting of deadlines; 4049

(4) ~~Other similar~~ Any other relevant factors as determined by 4050
the public authority. 4051

Sec. 163.06. (A) A public agency, other than an agency 4052
appropriating property for the purposes described in division (B) 4053
of this section, which qualifies pursuant to Section 19 of Article 4054
I, Ohio Constitution, may deposit with the court at the time of 4055
filing the petition the value of such property appropriated 4056
together with the damages, if any, to the residue, as determined 4057
by the public agency, and thereupon take possession of and enter 4058
upon the property appropriated. The right of possession upon 4059
deposit as provided in this division shall not extend to 4060
structures. 4061

(B) A public agency appropriating property for the purpose of 4062
making or repairing roads which shall be open to the public, 4063
without charge, ~~or for the purpose of implementing rail service~~ 4064
~~under Chapter 4981. of the Revised Code,~~ may deposit with the 4065
court at the time of filing the petition the value of such 4066
property appropriated together with the damages, if any, to the 4067
residue, as determined by the public agency, and stated in an 4068
attached declaration of intention to obtain possession and 4069
thereupon take possession of and enter upon the property 4070
appropriated, including structures situated upon the land 4071
appropriated for such purpose or situated partly upon the land 4072
appropriated therefor and partly upon adjoining land, so that such 4073
structures cannot be divided upon the line between such lands 4074
without manifest injury thereto. The jury, in assessing 4075
compensation to any owner of land appropriated under this division 4076
shall assess the value thereof in accordance with section 163.14 4077
of the Revised Code. The owner or occupant of such structures 4078
shall vacate the same within sixty days after service of summons 4079

as required under section 163.07 of the Revised Code, at no cost 4080
to the appropriating agency, after which time the agency may 4081
remove said structures. In the event such structures are to be 4082
removed before the jury has fixed the value of the same, the 4083
court, upon motion of the agency, shall: 4084

(1) Order appraisals to be made by three persons, one to be 4085
named by the owner, one by the county auditor, and one by the 4086
agency. Such appraisals may be used as evidence by the owner or 4087
the agency in the trial of said case but shall not be binding on 4088
said owner, agency, or the jury, and the expense of said 4089
appraisals shall be approved by the court and charged as costs in 4090
said case. 4091

(2) Cause pictures to be taken of all sides of said 4092
structures; 4093

(3) Compile a complete description of said structures, which 4094
shall be preserved as evidence in said case to which the owner or 4095
occupants shall have access. 4096

(C) Any time after the deposit is made by the public agency 4097
under division (A) or (B) of this section, the owner may apply to 4098
the court to withdraw the deposit, and such withdrawal shall in no 4099
way interfere with the action except that the sum so withdrawn 4100
shall be deducted from the sum of the final verdict or award. Upon 4101
such application being made the court shall direct that the sum be 4102
paid to such owner subject to the rights of other parties in 4103
interest provided such parties make timely application as provided 4104
in section 163.18 of the Revised Code. Interest shall not accrue 4105
on any sums withdrawable as provided in this division. 4106

Sec. 164.27. (A) The clean Ohio conservation fund is hereby 4107
created in the state treasury. Seventy-five per cent of the net 4108
proceeds of obligations issued and sold by the issuing authority 4109
pursuant to sections 151.01 and 151.09 of the Revised Code shall 4110

be deposited into the fund. Investment earnings of the fund shall 4111
be credited to the fund. ~~For two years after the effective date of~~ 4112
~~this section, investment earnings credited to the fund~~ and may be 4113
used to pay costs incurred by the Ohio public works commission in 4114
administering sections 164.20 to 164.27 of the Revised Code. 4115
Moneys in the clean Ohio conservation fund shall be used to make 4116
grants to local political subdivisions and nonprofit organizations 4117
for projects that have been approved for grants under sections 4118
164.20 to 164.27 of the Revised Code. 4119

The clean Ohio conservation fund shall be administered by the 4120
Ohio public works commission. 4121

(B) For the purpose of grants issued under sections 164.20 to 4122
164.27 of the Revised Code, moneys shall be allocated on an annual 4123
basis from the clean Ohio conservation fund to districts 4124
represented by natural resources assistance councils as follows: 4125

(1) Each district shall receive an amount that is equal to 4126
one-fourth of one per cent of the total annual amount allocated to 4127
all districts each year for each county that is represented by the 4128
district. 4129

(2) The remaining moneys shall be allocated to each district 4130
annually on a per capita basis. 4131

(C) A grant that is awarded under sections 164.20 to 164.27 4132
of the Revised Code may provide up to seventy-five per cent of the 4133
estimated cost of a project. Matching funds from a grant recipient 4134
may consist of contributions of money by any person, any local 4135
political subdivision, or the federal government or of 4136
contributions in-kind by such entities through the purchase or 4137
donation of equipment, land, easements, interest in land, labor, 4138
or materials necessary to complete the project. 4139

(D) The director of the Ohio public works commission shall 4140
notify the director of budget and management of the amounts 4141

allocated pursuant to this section, and that information shall be 4142
entered in the state accounting system. The director of budget and 4143
management may establish appropriate line items or other 4144
mechanisms that are needed to track the allocations. 4145

(E) Grants awarded under sections 164.20 to 164.27 of the 4146
Revised Code from the clean Ohio conservation fund shall be used 4147
by a local political subdivision or nonprofit organization only to 4148
pay the costs related to the purposes for which grants may be 4149
issued under section 164.22 of the Revised Code and shall not be 4150
used by a local political subdivision or nonprofit organization to 4151
pay any administrative costs incurred by the local political 4152
subdivision or nonprofit organization. 4153

Sec. 165.09. Any real or personal property, or both, of an 4154
issuer ~~which~~ that is acquired, constructed, reconstructed, 4155
enlarged, improved, furnished or equipped, or any combination 4156
thereof, and leased or subleased under authority of either Chapter 4157
165. or 761. of the Revised Code shall be subject to ad valorem, 4158
sales, use, and franchise taxes and to zoning, planning, and 4159
building regulations and fees, to the same extent and in the same 4160
manner as if the lessee-user or sublessee-user thereof, rather 4161
than the issuer, had acquired, constructed, reconstructed, 4162
enlarged, improved, furnished, or equipped, or any combination 4163
thereof, such real or personal property, and title thereto was in 4164
the name of such lessee-user or sublessee-user. 4165

The transfer of tangible personal property by lease or 4166
sublease under authority of either Chapter 165. or 761. of the 4167
Revised Code is not a sale as used in Chapter 5739. of the Revised 4168
Code. The exemptions provided in divisions (B)(1) and (B)~~(14)~~(12) 4169
of section 5739.02 of the Revised Code shall not be applicable to 4170
purchases for a project under either Chapters 165. or 761. of the 4171
Revised Code. 4172

An issuer shall be exempt from all taxes on its real or personal property, or both, which has been acquired, constructed, reconstructed, enlarged, improved, furnished, or equipped, or any combination thereof, under Chapter 165. or 761. of the Revised Code, so long as such property is used by the issuer for purposes which would otherwise exempt such property; has ceased to be used by a former lessee-user or sublessee-user and is not occupied or used; or has been acquired by the issuer, but development has not yet commenced. The exemption shall be effective as of the date the exempt use begins. All taxes on the exempt real or personal property for the year should be prorated and the taxes for the exempt portion of the year shall be remitted by the county auditor.

Sec. 173.08. (A) The resident services coordinator program is established in the department of aging to fund resident services coordinators. The coordinators shall provide information to low-income and special-needs tenants, including the elderly, who live in subsidized rental housing complexes, and assist those tenants in identifying and obtaining community and program services and other benefits for which they are eligible.

(B) The resident services coordinator program fund is hereby created in the state treasury to support the resident services coordinator program established pursuant to this section. The fund consists of all moneys the department of development sets aside pursuant to division (A)(4) of section 175.21 of the Revised Code and moneys the general assembly appropriates to the fund.

Sec. 173.14. As used in sections 173.14 to 173.26 of the Revised Code:

(A)(1) Except as otherwise provided in division (A)(2) of this section, "long-term care facility" includes any residential

facility that provides personal care services for more than 4203
twenty-four hours for two or more unrelated adults, including all 4204
of the following: 4205

(a) A "nursing home," "residential care facility," or "home 4206
for the aging" as defined in section 3721.01 of the Revised Code; 4207

(b) A facility authorized to provide extended care services 4208
under Title XVIII of the "Social Security Act," 49 Stat. 620 4209
(1935), 42 U.S.C. 301, as amended; 4210

(c) A county home or district home operated pursuant to 4211
Chapter 5155. of the Revised Code; 4212

(d) An "adult care facility" as defined in section 3722.01 of 4213
the Revised Code; 4214

(e) A facility approved by the veterans administration under 4215
section 104(a) of the "Veterans Health Care Amendments of 1983," 4216
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 4217
the placement and care of veterans; 4218

(f) An adult foster home certified under section 173.36 of 4219
the Revised Code. 4220

(2) "Long-term care facility" does not include a "residential 4221
facility" as defined in section 5119.22 of the Revised Code or a 4222
"residential facility" as defined in section 5123.19 of the 4223
Revised Code. 4224

(B) "Resident" means a resident of a long-term care facility 4225
and, where appropriate, includes a prospective, previous, or 4226
deceased resident of a long-term care facility. 4227

(C) "Community-based long-term care services" means health 4228
and social services provided to persons ~~age sixty or older~~ in 4229
their own homes or in community care settings, and includes any of 4230
the following: 4231

(1) Case management; 4232

(2) Home health care;	4233
(3) Homemaker services;	4234
(4) Chore services;	4235
(5) Respite care;	4236
(6) Adult day care;	4237
(7) Home-delivered meals;	4238
(8) Personal care;	4239
(9) Physical, occupational, and speech therapy;	4240
(10) Any other health and social services provided to persons	4241
age sixty or older that allow them to retain their independence in	4242
their own homes or in community care settings.	4243
(D) "Recipient" means a recipient of community-based	4244
long-term care services and, where appropriate, includes a	4245
prospective, previous, or deceased recipient of community-based	4246
long-term care services.	4247
(E) "Sponsor" means an adult relative, friend, or guardian	4248
who has an interest in or responsibility for the welfare of a	4249
resident or a recipient.	4250
(F) "Personal care services" has the same meaning as in	4251
section 3721.01 of the Revised Code.	4252
(G) "Regional long-term care ombudsperson program" means an	4253
entity, either public or private and nonprofit, designated as a	4254
regional long-term care ombudsperson program by the state	4255
long-term care ombudsperson.	4256
(H) "Representative of the office of the state long-term care	4257
ombudsperson program" means the state long-term care ombudsperson	4258
or a member of the ombudsperson's staff, or a person certified as	4259
a representative of the office under section 173.21 of the Revised	4260
Code.	4261

(I) "Area agency on aging" means an area agency on aging 4262
established under the "Older Americans Act of 1965," 79 Stat. 219, 4263
42 U.S.C.A. 3001, as amended. 4264

Sec. 173.20. (A) If consent is given and unless otherwise 4265
prohibited by law, a representative of the office of the state 4266
long-term care ~~ombudsman~~ ombudsperson program shall have access to 4267
any records, including medical records, of a resident or a 4268
recipient that are reasonably necessary for investigation of a 4269
complaint. Consent may be given in any of the following ways: 4270

(1) In writing by the resident or recipient; 4271

(2) Orally by the resident or recipient, witnessed in writing 4272
at the time it is given by one other person, and, if the records 4273
involved are being maintained by a long-term care provider, also 4274
by an employee of the long-term care provider designated under 4275
division (E)(1) of this section; 4276

(3) In writing by the guardian of the resident or recipient; 4277

(4) In writing by the attorney in fact of the resident or 4278
recipient, if the resident or recipient has authorized the 4279
attorney in fact to give such consent; 4280

(5) In writing by the executor or administrator of the estate 4281
of a deceased resident or recipient. 4282

(B) If consent to access to records is not refused by a 4283
resident or recipient or ~~his~~ the resident's or recipient's legal 4284
representative but cannot be obtained and any of the following 4285
circumstances exist, a representative of the office of the state 4286
long-term care ~~ombudsman~~ ombudsperson program, on approval of the 4287
state long-term care ~~ombudsman~~ ombudsperson, may inspect the 4288
records of a resident or a recipient, including medical records, 4289
that are reasonably necessary for investigation of a complaint: 4290

(1) The resident or recipient is unable to express written or 4291

oral consent and there is no guardian or attorney in fact; 4292

(2) There is a guardian or attorney in fact, but ~~he~~ the 4293
guardian or attorney in fact cannot be contacted within three 4294
working days; 4295

(3) There is a guardianship or durable power of attorney, but 4296
its existence is unknown by the long-term care provider and the 4297
representative of the office at the time of the investigation; 4298

(4) There is no executor or administrator of the estate of a 4299
deceased resident or recipient. 4300

(C) If a representative of the office of the state long-term 4301
care ~~ombudsman~~ ombudsperson program has been refused access to 4302
records by a guardian or attorney in fact, but has reasonable 4303
cause to believe that the guardian or attorney in fact is not 4304
acting in the best interests of the resident or recipient, the 4305
representative may, on approval of the state long-term care 4306
~~ombudsman~~ ombudsperson, inspect the records of the resident or 4307
recipient, including medical records, that are reasonably 4308
necessary for investigation of a complaint. 4309

(D) A representative of the office of the state long-term 4310
care ~~ombudsman~~ ombudsperson program shall have access to any 4311
records of a long-term care provider reasonably necessary to an 4312
investigation conducted under this section, including but not 4313
limited to: incident reports, dietary records, policies and 4314
procedures of a facility required to be maintained under section 4315
5111.21 of the Revised Code, admission agreements, staffing 4316
schedules, any document depicting the actual staffing pattern of 4317
the provider, any financial records that are matters of public 4318
record, resident council and grievance committee minutes, and any 4319
waiting list maintained by a facility in accordance with section 4320
~~5111.31~~ 5111.222 of the Revised Code, or any similar records or 4321
lists maintained by a provider of community-based long-term care 4322

services. Pursuant to division (E)(2) of this section, a 4323
representative shall be permitted to make or obtain copies of any 4324
of these records after giving the long-term care provider 4325
twenty-four hours' notice. A long-term care provider may impose a 4326
charge for providing copies of records under this division that 4327
does not exceed the actual and necessary expense of making the 4328
copies. 4329

The state ~~ombudsman~~ ombudsperson shall take whatever action 4330
is necessary to ensure that any copy of a record made or obtained 4331
under this division is returned to the long-term care provider no 4332
later than three years after the date the investigation for which 4333
the copy was made or obtained is completed. 4334

(E)(1) Each long-term care provider shall designate one or 4335
more of its employees to be responsible for witnessing the giving 4336
of oral consent under division (A) of this section. In the event 4337
that a designated employee is not available when a resident or 4338
recipient attempts to give oral consent, the provider shall 4339
designate another employee to witness the consent. 4340

(2) Each long-term care provider shall designate one or more 4341
of its employees to be responsible for releasing records for 4342
copying to representatives of the office of the long-term care 4343
~~ombudsman~~ ombudsperson program who request permission to make or 4344
obtain copies of records specified in division (D) of this 4345
section. In the event that a designated employee is not available 4346
when a representative of the office makes the request, the 4347
long-term care provider shall designate another employee to 4348
release the records for copying. 4349

(F) A long-term care provider or any employee of such a 4350
provider is immune from civil or criminal liability or action 4351
taken pursuant to a professional disciplinary procedure for the 4352
release or disclosure of records to a representative of the office 4353
pursuant to this section. 4354

(G) A state or local government agency or entity with records 4355
relevant to a complaint or investigation being conducted by a 4356
representative of the office shall provide the representative 4357
access to the records. 4358

(H) The state ~~ombudsman~~ ombudsperson, with the approval of 4359
the director of aging, may issue a subpoena to compel any person 4360
~~he~~ the ombudsperson reasonably believes may be able to provide 4361
information to appear before ~~him~~ the ombudsperson or ~~his~~ the 4362
ombudsperson's designee and give sworn testimony and to produce 4363
documents, books, records, papers, or other evidence the state 4364
~~ombudsman~~ ombudsperson believes is relevant to the investigation. 4365
On the refusal of a witness to be sworn or to answer any question 4366
put to ~~him~~ the witness, or if a person disobeys a subpoena, the 4367
~~ombudsman~~ ombudsperson shall apply to the Franklin county court of 4368
common pleas for a contempt order, as in the case of disobedience 4369
of the requirements of a subpoena issued from the court, or a 4370
refusal to testify in the court. 4371

(I) The state ~~ombudsman~~ ombudsperson may petition the court 4372
of common pleas in the county in which a long-term care facility 4373
is located to issue an injunction against any long-term care 4374
facility in violation of sections 3721.10 to 3721.17 of the 4375
Revised Code. 4376

(J) Any suspected violation of Chapter 3721. of the Revised 4377
Code discovered during the course of an investigation may be 4378
reported to the department of health. Any suspected criminal 4379
violation discovered during the course of an investigation shall 4380
be reported to the attorney general or other appropriate law 4381
enforcement authorities. 4382

(K) The department of aging shall adopt rules in accordance 4383
with Chapter 119. of the Revised Code for referral by the state 4384
~~ombudsman~~ ombudsperson and regional long-term care ~~ombudsman~~ 4385

ombudsperson programs of complaints to other public agencies or 4386
entities. A public agency or entity to which a complaint is 4387
referred shall keep the state ~~ombudsman~~ ombudsperson or regional 4388
program handling the complaint advised and notified in writing in 4389
a timely manner of the disposition of the complaint to the extent 4390
permitted by law. 4391

Sec. 173.21. (A) The office of the state long-term care 4392
~~ombudsman~~ ombudsperson program, through the state long-term care 4393
~~ombudsman~~ ombudsperson and the regional long-term care ~~ombudsman~~ 4394
ombudsperson programs, shall require each representative of the 4395
office to complete a training and certification program in 4396
accordance with this section and to meet the continuing education 4397
requirements established under this section. 4398

(B) The department of aging shall adopt rules under Chapter 4399
119. of the Revised Code specifying the content of training 4400
programs for representatives of the office of the state long-term 4401
care ~~ombudsman~~ ombudsperson program. Training for representatives 4402
other than those who are volunteers providing services through 4403
regional long-term care ~~ombudsman~~ ombudsperson programs shall 4404
include instruction regarding federal, state, and local laws, 4405
rules, and policies on long-term care facilities and 4406
community-based long-term care services; investigative techniques; 4407
and other topics considered relevant by the department and shall 4408
consist of the following: 4409

(1) A minimum of forty clock hours of basic instruction, 4410
which shall be completed before the trainee is permitted to handle 4411
complaints without the supervision of a representative of the 4412
office certified under this section; 4413

(2) An additional sixty clock hours of instruction, which 4414
shall be completed within the first fifteen months of employment; 4415

(3) An internship of twenty clock hours, which shall be 4416

completed within the first twenty-four months of employment, 4417
including instruction in, and observation of, basic nursing care 4418
and long-term care provider operations and procedures. The 4419
internship shall be performed at a site that has been approved as 4420
an internship site by the state long-term care ~~ombudsman~~ 4421
ombudsperson. 4422

(4) One of the following, which shall be completed within the 4423
first twenty-four months of employment: 4424

(a) Observation of a survey conducted by the director of 4425
health to certify a facility to receive funds under ~~sections~~ 4426
~~5111.20 to 5111.32~~ the medicaid program established under Chapter 4427
5111. of the Revised Code; 4428

(b) Observation of an inspection conducted by the director of 4429
health to license an adult care facility under section 3722.04 of 4430
the Revised Code. 4431

(5) Any other training considered appropriate by the 4432
department. 4433

(C) Persons who for a period of at least six months prior to 4434
June 11, 1990, served as ombudsmen through the long-term care 4435
~~ombudsman~~ ombudsperson program established by the department of 4436
aging under division (M) of section 173.01 of the Revised Code 4437
shall not be required to complete a training program. These 4438
persons and persons who complete a training program shall take an 4439
examination administered by the department of aging. On attainment 4440
of a passing score, the person shall be certified by the 4441
department as a representative of the office. The department shall 4442
issue the person an identification card, which the representative 4443
shall show at the request of any person with whom ~~he~~ the 4444
representative deals while performing ~~his~~ the representative's 4445
duties and which ~~he~~ shall ~~surrender~~ be surrendered at the time ~~he~~ 4446
the representative separates from the office. 4447

(D) The state ~~ombudsman~~ ombudsperson and each regional 4448
program shall conduct training programs for volunteers on their 4449
respective staffs in accordance with the rules of the department 4450
of aging adopted under division (B) of this section. Training 4451
programs may be conducted that train volunteers to complete some, 4452
but not all, of the duties of a representative of the office. Each 4453
regional office shall bear the cost of training its 4454
representatives who are volunteers. On completion of a training 4455
program, the representative shall take an examination administered 4456
by the department of aging. On attainment of a passing score, ~~he a~~ 4457
volunteer shall be certified by the department as a representative 4458
authorized to perform services specified in the certification. The 4459
department shall issue an identification card, which the 4460
representative shall show at the request of any person with whom 4461
~~he the representative~~ deals while performing ~~his the~~ 4462
representative's duties and which ~~he shall surrender be~~ 4463
surrendered at the time ~~he the representative~~ separates from the 4464
office. Except as a supervised part of a training program, no 4465
volunteer shall perform any duty unless he is certified as a 4466
representative having received appropriate training for that duty. 4467

(E) The state ~~ombudsman~~ ombudsperson shall provide technical 4468
assistance to regional programs conducting training programs for 4469
volunteers and shall monitor the training programs. 4470

(F) Prior to scheduling an observation of a certification 4471
survey or licensing inspection for purposes of division (B)(4) of 4472
this section, the state ~~ombudsman~~ ombudsperson shall obtain 4473
permission to have the survey or inspection observed from both the 4474
director of health and the long-term care facility at which the 4475
survey or inspection is to take place. 4476

(G) The department of aging shall establish continuing 4477
education requirements for representatives of the office. 4478

Sec. 173.26. (A) Each of the following facilities shall 4479
annually pay to the department of aging ~~three~~ six dollars for each 4480
bed maintained by the facility for use by a resident during any 4481
part of the previous year: 4482

(1) Nursing homes, residential care facilities, and homes for 4483
the aging as defined in section 3721.01 of the Revised Code; 4484

(2) Facilities authorized to provide extended care services 4485
under Title XVIII of the "Social Security Act," 49 Stat. 620 4486
(1935), 42 U.S.C. 301, as amended; 4487

(3) County homes and district homes operated pursuant to 4488
Chapter 5155. of the Revised Code; 4489

(4) Adult care facilities as defined in section 3722.01 of 4490
the Revised Code; 4491

(5) ~~Adult foster homes certified under section 173.36 of the~~ 4492
~~Revised Code;~~ 4493

~~(6)~~ Facilities approved by the Veterans Administration under 4494
Section 104(a) of the "Veterans Health Care Amendments of 1983," 4495
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 4496
the placement and care of veterans. 4497

The department shall, by rule adopted under section 111.15 of 4498
the Revised Code, establish deadlines for payments required by 4499
this section. 4500

(B) All money collected under this section shall be deposited 4501
in the state treasury to the credit of the office of the state 4502
long-term care ~~ombudsman~~ ombudsperson program fund, which is 4503
hereby created. Money credited to the fund shall be used solely to 4504
pay the costs of operating the regional long-term care ~~ombudsman~~ 4505
ombudsperson programs. 4506

(C) The state long-term care ~~ombudsman~~ ombudsperson and the 4507

regional programs may solicit and receive contributions to support 4508
the operation of the office or a regional program, except that no 4509
contribution shall be solicited or accepted that would interfere 4510
with the independence or objectivity of the office or program. 4511

Sec. 173.55. The department of aging may charge a fee, not to 4512
exceed four hundred dollars, for each of the annual customer 4513
satisfaction surveys conducted under section 173.54 of the Revised 4514
Code. The fee shall be paid by the nursing facility and is subject 4515
to reimbursement through the medicaid program ~~pursuant to sections~~ 4516
~~5111.20 to 5111.32~~ established under Chapter 5111. of the Revised 4517
Code. 4518

All fees collected under this section shall be deposited to 4519
the credit of the long-term care consumer guide fund, which is 4520
hereby created in the state treasury. The fund shall be used for 4521
costs associated with publishing the Ohio long-term care consumer 4522
guide, including the cost of contracting with persons and 4523
government entities under section 173.47 of the Revised Code. The 4524
department may contract with a person or government entity to 4525
collect the fees on behalf of the department. 4526

Sec. 173.57. (A) The department of aging shall adopt rules to 4527
implement and administer sections 173.45 to 173.59 of the Revised 4528
Code. The rules shall specify all of the following: 4529

(1) The content of the Ohio long-term care consumer guide, 4530
including any information in addition to the information specified 4531
in section 173.51 of the Revised Code; 4532

(2) The content of the computerized and printed forms of the 4533
executive summary of the consumer guide; 4534

(3) The customer satisfaction measures to be published in the 4535
consumer guide pursuant to division (C)(1) of section 173.51 of 4536
the Revised Code; 4537

(4) The clinical quality indicators to be published in the consumer guide pursuant to division (C)(2) of section 173.51 of the Revised Code;

(5) For purposes of clinical quality, customer satisfaction, and survey data tag comparisons under section 173.51 of the Revised Code, criteria to be used in classifying nursing facilities into peer groups, which may be based on case-mix scores calculated pursuant to rules adopted under section ~~5111.231~~ 5111.02 of the Revised Code, the size of nursing facilities, the location of facilities, or other pertinent factors;

(6) The format for listing nursing facility services in the consumer guide and the manner in which that information is to be collected from nursing facilities;

(7) A method of including additional long-term care facilities and service providers in the consumer guide pursuant to considerations made under division (B)(4) of section 173.58 of the Revised Code;

(8) Any other requirements necessary to implement and administer sections 173.45 to 173.59 of the Revised Code.

(B) The department shall develop rules under this section in consultation with the long-term care consumer guide advisory council created under section 173.58 of the Revised Code. Before filing a rule under section 119.03 of the Revised Code, the department shall present it to the advisory council and provide the council a reasonable time to comment on it. The department shall give appropriate consideration to recommendations of the advisory council regarding proposed rules.

(C) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Initial rules shall be adopted not later than six months after ~~the effective date of this section~~ July 1, 2000.

Sec. 175.03. (A)(1) The Ohio housing finance agency shall 4569
consist of eleven members. Nine of the members shall be appointed 4570
by the governor with the advice and consent of the senate. The 4571
director of commerce and the director of development, or their 4572
respective designees, shall also be voting members of the agency. 4573
Of the nine appointed members, at least one shall have experience 4574
in residential housing construction; at least one shall have 4575
experience in residential housing mortgage lending, loan 4576
servicing, or brokering; at least one shall have experience in the 4577
licensed residential housing brokerage business; at least one 4578
shall have experience with the housing needs of senior citizens; 4579
at least one shall be from a background in labor representation in 4580
the construction industry; at least one shall represent the 4581
interests of nonprofit multifamily housing development 4582
corporations; at least one shall represent the interests of 4583
for-profit multifamily housing development organizations; and two 4584
shall be public members. The governor shall receive 4585
recommendations from the Ohio housing council for appointees to 4586
represent the interests of nonprofit multifamily housing 4587
development corporations and for-profit multifamily housing 4588
development organizations. Each appointee representing multifamily 4589
housing interests currently shall be employed with an organization 4590
that is active in the area of affordable housing development or 4591
management. No more than six of the appointed members of the 4592
agency shall be of the same political party. Of the appointments 4593
made to the agency for the eighth and ninth appointed members in 4594
accordance with this amendment, one shall be for a term ending on 4595
January 31, 2005, and one shall be for a term ending on January 4596
31, 2006. Thereafter, each appointed member shall serve for a term 4597
ending on the thirty-first day of January which is six years 4598
following the date of termination of the term which it succeeds. 4599
Each member shall hold office from the date of the member's 4600

appointment until the end of the term for which the member was 4601
appointed. Any member appointed to fill a vacancy occurring prior 4602
to the expiration of the term for which the member's predecessor 4603
was appointed shall hold office for the remainder of such term. 4604
Any appointed member shall continue in office subsequent to the 4605
expiration date of the member's term until the member's successor 4606
takes office, or until a period of sixty days has elapsed, 4607
whichever occurs first. Each appointed member may be removed from 4608
office by the governor for misfeasance, nonfeasance, malfeasance 4609
in office, or for failure to attend in person three consecutive 4610
meetings of the agency. 4611

(2) The ~~director of development or the director's designee~~ 4612
governor shall ~~be~~ appoint the chairperson of the agency. The 4613
agency shall elect one of its ~~appointed~~ members as 4614
vice-chairperson and such other officers as it deems necessary, 4615
who need not be members of the agency. Each appointed member of 4616
the agency shall receive compensation at the rate of one hundred 4617
fifty dollars per agency meeting attended in person, not to exceed 4618
a maximum of three thousand dollars per year. All members shall be 4619
reimbursed for their actual and necessary expenses incurred in the 4620
discharge of their official duties. 4621

(3) Six members of the agency constitute a quorum, and the 4622
affirmative vote of six members shall be necessary for any action 4623
taken by the agency. No vacancy in membership of the agency 4624
impairs the right of a quorum to exercise all the rights and 4625
perform all the duties of the agency. Meetings of the agency may 4626
be held at any place within the state. Meetings of the agency, 4627
including notice of the place of meetings, shall comply with 4628
section 121.22 of the Revised Code. 4629

(B)(1) The appointed members of the agency are not subject to 4630
section 102.02 of the Revised Code. Each such appointed member 4631
shall file with the agency a signed written statement setting 4632

forth the general nature of sales of goods, property or services 4633
or of loans to the agency in which such member has a pecuniary 4634
interest or in which any member of the member's immediate family, 4635
as defined in section 102.01 of the Revised Code, or any 4636
corporation, partnership or enterprise of which the member is an 4637
officer, director, or partner, or of which the member or a member 4638
of the member's immediate family, as so defined, owns more than a 4639
five per cent interest, has a pecuniary interest, and of which 4640
sale, loan and interest such member has knowledge. The statement 4641
shall be supplemented from time to time to reflect changes in the 4642
general nature of any such sales or loans. No member shall 4643
participate in portions of agency meetings dealing with, or vote 4644
concerning, any such matter. 4645

(2) The requirements of this section pertaining to disclosure 4646
and prohibition from participation and voting do not apply to 4647
agency loans to lending institutions or contracts between the 4648
agency and lending institutions for the purchase, administration, 4649
or servicing of loans notwithstanding that such lending 4650
institution has a director, officer, employee, or owner who is a 4651
member of the agency, and no such loans or contracts shall be 4652
deemed to be prohibited or otherwise regulated by reason of any 4653
other law or rule. 4654

(3) The members of the agency representing multifamily 4655
housing interests are not in violation of division (A) of section 4656
2921.42, division (D) of section 102.03, or division (E) of 4657
section 102.03 of the Revised Code in regard to a contract the 4658
agency enters into if both of the following apply: 4659

(a) The contract is entered into for a loan, grant, or 4660
participation in a program administered or funded by the agency 4661
and the contract was awarded pursuant to rules or guidelines the 4662
agency adopted. 4663

(b) The member does not participate in the discussion or vote 4664

on the contract if the contract secured a grant or loan that would 4665
directly benefit the member, a family member, or a business 4666
associate of the member. 4667

Sec. 175.21. (A) The low- and moderate-income housing trust 4668
fund is hereby created in the state treasury. The fund shall 4669
consist of all appropriations made to the fund, housing trust fund 4670
fees collected by county recorders pursuant to section 317.36 of 4671
the Revised Code and deposited into the fund pursuant to section 4672
319.63 of the Revised Code, and all grants, gifts, loan 4673
repayments, and contributions of money made from any source to the 4674
department of development for deposit in the fund. All investment 4675
earnings of the fund shall be credited to the fund. The director 4676
of development shall allocate a portion of the money in the fund 4677
to an account of the Ohio housing finance agency. The department 4678
shall administer the fund. The agency shall use money allocated to 4679
it in the fund for implementing and administering its programs and 4680
duties under sections 175.22 and 175.24 of the Revised Code, and 4681
the department shall use the remaining money in the fund for 4682
implementing and administering its programs and duties under 4683
sections 175.22 to 175.25 of the Revised Code. Use of all money in 4684
the fund is subject to the following restrictions: 4685

(1) Not more than six per cent of any current year 4686
appropriation authority for the fund shall be used for the 4687
transitional and permanent housing program to make grants to 4688
municipal corporations, counties, townships, and nonprofit 4689
organizations for the acquisition, rehabilitation, renovation, 4690
construction, conversion, operation, and cost of supportive 4691
services for new and existing transitional and permanent housing 4692
for homeless persons. 4693

(2)(a) Not more than five per cent of any current year 4694
appropriation authority for the fund shall be used for grants and 4695

loans to community development corporations and the Ohio community 4696
development finance fund, a private nonprofit corporation. 4697

(b) In any year in which the amount in the fund exceeds one 4698
hundred thousand dollars, not less than one hundred thousand 4699
dollars shall be used to provide training, technical assistance, 4700
and capacity building assistance to nonprofit development 4701
organizations in areas of the state the director designates as 4702
underserved. 4703

(c) For monies awarded in any fiscal year, priority shall be 4704
given to proposals submitted by nonprofit development 4705
organizations from areas of the state the director designates as 4706
underserved. 4707

(3) Not more than seven per cent of any current year 4708
appropriation authority for the fund shall be used for the 4709
emergency shelter housing grants program to make grants to 4710
private, nonprofit organizations and municipal corporations, 4711
counties, and townships for emergency shelter housing for the 4712
homeless. The grants shall be distributed pursuant to rules the 4713
director adopts and qualify as matching funds for funds obtained 4714
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 4715
11371 to 11378. 4716

(4) In any fiscal year in which the amount in the fund 4717
exceeds the amount awarded pursuant to division (A)(2)(b) of this 4718
section by at least two hundred fifty thousand dollars, at least 4719
two hundred fifty thousand dollars from the fund shall be provided 4720
to the department of aging for the resident services coordinator 4721
program. 4722

(5) Of all money in the fund: 4723

(a) Not more than six per cent shall be used for 4724
administration. 4725

(b) Not less than forty-five per cent of the amount of funds 4726

awarded during any one fiscal year shall be ~~used to make for~~ 4727
grants and loans to nonprofit organizations under section 175.22 4728
of the Revised Code, ~~not.~~ 4729

(c) Not less than fifty per cent of the ~~amount of~~ funds 4730
awarded during any one fiscal year, excluding the amounts awarded 4731
pursuant to divisions (A)(1), (A)(2), and (A)(3) of this section, 4732
shall be ~~used to make for~~ grants and loans for activities that 4733
~~will~~ provide housing and housing assistance to families and 4734
individuals in rural areas and small cities that ~~would~~ are not be 4735
eligible to participate as a participating jurisdiction under the 4736
"HOME Investment Partnerships Act," 104 Stat. 4094 (1990), 42 4737
U.S.C. 12701 note, 12721, ~~no more than five per cent of the money~~ 4738
~~in the fund shall be used for administration, and no.~~ 4739

(d) No money in the fund shall be used to pay for any legal 4740
services other than the usual and customary legal services 4741
associated with the acquisition of housing. 4742

(6) Except as otherwise provided by the director under 4743
division (B) of this section, money in the fund may be used as 4744
matching money for federal funds received by the state, counties, 4745
municipal corporations, and townships for the activities listed in 4746
section 175.22 of the Revised Code. 4747

(B) If after the second quarter of any year it appears to the 4748
director that the full amount of the money in the ~~low and~~ 4749
~~moderate income housing trust~~ fund designated in that year for 4750
activities that ~~will~~ provide housing and housing assistance to 4751
families and individuals in rural areas and small cities under 4752
division (A) of this section will not be ~~so~~ used for that purpose, 4753
the director may reallocate all or a portion of that amount for 4754
other housing activities. In determining whether or how to 4755
reallocate money under this division, the director may consult 4756
with and shall receive advice from the housing trust fund advisory 4757
committee. 4758

Sec. 175.22. (A) The department of development and the Ohio 4759
housing finance agency shall each develop programs under which, in 4760
accordance with rules adopted under this section, ~~it~~ they may make 4761
grants, loans, loan guarantees, and loan subsidies to counties, 4762
municipal corporations, townships, local housing authorities, and 4763
nonprofit organizations and may make loans, loan guarantees, and 4764
loan subsidies to private developers and private lenders to assist 4765
~~them~~ in activities that ~~will~~ provide housing and housing 4766
assistance for specifically targeted low- and moderate-income 4767
families and individuals. There ~~shall be~~ is no minimum housing 4768
project size for awards under this division for any project that 4769
is ~~being~~ developed for a special needs population and that is 4770
supported by a social service agency where the housing project 4771
~~will be~~ is located. Activities for which grants, loans, loan 4772
guarantees, and loan subsidies may be made under this section 4773
include all of the following: 4774

(1) Acquiring, financing, constructing, leasing, 4775
rehabilitating, remodeling, improving, and equipping publicly or 4776
privately owned housing; 4777

(2) Providing supportive services related to housing and the 4778
homeless, including housing counseling. Not more than twenty per 4779
cent of the current year appropriation authority for the low- and 4780
moderate-income housing trust fund that remains after the 4781
expenditures made pursuant to divisions (A)(1), (A)(2), and (A)(3) 4782
of section 175.21 of the Revised Code, shall be awarded in any 4783
fiscal year for ~~such~~ supportive services. 4784

(3) Providing rental assistance payments or other project 4785
operating subsidies that lower tenant rents. 4786

(B) Grants, loans, loan guarantees, and loan subsidies may be 4787
made to counties, municipal corporations, townships, and nonprofit 4788
organizations for the additional purposes of providing technical 4789

assistance, design and finance services and consultation, and 4790
payment of pre-development and administrative costs related to any 4791
of the activities listed above. 4792

(C) In developing programs under this section, the department 4793
and the agency shall invite, accept, and consider public comment, 4794
and recommendations from the housing trust fund advisory committee 4795
created under section 175.25 of the Revised Code, on how the 4796
programs should be designed to most effectively benefit low- and 4797
moderate-income families and individuals. The programs developed 4798
under this section shall respond collectively to housing and 4799
housing assistance needs of low- and moderate-income families and 4800
individuals statewide. 4801

(D) The department and the agency, in accordance with Chapter 4802
119. of the Revised Code, shall each adopt rules ~~under which it~~ 4803
~~shall to~~ administer programs developed ~~by it~~ under this section. 4804
The rules shall prescribe procedures and forms ~~whereby that~~ 4805
counties, municipal corporations, townships, local housing 4806
authorities, and nonprofit organizations ~~may apply~~ shall use in 4807
applying for grants, loans, loan guarantees, and loan subsidies 4808
and ~~that~~ private developers and private lenders ~~may apply~~ shall 4809
use in applying for loans, loan guarantees, and loan subsidies; 4810
eligibility criteria for the receipt of funds; procedures for 4811
reviewing and granting or denying applications; procedures for 4812
paying out funds; conditions on the use of funds; procedures for 4813
monitoring the use of funds; and procedures under which a 4814
recipient shall be required to repay funds that are improperly 4815
used. The rules ~~adopted by the department~~ shall do both of the 4816
following: 4817

(1) Require each recipient of a grant or loan made from the 4818
low- and moderate-income housing trust fund for activities that 4819
~~will~~ provide, or assist in providing, a rental housing project, to 4820
reasonably ensure that the rental housing project will ~~be~~ remain 4821

affordable to those families and individuals targeted for the 4822
rental housing project for the useful life of the rental housing 4823
project or for thirty years, whichever is longer; 4824

(2) Require each recipient of a grant or loan made from the 4825
low- and moderate-income housing trust fund for activities that 4826
~~will~~ provide, or assist in providing, a housing project to prepare 4827
and implement a plan to reasonably assist any families and 4828
individuals displaced by the housing project in obtaining decent 4829
affordable housing. 4830

(E) In prescribing eligibility criteria and conditions for 4831
the use of funds, neither the department nor the agency is limited 4832
to the criteria and conditions specified in this section and each 4833
may prescribe additional eligibility criteria and conditions that 4834
relate to the purposes for which grants, loans, loan guarantees, 4835
and loan subsidies may be made. However, the department and agency 4836
are limited by the following specifically targeted low- and 4837
moderate-income guidelines: 4838

(1) Not less than seventy-five per cent of the money granted 4839
and loaned under this section in any fiscal year shall be for 4840
activities that ~~will~~ provide affordable housing and housing 4841
assistance to families and individuals ~~in a county~~ whose incomes 4842
are equal to or less than fifty per cent of the median income for 4843
~~that~~ the county in which they live, as determined by the 4844
department under section 175.23 of the Revised Code. 4845

(2) ~~The remainder of the~~ Any money granted and loaned under 4846
this section in any fiscal year that is not granted or loaned 4847
pursuant to division (E)(1) of this section shall be for 4848
activities that ~~will~~ provide affordable housing and housing 4849
assistance to families and individuals ~~in a county~~ whose incomes 4850
are equal to or less than eighty per cent of the median income for 4851
~~that~~ the county in which they live, as determined by the 4852
department under section 175.23 of the Revised Code. 4853

(F) In making grants, loans, loan guarantees, and loan 4854
subsidies under this section, the department and the agency shall 4855
give preference to viable projects and activities that ~~will~~ 4856
benefit those families and individuals ~~in a county~~ whose incomes 4857
are equal to or less than thirty-five per cent of the median 4858
income for ~~that~~ the county in which they live, as determined by 4859
the department under section 175.23 of the Revised Code. 4860

(G) The department and the agency shall monitor the programs 4861
developed under this section to ensure that money granted and 4862
loaned under this section is not used in a manner that violates 4863
division (H) of section 4112.02 of the Revised Code or 4864
discriminates against families with children. 4865

Sec. 183.02. This section's references to years mean state 4866
fiscal years. 4867

All payments received by the state pursuant to the tobacco 4868
master settlement agreement shall be deposited into the state 4869
treasury to the credit of the tobacco master settlement agreement 4870
fund, which is hereby created. All investment earnings of the fund 4871
shall also be credited to the fund. Except as provided in division 4872
(K) of this section, payments and interest credited to the fund 4873
shall be transferred by the director of budget and management as 4874
follows: 4875

(A)(1) Of the first payment credited to the tobacco master 4876
settlement agreement fund in 2000 and the net amounts credited to 4877
the fund annually from 2000 to 2006 and in 2012, the following 4878
amount or percentage shall be transferred to the tobacco use 4879
prevention and cessation trust fund, created in section 183.03 of 4880
the Revised Code: 4881

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$104,855,222.85	4883

2000 (net amount credited)	70.30%	4884
2001	62.84	4885
2002	61.41	4886
2003	63.24	4887
2004	66.65	4888
2005	66.24	4889
2006	65.97	4890
2012	56.01	4891

(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2014, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general assembly. Of the net amounts credited to the tobacco master settlement agreement fund in 2015, the director shall transfer to the tobacco use prevention and cessation trust fund the amount not transferred to the tobacco use prevention and cessation trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2004 due to H.B. _____ of the 125th general assembly.

(B) Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually in 2000 and 2001, the following amount or percentage shall be transferred to the law enforcement

improvements trust fund, created in section 183.10 of the Revised Code: 4916
4917

YEAR	AMOUNT OR PERCENTAGE	
2000 (first payment credited)	\$10,000,000	4918 4919
2000 (net amount credited)	5.41%	4920
2001	2.32	4921

(C)~~(1)~~ Of the first payment credited to the tobacco master settlement agreement fund in 2000 and the net amounts credited to the fund annually from 2000 to 2011, the following percentages shall be transferred to the southern Ohio agricultural and community development trust fund, created in section 183.11 of the Revised Code: 4922
4923
4924
4925
4926
4927

YEAR	PERCENTAGE	
2000 (first payment credited)	5.00%	4928 4929
2000 (net amount credited)	8.73	4930
2001	8.12	4931
2002	9.18	4932
2003	8.91	4933
2004	7.84	4934
2005	7.79	4935
2006	7.76	4936
2007	17.39	4937
2008 through 2011	17.25	4938

~~(2) Of the net amounts credited to the tobacco master settlement agreement fund in 2013, the director shall transfer to the southern Ohio agricultural and community development trust fund the amount not transferred to the southern Ohio agricultural and community development trust fund from the net amounts credited to the tobacco master settlement agreement fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general~~ 4939
4940
4941
4942
4943
4944
4945

~~assembly. Of the net amounts credited to the tobacco master 4946
settlement agreement fund in 2014, the director shall transfer to 4947
the southern Ohio agricultural and community development trust 4948
fund the amount not transferred to the southern Ohio agricultural 4949
and community development trust fund from the net amounts credited 4950
to the tobacco master settlement agreement fund in 2003 due to Am. 4951
Sub. H.B. No. 405 and Am. Sub. S.B. No. 242 of the 124th general 4952
assembly. 4953~~

(D)~~(1)~~ The following percentages of the net amounts credited 4954
to the tobacco master settlement agreement fund annually shall be 4955
transferred to Ohio's public health priorities trust fund, created 4956
in section 183.18 of the Revised Code: 4957

YEAR	PERCENTAGE	
2000	5.41	4959
2001	6.68	4960
2002	6.79	4961
2003	6.90	4962
2004	7.82	4963
2005	8.18	4964
2006	8.56	4965
2007	19.83	4966
2008	19.66	4967
2009	20.48	4968
2010	21.30	4969
2011	22.12	4970
2012	10.47	4971

~~(2) Of the net amounts credited to the tobacco master 4972
settlement agreement fund in 2013, the director shall transfer to 4973
Ohio's public health priorities trust fund the amount not 4974
transferred to Ohio's public health priorities trust fund from the 4975
net amounts credited to the tobacco master settlement agreement 4976
fund in 2002 due to Am. Sub. H.B. No. 405 and Am. Sub. S.B. No. 4977~~

~~242 of the 124th general assembly. Of the net amounts credited to 4978
the tobacco master settlement agreement fund in 2014, the director 4979
shall transfer to Ohio's public health priorities trust fund the 4980
amount not transferred to Ohio's public health priorities trust 4981
fund from the net amounts credited to the tobacco master 4982
settlement agreement fund in 2003 due to Am. Sub. H.B. No. 405 and 4983
Am. Sub. S.B. No. 242 of the 124th general assembly. 4984~~

(E) The following percentages of the net amounts credited to 4985
the tobacco master settlement agreement fund annually shall be 4986
transferred to the biomedical research and technology transfer 4987
trust fund, created in section 183.19 of the Revised Code: 4988

YEAR	PERCENTAGE	
2000	2.71	4990
2001	14.03	4991
2002	13.29	4992
2003	12.73	4993
2004	13.78	4994
2005	14.31	4995
2006	14.66	4996
2007	49.57	4997
2008 to 2011	45.06	4998
2012	18.77	4999

(F) Of the amounts credited to the tobacco master settlement 5000
agreement fund annually, the following amounts shall be 5001
transferred to the education facilities trust fund, created in 5002
section 183.26 of the Revised Code: 5003

YEAR	AMOUNT	
2000	\$133,062,504.95	5005
2001	128,938,732.73	5006
2002	185,804,475.78	5007
2003	180,561,673.11	5008
2004	122,778,219.49	5009

2005	121,389,325.80	5010
2006	120,463,396.67	5011
2007	246,389,369.01	5012
2008 to 2011	267,531,291.85	5013
2012	110,954,545.28	5014

(G) Of the amounts credited to the tobacco master settlement agreement fund annually, from 2000 to 2012 five million dollars per year shall be transferred to the education facilities endowment fund, created in section 183.27 of the Revised Code. From 2013 to 2025, the following percentages of the amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the endowment fund:

YEAR	PERCENTAGE	
2013	30.22	5023
2014	33.36	5024
2015 to 2025	40.90	5025

(H) The following percentages of the net amounts credited to the tobacco master settlement agreement fund annually shall be transferred to the education technology trust fund, created in section 183.28 of the Revised Code:

YEAR	PERCENTAGE	
2000	7.44	5031
2001	6.01	5032
2002	9.33	5033
2003	8.22	5034
2004	3.91	5035
2005	3.48	5036
2006	3.05	5037
2007	13.21	5038
2008	18.03	5039
2009	17.21	5040
2010	16.39	5041

2011	15.57	5042
2012	14.75	5043

(I) In each year from 2003 to 2025, after the transfers made under divisions (F) and (G) of this section but prior to the transfers made under divisions (A) to (E) of this section, the director of budget and management shall transfer to the tobacco settlement oversight, administration, and enforcement fund created in section 183.34 of the Revised Code such amount as the director determines necessary to pay the costs incurred by the attorney general in tobacco settlement oversight, administration, and enforcement.

(J) In each year from 2003 to 2025, after the transfers made under divisions (F) and (G) of this section but prior to the transfers made under divisions (A) to (E) of this section, the director of budget and management shall transfer to the tobacco settlement enforcement fund created in section 183.35 of the Revised Code such amount as the director determines necessary to pay the costs incurred by the tax commissioner in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

(K) If in any year from 2001 to 2012 the payments and interest credited to the tobacco master settlement agreement fund during the year amount to less than the amounts required to be transferred to the education facilities trust fund and the education facilities endowment fund that year, the director of budget and management shall make none of the transfers required by divisions (A) to (J) of this section.

(L) If in any year from 2000 to 2025 the payments credited to the tobacco master settlement agreement fund during the year exceed the following amounts, the director of budget and management shall transfer the excess to the income tax reduction fund, created in section 131.44 of the Revised Code:

YEAR	AMOUNT	5073
------	--------	------

2000	\$443,892,767.51	5074
2001	348,780,049.22	5075
2002	418,783,038.09	5076
2003	422,746,368.61	5077
2004	352,827,184.57	5078
2005	352,827,184.57	5079
2006	352,827,184.57	5080
2007	352,827,184.57	5081
2008 to 2017	383,779,323.15	5082
2018 to 2025	403,202,282.16	5083

Sec. 183.28. The education technology trust fund is hereby 5084
created in the state treasury. Money credited to the fund shall be 5085
used to pay costs of the ~~Ohio SchoolNet commission under section~~ 5086
~~3301.80 of the Revised Code~~ department of education for school 5087
technology-related activities. All investment earnings of the fund 5088
shall be credited to the fund. 5089

Sec. 305.28. (A) A board of county commissioners, by 5090
resolution, may adopt a cost allocation plan that identifies, 5091
accumulates, and distributes allowable direct and indirect costs 5092
that may be paid from any county special revenue fund, enterprise 5093
fund, or internal service fund to the county general fund, 5094
including funds provided for in sections 307.806 and 307.846 of 5095
the Revised Code. The plan shall use cost principles like those 5096
contained in the United States office of management and budget 5097
circular A-87, "Cost Principles for State, Local, and Indian 5098
Tribal Governments." The plan may include reasonable rates or 5099
charges for general fund direct and indirect costs, administrative 5100
services, and centrally budgeted costs. If rates and charges are 5101
so included, the county shall periodically review them to ensure 5102
that they continue to reflect actual costs. 5103

(B) After the adoption of a cost allocation plan under 5104

division (A) of this section, the board of county commissioners 5105
may adopt a resolution of intent declaring its intention to 5106
allocate costs identified in the plan to any special revenue fund, 5107
enterprise fund, or internal service fund, and identifying the 5108
name of each such fund, any numerical fund identifier, and the 5109
rates or charges to be made. By regular mail or by personal 5110
service, the clerk of the board shall give a certified copy of the 5111
resolution of intent, a copy of the cost allocation plan, and an 5112
estimate of the costs that will be allocated to the particular 5113
fund in the next ensuing fiscal year, to the county elected 5114
official or the board, commission, or other instrumentality of the 5115
county associated with each fund identified in the resolution of 5116
intent. 5117

Within twenty days after the mailing or personal service of 5118
those documents, a recipient county elected official, board, 5119
commission, or other instrumentality may request a meeting with 5120
the board of county commissioners to discuss the rates or charges 5121
in the resolution of intent. The board shall consider their 5122
comments. Not sooner than twenty days after receiving the comments 5123
of all recipients who timely made a request for a meeting, the 5124
board may adopt a resolution to proceed consistent with its cost 5125
allocation plan, which may amend the rates or charges specified in 5126
the resolution of intent. These rates and charges cannot be 5127
charged before the first day of January of the ensuing fiscal year 5128
to any special revenue fund, enterprise fund, or internal service 5129
fund specified in the resolution to proceed with the plan. 5130

(C) After adoption of the resolution to proceed with the cost 5131
allocation plan under division (B) of this section, the board of 5132
county commissioners shall charge, at least annually, each 5133
applicable county elected official, board, commission, or other 5134
instrumentality in a manner consistent with that resolution and 5135
the plan. Notwithstanding sections 5705.14, 5705.15, and 5705.16 5136

of the Revised Code, if the county elected official, board, 5137
commission, or other instrumentality does not reimburse the 5138
general fund as charged, the board may authorize a transfer from 5139
the appropriate special revenue fund, enterprise fund, or internal 5140
service fund to the general fund, or may take any other action to 5141
ensure that the rates or charges are collected and deposited in 5142
the general fund. 5143

(D) The authority granted in this section is in addition to 5144
and not in derogation of the authority granted to the board of 5145
county commissioners in section 307.85, division (B) of section 5146
343.08, section 955.17, division (H) of section 6103.02, and 5147
division (E) of section 6117.02 of the Revised Code. 5148

Sec. 307.202. As used in this section, "rail property" and 5149
"rail service" have the same meanings as in section ~~4981.01~~ 5150
5507.01 of the Revised Code. 5151

The board of county commissioners may acquire, rehabilitate, 5152
and develop rail property and rail service, and may enter into 5153
agreements with ~~the Ohio rail development commission~~, boards of 5154
township trustees, legislative authorities of municipal 5155
corporations, other boards of county commissioners, with other 5156
governmental agencies or organizations, and with private agencies 5157
or organizations in order to achieve those purposes. 5158

Sec. 307.86. Anything to be purchased, leased, leased with an 5159
option or agreement to purchase, or constructed, including, but 5160
not limited to, any product, structure, construction, 5161
reconstruction, improvement, maintenance, repair, or service, 5162
except the services of an accountant, architect, attorney at law, 5163
physician, professional engineer, construction project manager, 5164
consultant, surveyor, or appraiser, by or on behalf of the county 5165
or contracting authority, as defined in section 307.92 of the 5166

Revised Code, at a cost in excess of fifteen thousand dollars, 5167
except as otherwise provided in division (D) of section 713.23 and 5168
in sections 125.04, 307.022, 307.041, 307.861, 339.05, 340.03, 5169
340.033, 4115.31 to 4115.35, 5119.16, 5513.01, 5543.19, 5713.01, 5170
and 6137.05 of the Revised Code, shall be obtained through 5171
competitive bidding. However, competitive bidding is not required 5172
when any of the following applies: 5173

(A) The board of county commissioners, by a unanimous vote of 5174
its members, makes a determination that a real and present 5175
emergency exists, and that determination and the reasons for it 5176
are entered in the minutes of the proceedings of the board, when 5177
either of the following applies: 5178

(1) The estimated cost is less than fifty thousand dollars. 5179

(2) There is actual physical disaster to structures, radio 5180
communications equipment, or computers. 5181

For purposes of this division, "unanimous vote" means all 5182
three members of a board of county commissioners when all three 5183
members are present, or two members of the board if only two 5184
members, constituting a quorum, are present. 5185

Whenever a contract of purchase, lease, or construction is 5186
exempted from competitive bidding under division (A)(1) of this 5187
section because the estimated cost is less than fifty thousand 5188
dollars, but the estimated cost is fifteen thousand dollars or 5189
more, the county or contracting authority shall solicit informal 5190
estimates from no fewer than three persons who could perform the 5191
contract, before awarding the contract. With regard to each such 5192
contract, the county or contracting authority shall maintain a 5193
record of such estimates, including the name of each person from 5194
whom an estimate is solicited. The county or contracting authority 5195
shall maintain the record for the longer of at least one year 5196
after the contract is awarded or the amount of time the federal 5197

government requires. 5198

(B) The purchase consists of supplies or a replacement or 5199
supplemental part or parts for a product or equipment owned or 5200
leased by the county, and the only source of supply for the 5201
supplies, part, or parts is limited to a single supplier. 5202

(C) The purchase is from the federal government, the state, 5203
another county or contracting authority of another county, or a 5204
board of education, township, or municipal corporation. 5205

(D) ~~Public family~~ Family services duties or workforce 5206
development activities are purchased for provision by the county 5207
department of job and family services under section 329.04 of the 5208
Revised Code, or program services, such as direct and ancillary 5209
client services, child day-care, case management services, 5210
residential services, and family resource services, are purchased 5211
for provision by a county board of mental retardation and 5212
developmental disabilities under section 5126.05 of the Revised 5213
Code. 5214

(E) The purchase consists of criminal justice services, 5215
social services programs, family services, or workforce 5216
development activities by the board of county commissioners from 5217
nonprofit corporations or associations under programs funded by 5218
the federal government or by state grants. 5219

(F) The purchase consists of any form of an insurance policy 5220
or contract authorized to be issued under Title XXXIX of the 5221
Revised Code or any form of health care plan authorized to be 5222
issued under Chapter 1751. of the Revised Code, or any combination 5223
of such policies, contracts, or plans that the contracting 5224
authority is authorized to purchase, and the contracting authority 5225
does all of the following: 5226

(1) Determines that compliance with the requirements of this 5227
section would increase, rather than decrease, the cost of the 5228

purchase;	5229
(2) Employs a competent consultant to assist the contracting authority in procuring appropriate coverages at the best and lowest prices;	5230 5231 5232
(3) Requests issuers of the policies, contracts, or plans to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, or plans as the contracting authority desires to purchase;	5233 5234 5235 5236 5237
(4) Negotiates with the issuers for the purpose of purchasing the policies, contracts, or plans at the best and lowest price reasonably possible.	5238 5239 5240
(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.	5241 5242 5243 5244 5245
(H) Child day-care services are purchased for provision to county employees.	5246 5247
(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	5248 5249 5250
(a) The contracting authority is authorized by the Revised Code to lease the property.	5251 5252
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	5253 5254 5255 5256
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified	5257 5258

in the requests for proposals by giving notice in a manner 5259
substantially similar to the procedures established for giving 5260
notice under section 307.87 of the Revised Code. 5261

(d) The contracting authority negotiates with the prospective 5262
lessors to obtain a lease at the best and lowest price reasonably 5263
possible considering the fair market value of the property and any 5264
relocation and operational costs that may be incurred during the 5265
period the lease is in effect. 5266

(2) The contracting authority may use the services of a real 5267
estate appraiser to obtain advice, consultations, or other 5268
recommendations regarding the lease of property under this 5269
division. 5270

(J) The purchase is made pursuant to section 5139.34 or 5271
sections 5139.41 to 5139.46 of the Revised Code and is of programs 5272
or services that provide case management, treatment, or prevention 5273
services to any felony or misdemeanor delinquent, unruly youth, 5274
or status offender under the supervision of the juvenile court, 5275
including, but not limited to, community residential care, day 5276
treatment, services to children in their home, or electronic 5277
monitoring. 5278

(K) The purchase is made by a public children services agency 5279
pursuant to section 307.92 or 5153.16 of the Revised Code and 5280
consists of family services, programs, or ancillary services that 5281
provide case management, prevention, or treatment services for 5282
children at risk of being or alleged to be abused, neglected, or 5283
dependent children. 5284

Any issuer of policies, contracts, or plans listed in 5285
division (F) of this section and any prospective lessor under 5286
division (I) of this section may have the issuer's or prospective 5287
lessor's name and address, or the name and address of an agent, 5288
placed on a special notification list to be kept by the 5289

contracting authority, by sending the contracting authority that 5290
name and address. The contracting authority shall send notice to 5291
all persons listed on the special notification list. Notices shall 5292
state the deadline and place for submitting proposals. The 5293
contracting authority shall mail the notices at least six weeks 5294
prior to the deadline set by the contracting authority for 5295
submitting proposals. Every five years the contracting authority 5296
may review this list and remove any person from the list after 5297
mailing the person notification of that action. 5298

Any contracting authority that negotiates a contract under 5299
division (F) of this section shall request proposals and 5300
renegotiate with issuers in accordance with that division at least 5301
every three years from the date of the signing of such a contract. 5302

Any consultant employed pursuant to division (F) of this 5303
section and any real estate appraiser employed pursuant to 5304
division (I) of this section shall disclose any fees or 5305
compensation received from any source in connection with that 5306
employment. 5307

Sec. 307.98. Each board of county commissioners shall enter 5308
into a one or more written ~~partnership agreement~~ fiscal agreements 5309
with the director of job and family services in accordance with 5310
section 5101.21 of the Revised Code. ~~Prior to entering into or~~ 5311
~~substantially amending the agreement, the board shall conduct a~~ 5312
~~public hearing and consult with the county family services~~ 5313
~~planning committee established under section 329.06 of the Revised~~ 5314
~~Code. Through the hearing and consultation, the board shall obtain~~ 5315
~~comments and recommendations concerning what would be the county's~~ 5316
~~obligations and responsibilities under the agreement or amendment.~~ 5317
~~As evidence that the board consulted with the county family~~ 5318
~~services planning committee, the committee's chair shall sign a~~ 5319
~~letter confirming that the consultation occurred, which shall be~~ 5320

~~attached to the partnership agreement and any substantial~~ 5321
~~amendments to the agreement. The boards shall enter into the~~ 5322
~~agreements on behalf of their county family services agencies.~~ 5323

Sec. 307.981. (A)(1) As used in the Revised Code: 5324

(a) "County family services agency" means all of the 5325
following: 5326

(i) A child support enforcement agency; 5327

(ii) A county department of job and family services; 5328

(iii) A public children services agency. 5329

(b) "Family services duty" means a duty state law requires or 5330
allows a county family services agency to assume, including 5331
financial and general administrative duties. 5332

(2) As used in sections 307.981 to 307.989 of the Revised 5333
Code, "private entity" means an entity other than a government 5334
entity. 5335

(B) To the extent permitted by federal law, including, when 5336
applicable, subpart F of 5 C.F.R. part 900, and subject to any 5337
limitations established by the Revised Code, including division 5338
(H) of this section, a board of county commissioners may designate 5339
any private or government entity within this state to serve as any 5340
of the following: 5341

(1) A child support enforcement agency; 5342

(2) A county department of job and family services; 5343

(3) A public children services agency; 5344

(4) A county department of job and family services and one 5345
other of those county family services agencies; 5346

(5) All three of those county family services agencies; 5347

~~(6) A workforce development agency;~~ 5348

~~(7) A workforce development agency and a county department of job and family services;~~ 5349
5350

~~(8) A workforce development agency and a county department of job and family services and one or two of the other county family services agencies.~~ 5351
5352
5353

(C) A To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity. 5354
5355
5356
5357
5358
5359

(D) ~~If the director of job and family services determines that~~ a designation under division (B) or (C) of this section constitutes a ~~substantial~~ change from ~~what is the designation in the current partnership~~ a fiscal agreement between the director of job and family services and the board of county commissioners ~~under section 5101.21 of the Revised Code,~~ the director may require that the director and board amend the ~~partnership~~ fiscal agreement and that the board provide the director written assurances that the newly designated private or government entity will meet or exceed all requirements of the family services duties ~~or workforce development activities~~ the entity is to assume. 5360
5361
5362
5363
5364
5365
5366
5367
5368
5369
5370

(E) Not less than sixty days before a board of county commissioners designates an entity under division (B) or (C) of this section, the board shall notify the director of job and family services and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the designation. 5371
5372
5373
5374
5375
5376

(F) A board of county commissioners shall enter into a written contract with each entity it designates under division (B) or (C) of this section specifying the entity's responsibilities 5377
5378
5379

and standards the entity is required to meet. 5380

(G) This section does not require a board of county 5381
commissioners to abolish the child support enforcement agency, 5382
county department of job and family services, or public children 5383
services agency serving the county on October 1, 1997, and 5384
designate a different private or government entity to serve as the 5385
county's child support enforcement agency, county department of 5386
job and family services, or public children services agency. 5387

(H) If a county children services board appointed under 5388
section 5153.03 of the Revised Code serves as a public children 5389
services agency for a county, the board of county commissioners 5390
may not redesignate the public children services agency unless the 5391
board of county commissioners does all of the following: 5392

(1) Notifies the county children services board of its intent 5393
to redesignate the public children services agency. In its 5394
notification, the board of county commissioners shall provide the 5395
county children services board a written explanation of the 5396
administrative, fiscal, or performance considerations causing the 5397
board of county commissioners to seek to redesignate the public 5398
children services agency. 5399

(2) Provides the county children services board an 5400
opportunity to comment on the proposed redesignation before the 5401
redesignation occurs; 5402

(3) If the county children services board, not more than 5403
sixty days after receiving the notice under division (H)(1) of 5404
this section, notifies the board of county commissioners that the 5405
county children services board has voted to oppose the 5406
redesignation, votes unanimously to proceed with the 5407
redesignation. 5408

Sec. 307.987. To the extent federal ~~statutes and regulations~~ 5409

and state law permit, ~~a partnership agreement entered into under~~ 5410
~~section 307.98, a contract entered into under section 307.981 or~~ 5411
~~307.982,~~ a plan of cooperation entered into under section 307.983, 5412
a regional plan of cooperation entered into under section 307.984, 5413
a transportation work plan developed under section 307.985, and 5414
procedures established under section 307.986 of the Revised Code 5415
shall permit the exchange of information needed to improve 5416
services and assistance to individuals and families and the 5417
protection of children. A private or government entity that 5418
receives information pursuant to ~~an agreement, contract,~~ a plan, 5419
or procedures is bound by the same standards of confidentiality as 5420
the entity that provides the information. 5421

~~An agreement, contract,~~ A plan, or procedures shall: 5422

(A) Be coordinated and not conflict with another ~~agreement,~~ 5423
~~contract,~~ plan, or procedures or an agreement entered into under 5424
section 329.05 of the Revised Code; 5425

(B) Prohibit discrimination in hiring and promotion against 5426
applicants for and participants of the Ohio works first program 5427
established under Chapter 5107. of the Revised Code and the 5428
prevention, retention, and contingency program established under 5429
Chapter 5108. of the Revised Code; 5430

(C) Comply with federal ~~statutes and regulations~~ and state 5431
law; 5432

(D) Be adopted by resolution of a board of county 5433
commissioners; 5434

(E) Specify how the ~~agreement, contract,~~ plan, or procedures 5435
may be amended. 5436

Sec. 311.17. For the services specified in this section, the 5437
sheriff shall charge the following fees, which the court or its 5438
clerk ~~thereof~~ shall tax in the bill of costs against the judgment 5439

debtor or those legally liable therefor <u>for the judgment</u> :	5440
(A) For the service and return of the following writs and orders:	5441
	5442
(1) Execution:	5443
(a) When money is paid without levy or when no property is found, five <u>twenty</u> dollars;	5444
	5445
(b) When levy is made on real property, for the first tract, twenty <u>twenty-five</u> dollars, and for each additional tract, five <u>ten</u> dollars;	5446
	5447
	5448
(c) When levy is made on goods and chattels, including inventory, twenty-five <u>fifty</u> dollars.	5449
	5450
(2) Writ of attachment of property, except for purpose of garnishment, twenty <u>forty</u> dollars;	5451
	5452
(3) Writ of attachment for the purpose of garnishment, five <u>ten</u> dollars;	5453
	5454
(4) Writ of replevin, twenty <u>forty</u> dollars;	5455
(5) Warrant to arrest, for each person named in the writ, five <u>ten</u> dollars;	5456
	5457
(6) Attachment for contempt, for each person named in the writ, three <u>six</u> dollars;	5458
	5459
(7) Writ of possession or restitution, twenty <u>sixty</u> dollars;	5460
(8) Subpoena, for each person named in the writ, if in <u>either</u> a civil <u>or criminal</u> case three, six <u>three, six</u> dollars, if in a criminal case one-dollar;	5461
	5462
	5463
(9) Venire, for each person named in the writ, if in <u>either</u> a civil <u>or criminal</u> case three, six <u>three, six</u> dollars, if in a criminal case one-dollar;	5464
	5465
	5466
(10) Summoning each juror, other than on venire, if in <u>either</u> a civil <u>or criminal</u> case three, six <u>three, six</u> dollars, if in a criminal case	5467
	5468

one dollar;	5469
(11) Writ of partition, fifteen <u>twenty-five</u> dollars;	5470
(12) Order of sale on partition, for the first tract,	5471
twenty-five <u>fifty</u> dollars, and for each additional tract, five	5472
<u>twenty-five</u> dollars;	5473
(13) Other order of sale of real property, for the first	5474
tract, twenty <u>fifty</u> dollars, and for each additional tract, five	5475
<u>twenty-five</u> dollars;	5476
(14) Administering oath to appraisers, one dollar and fifty	5477
cents <u>three dollars</u> each;	5478
(15) Furnishing copies for advertisements, fifty cents <u>one</u>	5479
<u>dollar</u> for each hundred words;	5480
(16) Copy of indictment, for each defendant, two <u>five</u>	5481
dollars;	5482
(17) All summons, writs, orders, or notices, for the first	5483
name, three <u>six</u> dollars, and for each additional name, fifty cents	5484
<u>one dollar</u> .	5485
(B) In addition to the fee for service and return, the	5486
sheriff may charge:	5487
(1) On each summons, writ, order, or notice, a fee of fifty	5488
cents <u>one dollar</u> per mile for the first mile, and twenty <u>fifty</u>	5489
cents per mile for each additional mile, going and returning,	5490
actual mileage to be charged on each additional name;	5491
(2) Taking bail bond, one dollar <u>three dollars</u> ;	5492
(3) Jail fees, as follows:	5493
(a) For receiving a prisoner, four <u>five</u> dollars <u>each time a</u>	5494
<u>prisoner is received</u> , and for discharging or surrendering a	5495
prisoner, four <u>five</u> dollars; <u>each time a prisoner is discharged or</u>	5496
<u>surrendered. The departure or return of a prisoner from or to a</u>	5497

jail in connection with a program established under section 5498
5147.28 of the Revised Code is not a receipt, discharge, or 5499
surrender of the prisoner for purposes of this division. 5500

(b) Taking a prisoner before a judge or court, per day, ~~three~~ 5501
five dollars; 5502

(c) Calling action, ~~fifty cents~~ one dollar; 5503

(d) Calling jury, ~~one dollar~~ three dollars; 5504

(e) Calling each witness, ~~one dollar~~ three dollars; 5505

(f) Bringing prisoner before court on habeas corpus, ~~four~~ six 5506
dollars~~+~~. 5507

(4) Poundage on all moneys actually made and paid to the 5508
sheriff on execution, decree, or sale of real estate, one and 5509
one-half per cent; 5510

(5) Making and executing a deed of land sold on execution, 5511
decree, or order of the court, to be paid by the purchaser, 5512
~~twenty-five~~ fifty dollars. 5513

When any of the ~~foregoing~~ services described in division (A) 5514
or (B) of this section are rendered by an officer or employee, 5515
whose salary or per diem compensation is paid by the county, the 5516
applicable legal fees and any other extraordinary expenses, 5517
including overtime, provided for ~~such the service in this section~~ 5518
shall be taxed in the costs in the case~~7~~, and~~,~~ when ~~such fees are~~ 5519
collected ~~they~~, shall be paid into the general fund of the county. 5520

The sheriff shall charge the same fees for the execution of 5521
process issued in any other state as ~~he~~ the sheriff charges for 5522
the execution of process of a substantively similar nature that is 5523
issued in this state. 5524

Sec. 317.32. The county recorder shall charge and collect the 5525
following fees, to include base fees for the recorder's services 5526

and housing trust fund fees, collected pursuant to section 317.36 5527
of the Revised Code: 5528

(A) For recording and indexing an instrument when the 5529
photocopy or any similar process is employed, a base fee of 5530
fourteen dollars for the first two pages and a housing trust fund 5531
fee of fourteen dollars, and a base fee of four dollars and a 5532
housing trust fund fee of four dollars for each subsequent page, 5533
size eight and one-half inches by fourteen inches, or fraction of 5534
a page, including the caption page, of such instrument; 5535

(B) For certifying a photocopy from the record previously 5536
recorded, a base fee of one dollar and a housing trust fund fee of 5537
one dollar per page, size eight and one-half inches by fourteen 5538
inches, or fraction of a page; for each certification where the 5539
recorder's seal is required, except as to instruments issued by 5540
the armed forces of the United States, a base fee of fifty cents 5541
and a housing trust fund fee of fifty cents; 5542

(C) For manual or typewritten recording of assignment or 5543
satisfaction of mortgage or lease or any other marginal entry, a 5544
base fee of four dollars and a housing trust fund fee of four 5545
dollars; 5546

(D) For entering any marginal reference by separate recorded 5547
instrument, a base fee of two dollars and a housing trust fund fee 5548
of two dollars for each marginal reference set out in that 5549
instrument, in addition to the ~~recording fee~~ fees set forth in 5550
division (A) of this section; 5551

(E) For indexing in the real estate mortgage records, 5552
pursuant to section 1309.519 of the Revised Code, financing 5553
statements covering crops growing or to be grown, timber to be 5554
cut, minerals or the like, including oil and gas, accounts subject 5555
to section 1309.301 of the Revised Code, or fixture filings made 5556
pursuant to section 1309.334 of the Revised Code, a base fee of 5557

two dollars and a housing trust fund fee of two dollars for each 5558
name indexed; 5559

(F) For recording manually any plat not exceeding six lines, 5560
a base fee of two dollars and a housing trust fund fee of two 5561
dollars, and for each additional line, a base fee of ten cents and 5562
a housing trust fund fee of ten cents; 5563

(G) For filing zoning resolutions, including text and maps, 5564
in the office of the recorder as required under sections 303.11 5565
and 519.11 of the Revised Code, a base fee of fifty dollars and a 5566
housing trust fund fee of fifty dollars, regardless of the size or 5567
length of the resolutions; 5568

(H) For filing zoning amendments, including text and maps, in 5569
the office of the recorder as required under sections 303.12 and 5570
519.12 of the Revised Code, a base fee of ten dollars and a 5571
housing trust fund fee of ten dollars for the first page and a 5572
base fee of four dollars and a housing trust fund fee of four 5573
dollars for each additional page; 5574

(I) For photocopying a document, other than at the time of 5575
recording and indexing as provided for in division (A) of this 5576
section, a base fee of one dollar and a housing trust fund fee of 5577
one dollar per page, size eight and one-half inches by fourteen 5578
inches, or fraction thereof; 5579

(J) For local facsimile transmission of a document, a base 5580
fee of one dollar and a housing trust fund fee of one dollar per 5581
page, size eight and one-half inches by fourteen inches, or 5582
fraction thereof; for long distance facsimile transmission of a 5583
document, a base fee of two dollars and a housing trust fund fee 5584
of two dollars per page, size eight and one-half inches by 5585
fourteen inches, or fraction thereof; 5586

(K) For recording a declaration executed pursuant to section 5587
2133.02 of the Revised Code or a durable power of attorney for 5588

health care executed pursuant to section 1337.12 of the Revised Code, or both a declaration and a durable power of attorney for health care, a base fee of at least fourteen dollars but not more than twenty dollars and a housing trust fund fee of at least fourteen dollars but not more than twenty dollars.

In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square inch of the record, with a minimum base fee of two dollars and a minimum housing trust fund fee of two dollars.

The fees provided in this section shall be paid upon the presentation of the instruments for record or upon the application for any certified copy of the record, except that the payment of fees associated with the filing and recording of, or the copying of, notices of internal revenue tax liens and notices of other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code and certificates of discharge or release of those liens, shall be governed by section 317.09 of the Revised Code, and the payment of fees for providing copies of instruments conveying or extinguishing agricultural easements to the office of farmland preservation under division (G) of section 5301.691 of the Revised Code shall be governed by that division.

Sec. 317.36. (A) The county recorder shall collect the low-

and moderate-income housing trust fund fee as specified in 5620
sections 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 5621
5111.021, 5310.15, 5719.07, 5727.56, 5733.18, 5733.22, 6101.09, 5622
and 6115.09 of the Revised Code. The amount of any housing trust 5623
fund fee the recorder is authorized to collect is equal to the 5624
amount of any base fee the recorder is authorized to collect for 5625
services. The housing trust fund fee shall be collected in 5626
addition to the base fee. 5627

(B) The recorder shall certify the amounts collected as 5628
housing trust fund fees pursuant to division (A) of this section 5629
into the county treasury as housing trust fund fees, collected 5630
solely to provide revenue for the low- and moderate-income housing 5631
trust fund in the state treasury created under section 175.21 of 5632
the Revised Code. 5633

~~Sec. 319.302. After complying with section 319.301 of the~~ 5634
~~Revised Code, the county auditor shall reduce the remaining sums~~ 5635
~~to be levied against each parcel of real (A) Real property listed~~ 5636
~~on the general current tax list and duplicate of real and public~~ 5637
~~utility property for the current tax year, and against each~~ 5638
~~manufactured and or mobile home that is homes taxed pursuant to~~ 5639
~~division (D)(2) of section 4503.06 of the Revised Code and that is~~ 5640
~~listed on the current manufactured home tax list for the current~~ 5641
~~tax year, by ten per cent. Except shall be exempted from taxation~~ 5642
~~to the extent provided in division (A)(1), (2), or (3) of this~~ 5643
~~section. The exemption shall be effected by the county auditor~~ 5644
~~reducing the sums remaining to be levied against such real~~ 5645
~~property and manufactured or mobile homes by the amounts~~ 5646
~~prescribed in those divisions after the reduction under section~~ 5647
~~319.301 of the Revised Code:~~ 5648

(1) Ten per cent of the remaining sums in the case of a tract 5649
or parcel of real property classified according to use as 5650

agricultural; 5651

(2) Ten per cent of the remaining sums in the case of a tract 5652
or parcel of real property classified according to use as 5653
residential and on which is situated a single-family or two-family 5654
dwelling. If the dwelling qualifies for the reduction in taxes 5655
under division (B) of section 323.152 of the Revised Code for the 5656
current tax year or would qualify if an application for the 5657
reduction had been filed, the ten per cent reduction shall apply 5658
only to the extent of the remaining sums to be levied on the first 5659
one million dollars in true value of those tracts, including the 5660
true value of the dwelling. 5661

(3) Ten per cent of the remaining sums in the case of a 5662
manufactured or mobile home. If the manufactured or mobile home 5663
qualifies for the reduction in taxes under division (B) of section 5664
323.152 of the Revised Code for the current tax year or would 5665
qualify if an application for the reduction had been filed, the 5666
ten per cent reduction shall apply to the home and the tract or 5667
parcel of land on which the home is situated only to the extent of 5668
the remaining sums to be levied on the first one million dollars 5669
in true value of the tract or parcel and the home. The reduction 5670
shall be applied first to the sums to be levied against the tract 5671
or parcel of land if owned by the owner of the home and then, if 5672
the maximum reduction is not exceeded after such application, to 5673
the sums to be levied against the manufactured or mobile home. 5674

(4) Five per cent of the remaining sums in the case of all 5675
other real property. 5676

(B) Except as otherwise provided in sections 323.152, 5677
323.158, 505.06, and 715.263 of the Revised Code, the amount of 5678
the taxes remaining after ~~such reduction~~ the exemption is applied 5679
under this section shall be the real and public utility property 5680
taxes charged and payable, and the manufactured home tax charged 5681
and payable, ~~on each property and shall be the amounts that are~~ 5682

certified to the county treasurer for collection. Upon receipt of 5683
the tax duplicate, the county treasurer shall certify to the tax 5684
commissioner the total amount by which such taxes were reduced 5685
under this section, as shown on the duplicate. ~~Such reduction~~ 5686

(C) The exemption provided in this section shall not directly 5687
or indirectly affect the determination of the principal amount of 5688
notes that may be issued in anticipation of any tax levies or the 5689
amount of bonds or notes for any planned improvements. If after 5690
application of sections 5705.31 and 5705.32 of the Revised Code 5691
and other applicable provisions of law, including division (F) of 5692
section 321.24 of the Revised Code, there would be insufficient 5693
funds for payment of debt charges on bonds or notes payable from 5694
taxes reduced by this section, the ~~reduction of taxes~~ exemption 5695
provided ~~for~~ in this section shall be adjusted to the extent 5696
necessary to provide funds from such taxes. 5697

Sec. 319.63. (A) During the first thirty days of each 5698
calendar quarter, the county auditor shall pay to the treasurer of 5699
state all amounts that the county recorder collected as housing 5700
trust fund fees pursuant to section 317.36 of the Revised Code 5701
during the previous calendar quarter. If payment is made to the 5702
treasurer of state within the first thirty days of the quarter, 5703
the county auditor may retain an administrative fee of one per 5704
cent of the amount of the trust fund fees collected during the 5705
previous calendar quarter. 5706

(B) The treasurer of state shall deposit the first fifty 5707
million dollars of housing trust fund fees received each year 5708
pursuant to this section into the low- and moderate-income housing 5709
trust fund, created under section 175.21 of the Revised Code, and 5710
shall deposit any amounts received each year in excess of fifty 5711
million dollars into the state general revenue fund. 5712

(C) The county auditor shall deposit the administrative fee 5713

that the auditor is permitted to retain pursuant to division (A) 5714
of this section into the county general fund for the county 5715
recorder to use in administering the trust fund fee. 5716

Sec. 321.24. (A) On or before the fifteenth day of February, 5717
in each year, the county treasurer shall settle with the county 5718
auditor for all taxes and assessments that the treasurer has 5719
collected on the general duplicate of real and public utility 5720
property at the time of making the settlement. 5721

(B) On or before the thirtieth day of June, in each year, the 5722
treasurer shall settle with the auditor for all advance payments 5723
of general personal and classified property taxes that the 5724
treasurer has received at the time of making the settlement. 5725

(C) On or before the tenth day of August, in each year, the 5726
treasurer shall settle with the auditor for all taxes and 5727
assessments that the treasurer has collected on the general 5728
duplicates of real and public utility property at the time of 5729
making such settlement, not included in the preceding February 5730
settlement. 5731

(D) On or before the thirty-first day of October, in each 5732
year, the treasurer shall settle with the auditor for all taxes 5733
that the treasurer has collected on the general personal and 5734
classified property duplicates, and for all advance payments of 5735
general personal and classified property taxes, not included in 5736
the preceding June settlement, that the treasurer has received at 5737
the time of making such settlement. 5738

(E) In the event the time for the payment of taxes is 5739
extended, pursuant to section 323.17 of the Revised Code, the date 5740
on or before which settlement for the taxes so extended must be 5741
made, as herein prescribed, shall be deemed to be extended for a 5742
like period of time. At each such settlement, the auditor shall 5743
allow to the treasurer, on the moneys received or collected and 5744

accounted for by the treasurer, the treasurer's fees, at the rate 5745
or percentage allowed by law, at a full settlement of the 5746
treasurer. 5747

(F) Within thirty days after the day of each settlement of 5748
taxes required under divisions (A) and (C) of this section, the 5749
treasurer shall certify to the tax commissioner any adjustments 5750
which have been made to the amount certified previously pursuant 5751
to section 319.302 of the Revised Code and that the settlement has 5752
been completed. Upon receipt of such certification, the 5753
commissioner shall provide for payment to the county treasurer 5754
from the general revenue fund of an amount equal to one-half of 5755
the amount certified by the treasurer in the preceding tax year 5756
under section 319.302 of the Revised Code, less one-half of the 5757
amount computed for all taxing districts in that county for the 5758
current fiscal year under section 5703.60 of the Revised Code for 5759
crediting to the property tax administration fund. Such payment 5760
shall be credited upon receipt to the county's undivided income 5761
tax fund, and the county auditor shall transfer to the county 5762
general fund from the amount thereof the total amount of all fees 5763
and charges which the auditor and treasurer would have been 5764
authorized to receive had such section not been in effect and that 5765
amount had been levied and collected as taxes. The county auditor 5766
shall distribute the amount remaining among the various taxing 5767
districts in the county as if it had been levied, collected, and 5768
settled as real property taxes. The amount distributed to each 5769
taxing district shall be reduced by the total of the amounts 5770
computed for the district under divisions (A), (B), and (C) of 5771
section 5703.60 of the Revised Code, but the reduction shall not 5772
exceed the amount that otherwise would be distributed to the 5773
taxing district under this division. The tax commissioner shall 5774
make available to taxing districts such information as is 5775
sufficient for a taxing district to be able to determine the 5776
amount of the reduction in its distribution under this section. 5777

(G)(1) Within thirty days after the day of the settlement 5778
required in division (D) of this section, the county treasurer 5779
shall ~~certify to~~ notify the tax commissioner that the settlement 5780
has been completed. Upon receipt of that ~~certification~~ 5781
notification, the commissioner shall provide for payment to the 5782
county treasurer from the general revenue fund of an amount equal 5783
to the amount ~~certified under section 319.311 of the Revised Code~~ 5784
~~in the current year~~ paid in the state's fiscal year 2003 5785
multiplied by the percentage specified in division (G)(2) of this 5786
section. The payment shall be credited upon receipt to the 5787
county's undivided income tax fund, and the county auditor shall 5788
distribute the amount thereof among the various taxing districts 5789
of the county as if it had been levied, collected, and settled as 5790
personal property taxes. The amount received by a taxing district 5791
under this division shall be apportioned among its funds in the 5792
same proportion as the current year's personal property taxes are 5793
apportioned. 5794

(2) Payments required under division (G)(1) of this section 5795
shall be made at the following percentages of the amount paid 5796
under division (G) of this section in the state's fiscal year 5797
2003: 5798

- (a) In fiscal year 2004, ninety per cent; 5799
- (b) In fiscal year 2005, eighty per cent; 5800
- (c) In fiscal year 2006, seventy per cent; 5801
- (d) In fiscal year 2007, sixty per cent; 5802
- (e) In fiscal year 2008, fifty per cent; 5803
- (f) In fiscal year 2009, forty per cent; 5804
- (g) In fiscal year 2010, thirty per cent; 5805
- (h) In fiscal year 2011, twenty per cent; 5806
- (i) In fiscal year 2012, ten per cent. 5807

After fiscal year 2012, no payments shall be made under 5808
division (G) of this section. 5809

(H)(1) On or before the fifteenth day of April each year, the 5810
county treasurer shall settle with the county auditor for all 5811
manufactured home taxes that the county treasurer has collected on 5812
the manufactured home tax duplicate at the time of making the 5813
settlement. 5814

(2) On or before the fifteenth day of September each year, 5815
the county treasurer shall settle with the county auditor for all 5816
remaining manufactured home taxes that the county treasurer has 5817
collected on the manufactured home tax duplicate at the time of 5818
making the settlement. 5819

(3) If the time for payment of such taxes is extended under 5820
section 4503.06 of the Revised Code, the time for making the 5821
settlement as prescribed by divisions (H)(1) and (2) of this 5822
section is extended for a like period of time. 5823

Sec. 323.01. Except as otherwise provided, as used in Chapter 5824
323. of the Revised Code: 5825

(A) "Subdivision" means any county, township, school 5826
district, or municipal corporation. 5827

(B) "Municipal corporation" includes charter municipalities. 5828

(C) "Taxes" means the total amount of all charges against an 5829
entry appearing on a tax list and the duplicate thereof that was 5830
prepared and certified in accordance with section 319.28 of the 5831
Revised Code, including taxes levied against real estate; taxes on 5832
property whose value is certified pursuant to section 5727.23 of 5833
the Revised Code; recoupment charges applied pursuant to section 5834
5713.35 of the Revised Code; all assessments; penalties and 5835
interest charged pursuant to section 323.121 of the Revised Code; 5836
charges added pursuant to section 319.35 of the Revised Code; and 5837

all of such charges which remain unpaid from any previous tax 5838
year. 5839

(D) "Current taxes" means all taxes charged against an entry 5840
on the general tax list and duplicate of real and public utility 5841
property that have not appeared on such list and duplicate for any 5842
prior tax year and any penalty thereon charged by division (A) of 5843
section 323.121 of the Revised Code. Current taxes, whether or not 5844
they have been certified delinquent, become delinquent taxes if 5845
they remain unpaid after the last day prescribed for payment of 5846
the second installment of current taxes without penalty. 5847

(E) "Delinquent taxes" means: 5848

(1) Any taxes charged against an entry on the general tax 5849
list and duplicate of real and public utility property that were 5850
charged against an entry on such list and duplicate for a prior 5851
tax year and any penalties and interest charged against such 5852
taxes. 5853

(2) Any current taxes charged on the general tax list and 5854
duplicate of real and public utility property that remain unpaid 5855
after the last day prescribed for payment of the second 5856
installment of such taxes without penalty, whether or not they 5857
have been certified delinquent, and any penalties and interest 5858
charged against such taxes. 5859

(F) "Current tax year" means, with respect to particular 5860
taxes, the calendar year in which the first installment of taxes 5861
is due prior to any extension granted under section 323.17 of the 5862
Revised Code. 5863

(G) "Liquidated claim" means: 5864

(1) Any sum of money due and payable, upon a written 5865
contractual obligation executed between the subdivision and the 5866
taxpayer, but excluding any amount due on general and special 5867
assessment bonds and notes; 5868

(2) Any sum of money due and payable, for disability 5869
financial assistance or disability medical assistance provided 5870
under Chapter 5115. of the Revised Code that is furnished to or in 5871
behalf of a subdivision, provided that such claim is recognized by 5872
a resolution or ordinance of the legislative body of such 5873
subdivision; 5874

(3) Any sum of money advanced and paid to or received and 5875
used by a subdivision, pursuant to a resolution or ordinance of 5876
such subdivision or its predecessor in interest, and the moral 5877
obligation to repay which sum, when in funds, shall be recognized 5878
by resolution or ordinance by the subdivision. 5879

Sec. 323.13. Except as provided in section 323.134 of the 5880
Revised Code, immediately upon receipt of any tax duplicate from 5881
the county auditor, but not less than twenty days prior to the 5882
last date on which the first one-half taxes may be paid without 5883
penalty as prescribed in section 323.12 or 323.17 of the Revised 5884
Code, the county treasurer shall cause to be prepared and mailed 5885
or delivered to each person charged on such duplicate with taxes 5886
or to an agent designated by such person, the tax bill prescribed 5887
by the commissioner of tax equalization under section 323.131 of 5888
the Revised Code. When taxes are paid by installments, the county 5889
treasurer shall mail or deliver to each person charged on such 5890
duplicate or the agent designated by such person, a second tax 5891
bill showing the amount due at the time of the second tax 5892
collection. The second half tax bill shall be mailed or delivered 5893
at least twenty days prior to the close of the second half tax 5894
collection period. 5895

After delivery of the delinquent land duplicate as prescribed 5896
in section 5721.011 of the Revised Code, the county treasurer may 5897
prepare and mail to each person in whose name property therein is 5898
listed an additional tax bill showing the total amount of 5899

delinquent taxes appearing on such duplicate against such 5900
property. The tax bill shall include a notice that the interest 5901
charge prescribed by division (B) of section 323.121 of the 5902
Revised Code has begun to accrue. 5903

A change in the mailing address of any tax bill shall be made 5904
in writing to the county treasurer. 5905

Upon certification by the county auditor of the apportionment 5906
of taxes following the transfer of a part of a tract or lot of 5907
real estate, and upon request by the owner of any transferred or 5908
remaining part of such tract or parcel, the treasurer shall cause 5909
to be prepared and mailed or delivered to such owner a tax bill 5910
for the taxes allocated to ~~his~~ the owner's part, together with the 5911
penalties, interest, and other charges. 5912

Failure to receive any bill required by this section does not 5913
excuse failure or delay to pay any taxes shown on such bill or, 5914
except as provided in division ~~(A)~~(B)(1) of section 5715.39 of the 5915
Revised Code, avoid any penalty, interest, or charge for such 5916
delay. 5917

Sec. 323.152. In addition to the reduction in taxes required 5918
under section 319.302 of the Revised Code, taxes shall be reduced 5919
as provided in divisions (A) and (B) of this section. 5920

(A)(1) Division (A) of this section applies to any of the 5921
following: 5922

(a) A person who is permanently and totally disabled; 5923

(b) A person who is sixty-five years of age or older; 5924

(c) A person who is the surviving spouse of a deceased person 5925
who was permanently and totally disabled or sixty-five years of 5926
age or older and who applied and qualified for a reduction in 5927
taxes under this division in the year of death, provided the 5928
surviving spouse is at least fifty-nine but not sixty-five or more 5929

years of age on the date the deceased spouse dies. 5930

(2) Real property taxes on a homestead owned and occupied, or 5931
a homestead in a housing cooperative occupied, by a person to whom 5932
division (A) of this section applies shall be reduced for each 5933
year for which the owner obtains a certificate of reduction from 5934
the county auditor under section 323.154 of the Revised Code or 5935
for which the occupant obtains a certificate of reduction in 5936
accordance with section 323.159 of the Revised Code. The reduction 5937
shall equal the amount obtained by multiplying the tax rate for 5938
the tax year for which the certificate is issued by the reduction 5939
in taxable value shown in the following schedule: 5940

	Reduce Taxable Value	
Total Income	by the Lesser of:	
\$11,900 or less	\$5,000 or seventy-five per cent	5943
More than \$11,900 but not more than \$17,500	\$3,000 or sixty per cent	5944
More than \$17,500 but not more than \$23,000	\$1,000 or twenty-five per cent	5945
More than \$23,000	-0-	5946

(3) Each calendar year, the tax commissioner shall adjust the 5947
foregoing schedule by completing the following calculations in 5948
September of each year: 5949

(a) Determine the percentage increase in the gross domestic 5950
product deflator determined by the bureau of economic analysis of 5951
the United States department of commerce from the first day of 5952
January of the preceding calendar year to the last day of December 5953
of the preceding calendar year; 5954

(b) Multiply that percentage increase by each of the total 5955
income amounts, and by each dollar amount by which taxable value 5956
is reduced, for the current tax year; 5957

(c) Add the resulting product to each of the total income 5958

amounts, and to each of the dollar amounts by which taxable value is reduced, for the current tax year;

(d) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amounts resulting from the adjustment to each county auditor not later than the first day of December each year. The certified amounts apply to the following tax year. The commissioner shall not make the adjustment in any calendar year in which the amounts resulting from the adjustment would be less than the total income amounts, or less than the dollar amounts by which taxable value is reduced, for the current tax year.

(B) Real property taxes on any homestead, and manufactured home taxes on any manufactured or mobile home on which a manufactured home tax is assessed pursuant to division (D)(2) of section 4503.06 of the Revised Code, shall be reduced for each year for which the owner obtains a certificate of reduction from the county auditor under section 323.154 of the Revised Code. The amount of the reduction shall equal ~~one fourth of the amount by which the taxes charged and payable on the homestead or the manufactured or mobile home are reduced for such year under section 319.302 of the Revised Code~~ two and one-half per cent of the amount of taxes to be levied against the homestead or manufactured or mobile home after the reductions required under sections 319.301 and 319.302 of the Revised Code, but the reduction shall apply only to the amount of taxes to be levied on the first one million dollars of the homestead's or home's true value.

(C) The reductions granted by this section do not apply to special assessments or respread of assessments levied against the homestead, and if there is a transfer of ownership subsequent to the filing of an application for a reduction in taxes, such

reductions are not forfeited for such year by virtue of such 5991
transfer. 5992

(D) The reductions in taxable value referred to in this 5993
section shall be applied solely as a factor for the purpose of 5994
computing the reduction of taxes under this section and shall not 5995
affect the total value of property in any subdivision or taxing 5996
district as listed and assessed for taxation on the tax lists and 5997
duplicates, or any direct or indirect limitations on indebtedness 5998
of a subdivision or taxing district. If after application of 5999
sections 5705.31 and 5705.32 of the Revised Code, including the 6000
allocation of all levies within the ten-mill limitation to debt 6001
charges to the extent therein provided, there would be 6002
insufficient funds for payment of debt charges not provided for by 6003
levies in excess of the ten-mill limitation, the reduction of 6004
taxes provided for in sections 323.151 to 323.159 of the Revised 6005
Code shall be proportionately adjusted to the extent necessary to 6006
provide such funds from levies within the ten-mill limitation. 6007

(E) No reduction shall be made on the taxes due on the 6008
homestead of any person convicted of violating division (C) or (D) 6009
of section 323.153 of the Revised Code for a period of three years 6010
following the conviction. 6011

Sec. 329.03. (A) As used in this section: 6012

(1) "Applicant" or "recipient" means an applicant for or 6013
participant in the Ohio works first program established under 6014
Chapter 5107. of the Revised Code or an applicant for or recipient 6015
of disability financial assistance under Chapter 5115. of the 6016
Revised Code. 6017

(2) "Voluntary direct deposit" means a system established 6018
pursuant to this section under which cash assistance payments to 6019
recipients who agree to direct deposit are made by direct deposit 6020
by electronic transfer to an account in a financial institution 6021

designated under this section. 6022

(3) "Mandatory direct deposit" means a system established 6023
pursuant to this section under which cash assistance payments to 6024
all participants in the Ohio works first program or recipients of 6025
disability financial assistance, other than those exempt under 6026
division (E) of this section, are made by direct deposit by 6027
electronic transfer to an account in a financial institution 6028
designated under this section. 6029

(B) A board of county commissioners may by adoption of a 6030
resolution require the county department of job and family 6031
services to establish a direct deposit system for distributing 6032
cash assistance payments under Ohio works first, disability 6033
financial assistance, or both, unless the director of job and 6034
family services has provided for those payments to be made by 6035
electronic benefit transfer pursuant to section 5101.33 of the 6036
Revised Code. Voluntary or mandatory direct deposit may be applied 6037
to either of the programs. The resolution shall specify for each 6038
program for which direct deposit is to be established whether 6039
direct deposit is voluntary or mandatory. The board may require 6040
the department to change or terminate direct deposit by adopting a 6041
resolution to change or terminate it. Within ninety days after 6042
adopting a resolution under this division, the board shall certify 6043
one copy of the resolution to the director of job and family 6044
services and one copy to the office of budget and management. The 6045
director of job and family services may adopt rules governing 6046
establishment of direct deposit by county departments of job and 6047
family services. 6048

The county department of job and family services shall 6049
determine what type of account will be used for direct deposit and 6050
negotiate with financial institutions to determine the charges, if 6051
any, to be imposed by a financial institution for establishing and 6052
maintaining such accounts. Under voluntary direct deposit, the 6053

county department of job and family services may pay all charges 6054
imposed by a financial institution for establishing and 6055
maintaining an account in which direct deposits are made for a 6056
recipient. Under mandatory direct deposit, the county department 6057
of job and family services shall pay all charges imposed by a 6058
financial institution for establishing and maintaining such an 6059
account. No financial institution shall impose any charge for such 6060
an account that the institution does not impose on its other 6061
customers for the same type of account. Direct deposit does not 6062
affect the exemption of Ohio works first and disability financial 6063
assistance from attachment, garnishment, or other like process 6064
afforded by sections 5107.75 and ~~5115.07~~ 5115.06 of the Revised 6065
Code. 6066

(C) The county department of job and family services shall, 6067
within sixty days after a resolution requiring the establishment 6068
of direct deposit is adopted, establish procedures governing 6069
direct deposit. 6070

Within one hundred eighty days after the resolution is 6071
adopted, the county department shall: 6072

(1) Inform each applicant or recipient of the procedures 6073
governing direct deposit, including in the case of voluntary 6074
direct deposit those that prescribe the conditions under which a 6075
recipient may change from one method of payment to another; 6076

(2) Obtain from each applicant or recipient an authorization 6077
form to designate a financial institution equipped for and 6078
authorized by law to accept direct deposits by electronic transfer 6079
and the account into which the applicant or recipient wishes the 6080
payments to be made, or in the case of voluntary direct deposit 6081
states the applicant's or recipient's election to receive such 6082
payments in the form of a paper warrant. 6083

The department may require a recipient to complete a new 6084

authorization form whenever the department considers it necessary. 6085

A recipient's designation of a financial institution and 6086
account shall remain in effect until withdrawn in writing or 6087
dishonored by the financial institution, except that no change may 6088
be made in the authorization form until the next eligibility 6089
redetermination of the recipient unless the department feels that 6090
good grounds exist for an earlier change. 6091

(D) An applicant or recipient without an account who either 6092
agrees or is required to receive payments by direct deposit shall 6093
have ten days after receiving the authorization form to designate 6094
an account suitable for direct deposit. If within the required 6095
time the applicant or recipient does not make the designation or 6096
requests that the department make the designation, the department 6097
shall designate a financial institution and help the recipient to 6098
open an account. 6099

(E) At the time of giving an applicant or recipient the 6100
authorization form, the county department of job and family 6101
services of a county with mandatory direct deposit shall inform 6102
each applicant or recipient of the basis for exemption and the 6103
right to request exemption from direct deposit. 6104

Under mandatory direct deposit, an applicant or recipient who 6105
wishes to receive payments in the form of a paper warrant shall 6106
record on the authorization form a request for exemption under 6107
this division and the basis for the exemption. 6108

The department shall exempt from mandatory direct deposit any 6109
recipient who requests exemption and is any of the following: 6110

(1) Over age sixty-five; 6111

(2) Blind or disabled; 6112

(3) Likely, in the judgment of the department, to be caused 6113
personal hardship by direct deposit. 6114

A recipient granted an exemption under this division shall 6115
receive payments for which the recipient is eligible in the form 6116
of paper warrants. 6117

(F) The county department of job and family services shall 6118
bear the full cost of the amount of any replacement warrant issued 6119
to a recipient for whom an authorization form as provided in this 6120
section has not been obtained within one hundred eighty days after 6121
the later of the date the board of county commissioners adopts a 6122
resolution requiring payments of financial assistance by direct 6123
deposit to accounts of recipients of Ohio works first or 6124
disability financial assistance or the date the recipient made 6125
application for assistance, and shall not be reimbursed by the 6126
state for any part of the cost. Thereafter, the county department 6127
of job and family services shall continue to bear the full cost of 6128
each replacement warrant issued until the board of county 6129
commissioners requires the county department of job and family 6130
services to obtain from each such recipient the authorization 6131
forms as provided in this section. 6132

Sec. 329.04. (A) The county department of job and family 6133
services shall have, exercise, and perform the following powers 6134
and duties: 6135

(1) Perform any duties assigned by the state department of 6136
job and family services regarding the provision of public family 6137
services, including the provision of the following services to 6138
prevent or reduce economic or personal dependency and to 6139
strengthen family life: 6140

(a) Services authorized by a Title IV-A program, as defined 6141
in section 5101.80 of the Revised Code; 6142

(b) Social services authorized by Title XX of the "Social 6143
Security Act" and provided for by section 5101.46 of the Revised 6144

Code; 6145

(c) If the county department is designated as the child 6146
support enforcement agency, services authorized by Title IV-D of 6147
the "Social Security Act" and provided for by Chapter 3125. of the 6148
Revised Code. The county department may perform the services 6149
itself or contract with other government entities, and, pursuant 6150
to division (C) of section 2301.35 and section 2301.42 of the 6151
Revised Code, private entities, to perform the Title IV-D 6152
services. 6153

(2) Administer disability financial assistance ~~under Chapter~~ 6154
~~5115. of the Revised Code,~~ as required by the state department of 6155
job and family services under section 5115.03 of the Revised Code; 6156

(3) Administer disability medical assistance, as required by 6157
the state department of job and family services under section 6158
5115.13 of the Revised Code; 6159

~~(3)~~(4) Administer burials insofar as the administration of 6160
burials was, prior to September 12, 1947, imposed upon the board 6161
of county commissioners and if otherwise required by state law; 6162

~~(4)~~(5) Cooperate with state and federal authorities in any 6163
matter relating to family services and to act as the agent of such 6164
authorities; 6165

~~(5)~~(6) Submit an annual account of its work and expenses to 6166
the board of county commissioners and to the state department of 6167
job and family services at the close of each fiscal year; 6168

~~(6)~~(7) Exercise any powers and duties relating to family 6169
services duties or workforce development activities imposed upon 6170
the county department of job and family services by law, by 6171
resolution of the board of county commissioners, or by order of 6172
the governor, when authorized by law, to meet emergencies during 6173
war or peace; 6174

~~(7)~~(8) Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";

~~(8)~~(9) If assigned by the state director of job and family services under section 5101.515 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II;

~~(9)~~(10) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department;

~~(10)~~(11) For the purpose of complying with a ~~partnership~~ fiscal agreement the board of county commissioners enters into under section 307.98 of the Revised Code, exercise the powers and perform the duties the ~~partnership~~ fiscal agreement assigns to the county department;

~~(11)~~(12) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code.

(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services changing its federal cost allocation plan, the county department may not implement the

power or duty unless the United States department of health and 6206
human services approves the changes. 6207

Sec. 329.05. The county department of job and family services 6208
may administer or assist in administering any state or local 6209
family services ~~activity~~ duty in addition to those mentioned in 6210
section 329.04 of the Revised Code, supported wholly or in part by 6211
public funds from any source provided by agreement between the 6212
board of county commissioners and the officer, department, board, 6213
or agency in which the administration of such activity is vested. 6214
Such officer, department, board, or agency may enter into such 6215
agreement and confer upon the county department of job and family 6216
services, to the extent and in particulars specified in the 6217
agreement, the performance of any duties and the exercise of any 6218
powers imposed upon or vested in such officer, board, department, 6219
or agency, with respect to the administration of such activity. 6220
Such agreement shall be in the form of a resolution of the board 6221
of county commissioners, accepted in writing by the other party to 6222
the agreement, and filed in the office of the county auditor, and 6223
when so filed, shall have the effect of transferring the exercise 6224
of the powers and duties to which the agreement relates and shall 6225
exempt the other party from all further responsibility for the 6226
exercise of the powers and duties so transferred, during the life 6227
of the agreement. 6228

Such agreement shall be coordinated and not conflict with a 6229
~~partnership~~ fiscal agreement entered into under section 307.98, a 6230
contract entered into under section 307.981 or 307.982, a plan of 6231
cooperation entered into under section 307.983, a regional plan of 6232
cooperation entered into under section 307.984, a transportation 6233
work plan developed under section 307.985, or procedures for 6234
providing services to children whose families relocate frequently 6235
established under section 307.986 of the Revised Code. It may be 6236
revoked at the option of either party, by a resolution or order of 6237

the revoking party filed in the office of the auditor. Such 6238
revocation shall become effective at the end of the fiscal year 6239
occurring at least six months following the filing of the 6240
resolution or order. In the absence of such an express revocation 6241
so filed, the agreement shall continue indefinitely. 6242

This section does not permit a county department of job and 6243
family services to manage or control hospitals, humane societies, 6244
detention facilities, jails or probation departments of courts, or 6245
veterans service commissions. 6246

Sec. 329.051. The county department of job and family 6247
services shall make voter registration applications as prescribed 6248
by the secretary of state under section 3503.10 of the Revised 6249
Code available to persons who are applying for, receiving 6250
assistance from, or participating in any of the following: 6251

(A) The disability financial assistance program established 6252
under Chapter 5115. of the Revised Code; 6253

(B) The disability medical assistance program established 6254
under Chapter 5115. of the Revised Code; 6255

(C) The medical assistance program established under Chapter 6256
5111. of the Revised Code; 6257

~~(C)~~(D) The Ohio works first program established under Chapter 6258
5107. of the Revised Code; 6259

~~(D)~~(E) The prevention, retention, and contingency program 6260
established under Chapter 5108. of the Revised Code. 6261

Sec. 329.06. (A) Except as provided in division (C) of this 6262
section and section 6301.08 of the Revised Code, the board of 6263
county commissioners shall establish a county family services 6264
planning committee. The board shall appoint a member to represent 6265
the county department of job and family services; an employee in 6266

the classified civil service of the county department of job and 6267
family services, if there are any such employees; and a member to 6268
represent the public. The board shall appoint other individuals to 6269
the committee in such a manner that the committee's membership is 6270
broadly representative of the groups of individuals and the public 6271
and private entities that have an interest in the family services 6272
provided in the county. The board shall make appointments in a 6273
manner that reflects the ethnic and racial composition of the 6274
county. The following groups and entities may be represented on 6275
the committee: 6276

(1) Consumers of family services; 6277

(2) The public children services agency; 6278

(3) The child support enforcement agency; 6279

(4) The county family and children first council; 6280

(5) Public and private colleges and universities; 6281

(6) Public entities that provide family services, including 6282
boards of health, boards of education, the county board of mental 6283
retardation and developmental disabilities, and the board of 6284
alcohol, drug addiction, and mental health services that serves 6285
the county; 6286

(7) Private nonprofit and for-profit entities that provide 6287
family services in the county or that advocate for consumers of 6288
family services in the county, including entities that provide 6289
services to or advocate for victims of domestic violence; 6290

(8) Labor organizations; 6291

(9) Any other group or entity that has an interest in the 6292
family services provided in the county, including groups or 6293
entities that represent any of the county's business, urban, and 6294
rural sectors. 6295

(B) The county family services planning committee shall do 6296

all of the following: 6297

(1) Serve as an advisory body to the board of county 6298
commissioners with regard to the family services provided in the 6299
county, including assistance under Chapters 5107. and 5108. of the 6300
Revised Code, publicly funded child day-care under Chapter 5104. 6301
of the Revised Code, and social services provided under section 6302
5101.46 of the Revised Code; 6303

(2) At least once a year, review and analyze the county 6304
department of job and family services' implementation of the 6305
programs established under Chapters 5107. and 5108. of the Revised 6306
Code. In its review, the committee shall use information available 6307
to it to examine all of the following: 6308

(a) Return of assistance groups to participation in either 6309
program after ceasing to participate; 6310

(b) Teen pregnancy rates among the programs' participants; 6311

(c) The other types of assistance the programs' participants 6312
receive, including medical assistance under Chapter 5111. of the 6313
Revised Code, publicly funded child day-care under Chapter 5104. 6314
of the Revised Code, food stamp benefits under section 5101.54 of 6315
the Revised Code, and energy assistance under Chapter 5117. of the 6316
Revised Code; 6317

(d) Other issues the committee considers appropriate. 6318

The committee shall make recommendations to the board of 6319
county commissioners and county department of job and family 6320
services regarding the committee's findings. 6321

~~(3) Provide comments and recommendations to the board prior 6322
to the board's entering into or substantially amending a 6323
partnership agreement with the director of job and family services 6324
under section 307.98 of the Revised Code; 6325~~

~~(4) Conduct public hearings on proposed county profiles for 6326~~

the provision of social services under section 5101.46 of the Revised Code;

~~(5)~~(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;

~~(6)~~(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of family service programs;

(b) Use of federal, state, and local funds available for family service programs;

(c) Establishment of goals to be achieved by family service programs;

(d) Evaluation of the outcomes of family service programs;

(e) Any other matter the board considers relevant to the provision of family services.

(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity.

Sec. 340.03. (A) Subject to rules issued by the director of mental health after consultation with relevant constituencies as required by division (A)(11) of section 5119.06 of the Revised Code, with regard to mental health services, the board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facilities and community mental health services;

(b) In cooperation with other local and regional planning and funding bodies and with relevant ethnic organizations, assess the community mental health needs, set priorities, and develop plans for the operation of facilities and community mental health services;

(c) In accordance with guidelines issued by the director of mental health after consultation with board representatives, develop and submit to the department of mental health, no later than six months prior to the conclusion of the fiscal year in which the board's current plan is scheduled to expire, a community mental health plan listing community mental health needs, including the needs of all residents of the district now residing in state mental institutions and severely mentally disabled adults, children, and adolescents; all children subject to a determination made pursuant to section 121.38 of the Revised Code; and all the facilities and community mental health services that are or will be in operation or provided during the period for which the plan will be in operation in the service district to meet such needs.

The plan shall include, but not be limited to, a statement of which of the services listed in section 340.09 of the Revised Code the board intends to provide or purchase, an explanation of how the board intends to make any payments that it may be required to pay under section 5119.62 of the Revised Code, a statement of the inpatient and community-based services the board proposes that the department operate, an assessment of the number and types of

residential facilities needed, and such other information as the 6387
department requests, and a budget for moneys the board expects to 6388
receive. The board shall also submit an allocation request for 6389
state and federal funds. Within sixty days after the department's 6390
determination that the plan and allocation request are complete, 6391
the department shall approve or disapprove the plan and request, 6392
in whole or in part, according to the criteria developed pursuant 6393
to section 5119.61 of the Revised Code. The department's statement 6394
of approval or disapproval shall specify the inpatient and the 6395
community-based services that the department will operate for the 6396
board. Eligibility for financial support shall be contingent upon 6397
an approved plan or relevant part of a plan. 6398

If the director disapproves all or part of any plan, the 6399
director shall inform the board of the reasons for the disapproval 6400
and of the criteria that must be met before the plan may be 6401
approved. The director shall provide the board an opportunity to 6402
present its case on behalf of the plan. The director shall give 6403
the board a reasonable time in which to meet the criteria, and 6404
shall offer the board technical assistance to help it meet the 6405
criteria. 6406

If the approval of a plan remains in dispute thirty days 6407
prior to the conclusion of the fiscal year in which the board's 6408
current plan is scheduled to expire, the board or the director may 6409
request that the dispute be submitted to a mutually agreed upon 6410
third-party mediator with the cost to be shared by the board and 6411
the department. The mediator shall issue to the board and the 6412
department recommendations for resolution of the dispute. Prior to 6413
the conclusion of the fiscal year in which the current plan is 6414
scheduled to expire, the director, taking into consideration the 6415
recommendations of the mediator, shall make a final determination 6416
and approve or disapprove the plan, in whole or in part. 6417

If a board determines that it is necessary to amend a plan or 6418

an allocation request that has been approved under division 6419
(A)(1)(c) of this section, the board shall submit a proposed 6420
amendment to the director. The director may approve or disapprove 6421
all or part of the amendment. If the director does not approve all 6422
or part of the amendment within thirty days after it is submitted, 6423
the amendment or part of it shall be considered to have been 6424
approved. The director shall inform the board of the reasons for 6425
disapproval of all or part of an amendment and of the criteria 6426
that must be met before the amendment may be approved. The 6427
director shall provide the board an opportunity to present its 6428
case on behalf of the amendment. The director shall give the board 6429
a reasonable time in which to meet the criteria, and shall offer 6430
the board technical assistance to help it meet the criteria. 6431

The board shall implement the plan approved by the 6432
department. 6433

(d) Receive, compile, and transmit to the department of 6434
mental health applications for state reimbursement; 6435

(e) Promote, arrange, and implement working agreements with 6436
social agencies, both public and private, and with judicial 6437
agencies. 6438

(2) Investigate, or request another agency to investigate, 6439
any complaint alleging abuse or neglect of any person receiving 6440
services from a community mental health agency as defined in 6441
section 5122.01 of the Revised Code, or from a residential 6442
facility licensed under section 5119.22 of the Revised Code. If 6443
the investigation substantiates the charge of abuse or neglect, 6444
the board shall take whatever action it determines is necessary to 6445
correct the situation, including notification of the appropriate 6446
authorities. Upon request, the board shall provide information 6447
about such investigations to the department. 6448

(3) For the purpose of section 5119.611 of the Revised Code, 6449

cooperate with the director of mental health in visiting and 6450
evaluating whether the services of a community mental health 6451
agency satisfy the certification standards established by rules 6452
adopted under that section; 6453

(4) In accordance with criteria established under division 6454
(G) of section 5119.61 of the Revised Code, review and evaluate 6455
the quality, effectiveness, and efficiency of services provided 6456
through its community mental health plan and submit its findings 6457
and recommendations to the department of mental health; 6458

(5) In accordance with section 5119.22 of the Revised Code, 6459
review applications for residential facility licenses and 6460
recommend to the department of mental health approval or 6461
disapproval of applications; 6462

(6) Audit, in accordance with rules adopted by the auditor of 6463
state pursuant to section 117.20 of the Revised Code, at least 6464
annually all programs and services provided under contract with 6465
the board. In so doing, the board may contract for or employ the 6466
services of private auditors. A copy of the fiscal audit report 6467
shall be provided to the director of mental health, the auditor of 6468
state, and the county auditor of each county in the board's 6469
district. 6470

(7) Recruit and promote local financial support for mental 6471
health programs from private and public sources; 6472

(8)(a) Enter into contracts with public and private 6473
facilities for the operation of facility services included in the 6474
board's community mental health plan and enter into contracts with 6475
public and private community mental health agencies for the 6476
provision of community mental health services listed in section 6477
340.09 of the Revised Code and included in the board's community 6478
mental health plan. Contracts with community mental health 6479
agencies are subject to section 5119.611 of the Revised Code. 6480

Section 307.86 of the Revised Code does not apply to contracts 6481
entered into under this division. In contracting with a community 6482
mental health agency, a board shall consider the cost 6483
effectiveness of services provided by that agency and the quality 6484
and continuity of care, and may review cost elements, including 6485
salary costs, of the services to be provided. A utilization review 6486
process shall be established as part of the contract for services 6487
entered into between a board and a community mental health agency. 6488
The board may establish this process in a way that is most 6489
effective and efficient in meeting local needs. In the case of a 6490
contract with a community mental health facility ~~described, as~~ 6491
defined in ~~division (B) of~~ section 5111.022 of the Revised Code, 6492
to provide services ~~established by~~ listed in division ~~(A)(B)~~ of 6493
that section, the contract shall provide for the facility to be 6494
paid in accordance with the contract entered into between the 6495
departments of job and family services and mental health under 6496
~~division (E) of that~~ section 5111.91 of the Revised Code and any 6497
rules adopted under division (A) of section 5119.61 of the Revised 6498
Code. 6499

If either the board or a facility or community mental health 6500
agency with which the board contracts under division (A)(8)(a) of 6501
this section proposes not to renew the contract or proposes 6502
substantial changes in contract terms, the other party shall be 6503
given written notice at least one hundred twenty days before the 6504
expiration date of the contract. During the first sixty days of 6505
this one hundred twenty-day period, both parties shall attempt to 6506
resolve any dispute through good faith collaboration and 6507
negotiation in order to continue to provide services to persons in 6508
need. If the dispute has not been resolved sixty days before the 6509
expiration date of the contract, either party may notify the 6510
department of mental health of the unresolved dispute. The 6511
director may require both parties to submit the dispute to a third 6512
party with the cost to be shared by the board and the facility or 6513

community mental health agency. The third party shall issue to the board, the facility or agency, and the department recommendations on how the dispute may be resolved twenty days prior to the expiration date of the contract, unless both parties agree to a time extension. The director shall adopt rules establishing the procedures of this dispute resolution process.

(b) With the prior approval of the director of mental health, a board may operate a facility or provide a community mental health service as follows, if there is no other qualified private or public facility or community mental health agency that is immediately available and willing to operate such a facility or provide the service:

(i) In an emergency situation, any board may operate a facility or provide a community mental health service in order to provide essential services for the duration of the emergency;

(ii) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year;

(iii) In a service district with a population of less than one hundred thousand, a board may operate a facility or provide a community mental health service for no longer than one year, except that such a board may operate a facility or provide a community mental health service for more than one year with the prior approval of the director and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

The director shall not give a board approval to operate a facility or provide a community mental health service under division (A)(8)(b)(ii) or (iii) of this section unless the director determines that it is not feasible to have the department

operate the facility or provide the service. 6545

The director shall not give a board approval to operate a 6546
facility or provide a community mental health service under 6547
division (A)(8)(b)(iii) of this section unless the director 6548
determines that the board will provide greater administrative 6549
efficiency and more or better services than would be available if 6550
the board contracted with a private or public facility or 6551
community mental health agency. 6552

The director shall not give a board approval to operate a 6553
facility previously operated by a person or other government 6554
entity unless the board has established to the director's 6555
satisfaction that the person or other government entity cannot 6556
effectively operate the facility or that the person or other 6557
government entity has requested the board to take over operation 6558
of the facility. The director shall not give a board approval to 6559
provide a community mental health service previously provided by a 6560
community mental health agency unless the board has established to 6561
the director's satisfaction that the agency cannot effectively 6562
provide the service or that the agency has requested the board 6563
take over providing the service. 6564

The director shall review and evaluate a board's operation of 6565
a facility and provision of community mental health service under 6566
division (A)(8)(b) of this section. 6567

Nothing in division (A)(8)(b) of this section authorizes a 6568
board to administer or direct the daily operation of any facility 6569
or community mental health agency, but a facility or agency may 6570
contract with a board to receive administrative services or staff 6571
direction from the board under the direction of the governing body 6572
of the facility or agency. 6573

(9) Approve fee schedules and related charges or adopt a unit 6574
cost schedule or other methods of payment for contract services 6575

provided by community mental health agencies in accordance with 6576
guidelines issued by the department as necessary to comply with 6577
state and federal laws pertaining to financial assistance; 6578

(10) Submit to the director and the county commissioners of 6579
the county or counties served by the board, and make available to 6580
the public, an annual report of the programs under the 6581
jurisdiction of the board, including a fiscal accounting; 6582

(11) Establish, to the extent resources are available, a 6583
community support system, which provides for treatment, support, 6584
and rehabilitation services and opportunities. The essential 6585
elements of the system include, but are not limited to, the 6586
following components in accordance with section 5119.06 of the 6587
Revised Code: 6588

(a) To locate persons in need of mental health services to 6589
inform them of available services and benefits mechanisms; 6590

(b) Assistance for clients to obtain services necessary to 6591
meet basic human needs for food, clothing, shelter, medical care, 6592
personal safety, and income; 6593

(c) Mental health care, including, but not limited to, 6594
outpatient, partial hospitalization, and, where appropriate, 6595
inpatient care; 6596

(d) Emergency services and crisis intervention; 6597

(e) Assistance for clients to obtain vocational services and 6598
opportunities for jobs; 6599

(f) The provision of services designed to develop social, 6600
community, and personal living skills; 6601

(g) Access to a wide range of housing and the provision of 6602
residential treatment and support; 6603

(h) Support, assistance, consultation, and education for 6604
families, friends, consumers of mental health services, and 6605

others; 6606

(i) Recognition and encouragement of families, friends, 6607
neighborhood networks, especially networks that include racial and 6608
ethnic minorities, churches, community organizations, and 6609
meaningful employment as natural supports for consumers of mental 6610
health services; 6611

(j) Grievance procedures and protection of the rights of 6612
consumers of mental health services; 6613

(k) Case management, which includes continual individualized 6614
assistance and advocacy to ensure that needed services are offered 6615
and procured. 6616

(12) Designate the treatment program, agency, or facility for 6617
each person involuntarily committed to the board pursuant to 6618
Chapter 5122. of the Revised Code and authorize payment for such 6619
treatment. The board shall provide the least restrictive and most 6620
appropriate alternative that is available for any person 6621
involuntarily committed to it and shall assure that the services 6622
listed in section 340.09 of the Revised Code are available to 6623
severely mentally disabled persons residing within its service 6624
district. The board shall establish the procedure for authorizing 6625
payment for services, which may include prior authorization in 6626
appropriate circumstances. The board may provide for services 6627
directly to a severely mentally disabled person when life or 6628
safety is endangered and when no community mental health agency is 6629
available to provide the service. 6630

(13) Establish a method for evaluating referrals for 6631
involuntary commitment and affidavits filed pursuant to section 6632
5122.11 of the Revised Code in order to assist the probate 6633
division of the court of common pleas in determining whether there 6634
is probable cause that a respondent is subject to involuntary 6635
hospitalization and what alternative treatment is available and 6636

appropriate, if any; 6637

(14) Ensure that apartments or rooms built, subsidized, 6638
renovated, rented, owned, or leased by the board or a community 6639
mental health agency have been approved as meeting minimum fire 6640
safety standards and that persons residing in the rooms or 6641
apartments are receiving appropriate and necessary services, 6642
including culturally relevant services, from a community mental 6643
health agency. This division does not apply to residential 6644
facilities licensed pursuant to section 5119.22 of the Revised 6645
Code. 6646

(15) Establish a mechanism for involvement of consumer 6647
recommendation and advice on matters pertaining to mental health 6648
services in the alcohol, drug addiction, and mental health service 6649
district; 6650

(16) Perform the duties under section 3722.18 of the Revised 6651
Code required by rules adopted under section 5119.61 of the 6652
Revised Code regarding referrals by the board or mental health 6653
agencies under contract with the board of individuals with mental 6654
illness or severe mental disability to adult care facilities and 6655
effective arrangements for ongoing mental health services for the 6656
individuals. The board is accountable in the manner specified in 6657
the rules for ensuring that the ongoing mental health services are 6658
effectively arranged for the individuals. 6659

(B) The board shall establish such rules, operating 6660
procedures, standards, and bylaws, and perform such other duties 6661
as may be necessary or proper to carry out the purposes of this 6662
chapter. 6663

(C) A board of alcohol, drug addiction, and mental health 6664
services may receive by gift, grant, devise, or bequest any 6665
moneys, lands, or property for the benefit of the purposes for 6666
which the board is established, and may hold and apply it 6667

according to the terms of the gift, grant, or bequest. All money 6668
received, including accrued interest, by gift, grant, or bequest 6669
shall be deposited in the treasury of the county, the treasurer of 6670
which is custodian of the alcohol, drug addiction, and mental 6671
health services funds to the credit of the board and shall be 6672
available for use by the board for purposes stated by the donor or 6673
grantor. 6674

(D) No board member or employee of a board of alcohol, drug 6675
addiction, and mental health services shall be liable for injury 6676
or damages caused by any action or inaction taken within the scope 6677
of the board member's official duties or the employee's 6678
employment, whether or not such action or inaction is expressly 6679
authorized by this section, section 340.033, or any other section 6680
of the Revised Code, unless such action or inaction constitutes 6681
willful or wanton misconduct. Chapter 2744. of the Revised Code 6682
applies to any action or inaction by a board member or employee of 6683
a board taken within the scope of the board member's official 6684
duties or employee's employment. For the purposes of this 6685
division, the conduct of a board member or employee shall not be 6686
considered willful or wanton misconduct if the board member or 6687
employee acted in good faith and in a manner that the board member 6688
or employee reasonably believed was in or was not opposed to the 6689
best interests of the board and, with respect to any criminal 6690
action or proceeding, had no reasonable cause to believe the 6691
conduct was unlawful. 6692

(E) The meetings held by any committee established by a board 6693
of alcohol, drug addiction, and mental health services shall be 6694
considered to be meetings of a public body subject to section 6695
121.22 of the Revised Code. 6696

Sec. 505.69. As used in this section, "rail property" and 6697
"rail service" have the same meanings as in section ~~4981.01~~ 6698

5507.01 of the Revised Code. 6699

The board of township trustees may acquire, rehabilitate, and 6700
develop rail property and rail service, and may enter into 6701
agreements with ~~the Ohio rail development commission~~, boards of 6702
county commissioners, legislative authorities of municipal 6703
corporations, other boards of township trustees, with other 6704
governmental agencies or organizations, and with private agencies 6705
or organizations in order to achieve those purposes. 6706

Sec. 715.013. (A) Except as otherwise expressly authorized by 6707
the Revised Code, no municipal corporation shall levy a tax that 6708
is the same as or similar to a tax levied under Chapter 322., 6709
3734., 3769., 4123., 4141., 4301., 4303., 4305., 4307., 4309., 6710
5707., 5725., 5727., 5728., 5729., 5731., 5735., 5737., 5739., 6711
5741., 5743., or 5749. of the Revised Code. 6712

(B) This section does not prohibit a municipal corporation 6713
from levying a tax on ~~amounts~~ any of the following: 6714

(1) Amounts received for admission to any place ~~or, on and~~ 6715
~~after January 1, 2002, on the;~~ 6716

(2) The income of an electric company or combined company, as 6717
defined in section 5727.01 of the Revised Code; 6718

(3) On and after January 1, 2004, the income of a telephone 6719
company, as defined in section 5727.01 of the Revised Code. 6720

Sec. 717.01. Each municipal corporation may do any of the 6721
following: 6722

(A) Acquire by purchase or condemnation real estate with or 6723
without buildings on it, and easements or interests in real 6724
estate; 6725

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or 6726
improve a building or improvement that it is authorized to acquire 6727

or construct;	6728
(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;	6729 6730
(D) Purchase turnpike roads and make them free;	6731
(E) Construct wharves and landings on navigable waters;	6732
(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;	6733 6734 6735 6736
(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;	6737 6738 6739
(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;	6740 6741 6742 6743
(I) Provide grounds for cemeteries or crematories, enclose and embellish them, and construct vaults or crematories;	6744 6745
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	6746 6747
(K) Construct free public libraries and reading rooms, and free recreation centers;	6748 6749
(L) Establish free public baths and municipal lodging houses;	6750
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	6751 6752 6753
(N) Provide land for and improve parks, boulevards, and public playgrounds;	6754 6755
(O) Construct hospitals and pesthouses;	6756

(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	6757 6758
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	6759 6760 6761
(R) Construct or improve viaducts, bridges, and culverts;	6762
(S)(1) Construct any building necessary for the police or fire department;	6763 6764
(2) Purchase fire engines or fire boats;	6765
(3) Construct water towers or fire cisterns;	6766
(4) Place underground the wires or signal apparatus of any police or fire department.	6767 6768
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	6769 6770
(U) Construct subways under any street or boulevard or elsewhere;	6771 6772
(V) Acquire by purchase, gift, devise, bequest, lease, condemnation proceedings, or otherwise, real or personal property, and thereon and thereof to establish, construct, enlarge, improve, equip, maintain, and operate airports, landing fields, or other air navigation facilities, either within or outside the limits of a municipal corporation, and acquire by purchase, gift, devise, lease, or condemnation proceedings rights-of-way for connections with highways, waterways, and electric, steam, and interurban railroads, and improve and equip such facilities with structures necessary or appropriate for such purposes. No municipal corporation may take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce, which property or facilities are required for the proper and convenient operation of the utility or carrier, unless	6773 6774 6775 6776 6777 6778 6779 6780 6781 6782 6783 6784 6785 6786

provision is made for the restoration, relocation, or duplication 6787
of the property or facilities elsewhere at the sole cost of the 6788
municipal corporation. 6789

(W) Provide by agreement with any regional airport authority, 6790
created under section 308.03 of the Revised Code, for the making 6791
of necessary surveys, appraisals, and examinations preliminary to 6792
the acquisition or construction of any airport or airport facility 6793
and pay the portion of the expense of the surveys, appraisals, and 6794
examinations as set forth in the agreement; 6795

(X) Provide by agreement with any regional airport authority, 6796
created under section 308.03 of the Revised Code, for the 6797
acquisition, construction, maintenance, or operation of any 6798
airport or airport facility owned or to be owned and operated by 6799
the regional airport authority or owned or to be owned and 6800
operated by the municipal corporation and pay the portion of the 6801
expense of it as set forth in the agreement; 6802

(Y) Acquire by gift, purchase, lease, or condemnation, land, 6803
forest, and water rights necessary for conservation of forest 6804
reserves, water parks, or reservoirs, either within or without the 6805
limits of the municipal corporation, and improve and equip the 6806
forest and water parks with structures, equipment, and 6807
reforestation necessary or appropriate for any purpose for the 6808
utilization of any of the forest and water benefits that may 6809
properly accrue therefrom to the municipal corporation; 6810

(Z) Acquire real property by purchase, gift, or devise and 6811
construct and maintain on it public swimming pools, either within 6812
or outside the limits of the municipal corporation; 6813

(AA) Construct or rehabilitate, equip, maintain, operate, and 6814
lease facilities for housing of elderly persons and for persons of 6815
low and moderate income, and appurtenant facilities. No municipal 6816
corporation shall deny housing accommodations to or withhold 6817

housing accommodations from elderly persons or persons of low and 6818
moderate income because of race, color, religion, sex, familial 6819
status as defined in section 4112.01 of the Revised Code, 6820
disability as defined in that section, ancestry, or national 6821
origin. Any elderly person or person of low or moderate income who 6822
is denied housing accommodations or has them withheld by a 6823
municipal corporation because of race, color, religion, sex, 6824
familial status as defined in section 4112.01 of the Revised Code, 6825
disability as defined in that section, ancestry, or national 6826
origin may file a charge with the Ohio civil rights commission as 6827
provided in Chapter 4112. of the Revised Code. 6828

(BB) Acquire, rehabilitate, and develop rail property or rail 6829
service, and enter into agreements with ~~the Ohio rail development~~ 6830
~~commission~~, boards of county commissioners, boards of township 6831
trustees, legislative authorities of other municipal corporations, 6832
with other governmental agencies or organizations, and with 6833
private agencies or organizations in order to achieve those 6834
purposes; 6835

(CC) Appropriate and contribute money to a soil and water 6836
conservation district for use under Chapter 1515. of the Revised 6837
Code; 6838

(DD) Authorize the board of county commissioners, pursuant to 6839
a contract authorizing the action, to contract on the municipal 6840
corporation's behalf for the administration and enforcement within 6841
its jurisdiction of the state building code by another county or 6842
another municipal corporation located within or outside the 6843
county. The contract for administration and enforcement shall 6844
provide for obtaining certification pursuant to division (E) of 6845
section 3781.10 of the Revised Code for the exercise of 6846
administration and enforcement authority within the municipal 6847
corporation seeking those services and shall specify which 6848
political subdivision is responsible for securing that 6849

certification. 6850

(EE) Expend money for providing and maintaining services and 6851
facilities for senior citizens. 6852

"Airport," "landing field," and "air navigation facility," as 6853
defined in section 4561.01 of the Revised Code, apply to division 6854
(V) of this section. 6855

As used in divisions (W) and (X) of this section, "airport" 6856
and "airport facility" have the same meanings as in section 308.01 6857
of the Revised Code. 6858

As used in division (BB) of this section, "rail property" and 6859
"rail service" have the same meanings as in section ~~4981.01~~ 6860
5507.01 of the Revised Code. 6861

Sec. 718.01. (A) As used in this chapter: 6862

(1) "Adjusted federal taxable income" has the same meaning as 6863
in section 5745.01 of the Revised Code. 6864

(2) "Internal Revenue Code" means the Internal Revenue Code 6865
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. 6866

~~(2)~~(3) "Schedule C" means internal revenue service schedule C 6867
filed by a taxpayer pursuant to the Internal Revenue Code. 6868

~~(3)~~(4) "Form 2106" means internal revenue service form 2106 6869
filed by a taxpayer pursuant to the Internal Revenue Code. 6870

~~(4)~~(5) "Intangible income" means income of any of the 6871
following types: income yield, interest, dividends, or other 6872
income arising from the ownership, sale, exchange, or other 6873
disposition of intangible property including, but not limited to, 6874
investments, deposits, money, or credits as those terms are 6875
defined in Chapter 5701. of the Revised Code. 6876

~~(5)~~(6) "S corporation" means a corporation that has made an 6877
election under subchapter S of Chapter 1 of Subtitle A of the 6878

Internal Revenue Code for its taxable year.	6879
<u>(7) On and after January 1, 2004, "net profit" means adjusted federal taxable income calculated on the basis of the Internal Revenue Code as it exists on the effective date of this amendment.</u>	6880 6881 6882
<u>(8) "Taxpayer" means a person subject to a tax levied by a municipal corporation on income.</u>	6883 6884
<u>(9) "Taxable year" means a taxpayer's taxable year for federal income tax purposes.</u>	6885 6886
<u>(10) "Tax administrator" means the individual charged with direct responsibility for administration of a tax levied by a municipal corporation on income.</u>	6887 6888 6889
(B) No municipal corporation with respect to that income that it may tax shall tax such income at other than a uniform rate.	6890 6891
(C) No municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election. The legislative authority of the municipal corporation shall file with the board of elections at least seventy-five days before the day of the election a copy of the ordinance together with a resolution specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a ... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?	6892 6893 6894 6895 6896 6897 6898 6899 6900 6901 6902 6903 6904
FOR THE INCOME TAX	6905
AGAINST THE INCOME TAX"	6906
In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.	6907 6908

(D)(1) ~~Except as otherwise provided in division (D)(2) or~~ 6909
~~(F)(9) of this section, no~~ No municipal corporation shall exempt 6910
from a tax on income, compensation for personal services of 6911
individuals over eighteen years of age or the net profit from a 6912
business or profession. 6913

(2) ~~The legislative authority of a municipal corporation may,~~ 6914
~~by ordinance or resolution, exempt from a tax on income any~~ 6915
~~compensation arising from the grant, sale, exchange, or other~~ 6916
~~disposition of a stock option; the exercise of a stock option; or~~ 6917
~~the sale, exchange, or other disposition of stock purchased under~~ 6918
~~a stock option. On and after January 1, 2004, no municipal~~ 6919
~~corporation shall tax the net profit from a business or profession~~ 6920
~~using any base other than the taxpayer's adjusted federal taxable~~ 6921
~~income. Division (D)(2) of this section does not apply to any~~ 6922
~~taxpayer required to file a return under section 5745.03 of the~~ 6923
~~Revised Code.~~ 6924

(E) ~~Nothing in this section shall prevent~~ Except as provided 6925
in division (D)(2) of this section, a municipal corporation ~~from~~ 6926
~~permitting~~ may permit lawful deductions as prescribed by 6927
ordinance. If a taxpayer's taxable income includes income against 6928
which the taxpayer has taken a deduction for federal income tax 6929
purposes as reportable on the taxpayer's form 2106, and against 6930
which a like deduction has not been allowed by the municipal 6931
corporation, the municipal corporation shall deduct from the 6932
taxpayer's taxable income an amount equal to the deduction shown 6933
on such form allowable against such income, to the extent not 6934
otherwise so allowed as a deduction by the municipal corporation. 6935
In the case of a taxpayer who has a net profit from a business or 6936
profession that is operated as a sole proprietorship, no municipal 6937
corporation may tax or use as the base for determining the amount 6938
of the net profit that shall be considered as having a taxable 6939
situs in the municipal corporation, ~~a greater amount than the net~~ 6940

~~profit reported by the taxpayer on schedule C filed in reference~~ 6941
~~to the year in question as taxable income from such sole~~ 6942
~~proprietorship, except as otherwise specifically provided by~~ 6943
~~ordinance or regulation~~ an amount other than the net profit 6944
required to be reported by the taxpayer on schedule C as taxable 6945
income from such sole proprietorship for the taxable year, but 6946
such amount shall be increased in accordance with the principles 6947
and concepts described in section 5745.042 of the Revised Code as 6948
if the taxpayer were a C corporation. 6949

(F) A municipal corporation shall not tax any of the 6950
following: 6951

(1) The military pay or allowances of members of the armed 6952
forces of the United States and of members of their reserve 6953
components, including the Ohio national guard; 6954

(2) The income of religious, fraternal, charitable, 6955
scientific, literary, or educational institutions to the extent 6956
that such income is derived from tax-exempt real estate, 6957
tax-exempt tangible or intangible property, or tax-exempt 6958
activities; 6959

(3) Except as otherwise provided in division (G) of this 6960
section, intangible income; 6961

(4) Compensation paid under section 3501.28 or 3501.36 of the 6962
Revised Code to a person serving as a precinct election official, 6963
to the extent that such compensation does not exceed one thousand 6964
dollars annually. Such compensation in excess of one thousand 6965
dollars may be subjected to taxation by a municipal corporation. A 6966
municipal corporation shall not require the payer of such 6967
compensation to withhold any tax from that compensation. 6968

(5) Compensation paid to an employee of a transit authority, 6969
regional transit authority, or regional transit commission created 6970
under Chapter 306. of the Revised Code for operating a transit bus 6971

or other motor vehicle for the authority or commission in or 6972
through the municipal corporation, unless the bus or vehicle is 6973
operated on a regularly scheduled route, the operator is subject 6974
to such a tax by reason of residence or domicile in the municipal 6975
corporation, or the headquarters of the authority or commission is 6976
located within the municipal corporation; 6977

(6) The income of a public utility, when that public utility 6978
is subject to the tax levied under section 5727.24 or 5727.30 of 6979
the Revised Code, except ~~starting January 1, 2002, the income of~~ 6980
~~an electric company or combined company, as defined in section~~ 6981
~~5727.01 of the Revised Code, may be taxed by~~ a municipal 6982
corporation may tax the following, subject to Chapter 5745. of the 6983
Revised Code: 6984

(a) Beginning January 1, 2002, the income of an electric 6985
company or combined company; 6986

(b) Beginning January 1, 2004, the income of a telephone 6987
company. 6988

As used in division (F)(6) of this section, "combined 6989
company," "electric company" and "telephone company" have the same 6990
meanings as in section 5727.01 of the Revised Code. 6991

(7) On and after January 1, 2003, items excluded from federal 6992
gross income pursuant to section 107 of the Internal Revenue Code; 6993

(8) On and after January 1, 2001, compensation paid to a 6994
nonresident individual to the extent prohibited under section 6995
718.011 of the Revised Code; 6996

(9) Except as provided in division (H) of this section, an S 6997
corporation shareholder's distributive share of net profits of the 6998
S corporation, other than any part of the distributive share of 6999
net profits that represents wages as defined in section 3121(a) of 7000
the Internal Revenue Code or net earnings from self-employment as 7001
defined in section 1402(a) of the Internal Revenue Code, to the 7002

extent such distributive share would not be allocated or 7003
apportioned to this state under division (B)(1) and (2) of section 7004
5733.05 of the Revised Code if the S corporation were a 7005
corporation subject to the taxes imposed under Chapter 5733. of 7006
the Revised Code. 7007

(10) For taxable years beginning on or after January 1, 2004, 7008
with respect to a nonqualified deferred compensation plan or 7009
program under section 3121(v)(2)(C) of the Internal Revenue Code: 7010

(a) Any amount that is not included in a person's federal 7011
gross income; and 7012

(b) Any amount included in a person's federal gross income to 7013
the extent the municipal corporation imposed a tax on the 7014
nonqualified deferred compensation at the time the compensation 7015
was deferred. 7016

(11) Any amount of compensation included in a person's 7017
federal gross income if the amount may not be subjected to 7018
taxation by the municipal corporation under 4 U.S.C. 114 because 7019
the person is not a resident of the municipal corporation at the 7020
time such compensation is distributed. 7021

(G) Any municipal corporation that taxes any type of 7022
intangible income on March 29, 1988, pursuant to Section 3 of 7023
Amended Substitute Senate Bill No. 238 of the 116th general 7024
assembly, may continue to tax that type of income after 1988 if a 7025
majority of the electors of the municipal corporation voting on 7026
the question of whether to permit the taxation of that type of 7027
intangible income after 1988 vote in favor thereof at an election 7028
held on November 8, 1988. 7029

(H) Any municipal corporation that, on December 6, 2002, 7030
taxes an S corporation shareholder's distributive share of net 7031
profits of the S corporation to any greater extent than that 7032
permitted under division (F)(9) of this section may continue after 7033

2002 to tax such distributive shares to such greater extent only 7034
if a majority of the electors of the municipal corporation voting 7035
on the question of such continuation vote in favor thereof at an 7036
election held on November 4, 2003. If a majority of electors vote 7037
in favor of that question, then, for purposes of section 718.14 of 7038
the Revised Code, "pass-through entity" includes S corporations, 7039
"income from a pass-through entity" includes distributive shares 7040
from an S corporation, and "owner" includes a shareholder of an S 7041
corporation, notwithstanding that section to the contrary. 7042

(I) Nothing in this section or section 718.02 of the Revised 7043
Code shall authorize the levy of any tax on income that a 7044
municipal corporation is not authorized to levy under existing 7045
laws or shall require a municipal corporation to allow a deduction 7046
from taxable income for losses incurred from a sole proprietorship 7047
or partnership. 7048

Sec. 718.02. This section does not apply to electric 7049
~~companies or combined companies, or to electric light companies~~ 7050
~~for which an election made under section 5745.031 taxpayers that~~ 7051
are subject to and required to file reports under Chapter 5745. of 7052
the Revised Code ~~is in effect.~~ 7053

(A) ~~In the taxation of income that is subject to municipal~~ 7054
~~income taxes, if the books and records of a taxpayer conducting a~~ 7055
~~business or profession both within and without the boundaries of a~~ 7056
~~municipal corporation disclose with reasonable accuracy what~~ 7057
~~portion of its net profit is attributable to that part of the~~ 7058
~~business or profession conducted within the boundaries of the~~ 7059
~~municipal corporation, then only such portion shall be considered~~ 7060
~~as having a taxable situs in such municipal corporation for~~ 7061
~~purposes of municipal income taxation. In the absence of such~~ 7062
~~records, net~~ Net profit from a business or profession conducted 7063
both within and without the boundaries of a municipal corporation 7064

shall be considered as having a taxable situs in such municipal 7065
corporation for purposes of municipal income taxation in the same 7066
proportion as the average ratio of the following: 7067

(1) The average ~~net book value~~ original cost of the real and 7068
tangible personal property owned or used by the taxpayer in the 7069
business or profession in such municipal corporation during the 7070
taxable period to the average ~~net book value~~ original cost of all 7071
of the real and tangible personal property owned or used by the 7072
taxpayer in the business or profession during the same period, 7073
wherever situated. 7074

As used in the preceding paragraph, real property shall 7075
include property rented or leased by the taxpayer and the value of 7076
such property shall be determined by multiplying the annual rental 7077
thereon by eight; 7078

(2) Wages, salaries, and other compensation paid during the 7079
taxable period to persons employed in the business or profession 7080
for services performed in such municipal corporation to wages, 7081
salaries, and other compensation paid during the same period to 7082
persons employed in the business or profession, wherever their 7083
services are performed, excluding compensation that is not taxable 7084
by the municipal corporation under section 718.011 of the Revised 7085
Code; 7086

(3) Gross receipts of the business or profession from sales 7087
made and services performed during the taxable period in such 7088
municipal corporation to gross receipts of the business or 7089
profession during the same period from sales and services, 7090
wherever made or performed. 7091

If the foregoing ~~allocation~~ apportionment formula does not 7092
produce an equitable result, another basis may be substituted, 7093
under uniform regulations, so as to produce an equitable result. 7094
If, for any taxable year, the foregoing apportionment formula 7095

produces an amount less than zero, the taxpayer shall not be 7096
entitled to a refund with respect to that taxable year of any 7097
amounts other than amounts the taxpayer has paid in estimated 7098
taxes for the taxable year and any overpayment from a previous 7099
taxable year credited towards the taxable year for which the 7100
foregoing apportionment formula produces an amount less than zero. 7101

(B) As used in division (A) of this section, "sales made in a 7102
municipal corporation" mean: 7103

(1) All sales of tangible personal property delivered within 7104
such municipal corporation regardless of where title passes if 7105
shipped or delivered from a stock of goods within such municipal 7106
corporation; 7107

(2) All sales of tangible personal property delivered within 7108
such municipal corporation regardless of where title passes even 7109
though transported from a point outside such municipal corporation 7110
if the taxpayer is regularly engaged through its own employees in 7111
the solicitation or promotion of sales within such municipal 7112
corporation and the sales result from such solicitation or 7113
promotion; 7114

(3) All sales of tangible personal property shipped from a 7115
place within such municipal corporation to purchasers outside such 7116
municipal corporation regardless of where title passes if the 7117
taxpayer is not, through its own employees, regularly engaged in 7118
the solicitation or promotion of sales at the place where delivery 7119
is made. 7120

Sec. 718.021. (A) As used in this section: 7121

(1) "Apportioned net income" means the amount derived from 7122
the application of the apportionment formula described in section 7123
718.02 of the Revised Code for taxable years beginning on and 7124
after January 1, 1999. 7125

(2) "Loss-generating taxable year" means a taxable year in which the taxpayer has negative apportioned net income. 7126
7127

(3) "Negative apportioned net income" means apportioned net income that is less than zero, except that if, for any taxable year, a taxpayer was not subject to the income tax imposed by a municipal corporation or was exempt from that tax, then the taxpayer's negative apportioned net income with respect to that municipal corporation is zero for that taxable year. 7128
7129
7130
7131
7132
7133

(4) "Positive apportioned net income" means apportioned net income greater than zero. 7134
7135

(B)(1) For taxable years beginning on or after January 1, 2004, if a taxpayer has negative apportioned net income for a taxable year with respect to a municipal income tax, then for each of the next five ensuing taxable years, the taxpayer may reduce any positive apportioned net income with respect to the municipal corporation in which the negative apportioned net income was generated by the lesser of: 7136
7137
7138
7139
7140
7141
7142

(a) The positive apportioned net income for that ensuing taxable year; or 7143
7144

(b) The absolute value of the negative apportioned net income attributable to the loss-generating taxable year reduced by any amount the taxpayer was allowed to deduct under this section in any of the previous taxable years. 7145
7146
7147
7148

(2) If, during a period of five consecutive taxable years, a taxpayer has negative apportioned net income in more than one taxable year, the negative apportioned net income generated in the earliest of those taxable years shall be the first negative apportioned net income deducted under this section. 7149
7150
7151
7152
7153

(C) Nothing in this section shall be construed as allowing any negative apportioned net income for a taxable year to be 7154
7155

deducted more than once in any subsequent taxable year. 7156

(D) Nothing in this section shall be construed as allowing 7157
any negative apportioned net income for a taxable year to be 7158
deducted in any subsequent taxable year beginning more than five 7159
years after the beginning of the loss-generating taxable year. 7160

Sec. 718.03. As used in this section, "other payer" means any 7161
person, other than an individual's employer or the employer's 7162
agent, that pays an individual any item included in the taxable 7163
income of the individual, ~~other than the individual's employer or~~ 7164
~~that employer's agent.~~ 7165

~~(A)~~ Beginning ~~January~~ July 1, 2001 2003, a municipal 7166
corporation shall not require any nonresident employer, agent of 7167
such an employer, or other payer that is not situated in the 7168
municipal corporation to deduct and withhold taxes from the 7169
taxable income of an individual unless and until the total amount 7170
of tax required to be deducted and withheld for the municipal 7171
corporation on account of all of the employer's employees or all 7172
of the other payer's payees exceeds one hundred fifty dollars for 7173
a the calendar year ~~beginning on or after that date.~~ 7174

~~If the total amount of tax required to be deducted and~~ 7175
~~withheld on account of all of the nonresident employer's employees~~ 7176
~~or all of the other payer's payees exceeds one hundred fifty~~ 7177
~~dollars for a calendar year beginning on or after January 1, 2001,~~ 7178
~~the municipal corporation may require the employer, agent, or~~ 7179
~~other payer to deduct and withhold taxes in each ensuing year even~~ 7180
~~if the amount required to be deducted and withheld in each of~~ 7181
~~those ensuing years is one hundred fifty dollars or less, except~~ 7182
~~as otherwise provided in division (B) of this section.~~ 7183

~~(B) If a nonresident employer, agent of such an employer, or~~ 7184
~~other payer that is not situated in the municipal corporation is~~ 7185
~~required to deduct and withhold taxes for an ensuing year under~~ 7186

~~division (A) of this section, and the total amount of tax required 7187
to be deducted and withheld under that division in each of three 7188
consecutive ensuing years is one hundred fifty dollars or less, 7189
the municipal corporation shall not require the employer, agent, 7190
or other payer to deduct and withhold taxes in any year following 7191
the last of those consecutive years unless the amount required to 7192
be deducted and withheld in any such following year exceeds one 7193
hundred fifty dollars. 7194~~

Sec. 718.031. (A) As used in this section, "qualifying wages" 7195
means wages, as defined in section 3121 of the Internal Revenue 7196
Code, adjusted as follows: 7197

(1) Deduct any amount included in wages to the extent the 7198
amount constitutes compensation attributable to a nonqualified 7199
deferred compensation plan or program described in section 7200
3121(v)(2)(C) of the Internal Revenue Code and is not included in 7201
any individual's federal gross income. 7202

(2) Add any amount not included in wages to the extent the 7203
amount constitutes compensation attributable to a nonqualified 7204
deferred compensation plan or program described in section 7205
3121(v)(2)(C) of the Internal Revenue Code if the amount is 7206
included in any individual's federal gross income, but only to the 7207
extent the municipal corporation did not impose its tax on the 7208
nonqualified deferred compensation at the time the compensation 7209
was deferred. Division (A)(2) of this section applies only to the 7210
extent that division (F)(11) of section 718.01 of the Revised Code 7211
does not prohibit taxation of such amount by the municipal 7212
corporation. For purposes of determining the applicability of 7213
division (F)(11) of section 718.01 of the Revised Code, any 7214
employer or any agent of any employer or any other payer, as 7215
defined in section 718.03 of the Revised Code, may rely on an 7216
affidavit or other sworn statement, submitted in good faith by an 7217

employee or previous employee, setting forth the employee's 7218
residency status. 7219

(3) Add any amount not included in wages to the extent the 7220
amount has been directly or indirectly paid to or for the benefit 7221
of any employee, payee, or former employee and is excluded from 7222
the employee's, payee's, or former employee's federal gross income 7223
under section 125 of the Internal Revenue Code. 7224

(B) For taxable years beginning after 2003, no municipal 7225
corporation shall require any employer or any agent of any 7226
employer or any other payer, as defined in section 718.03 of the 7227
Revised Code, to withhold tax from any compensation other than 7228
qualifying wages directly or indirectly paid to or for the benefit 7229
of any employee or payee or former employee. Nothing in this 7230
section prohibits an employer from withholding amounts on a basis 7231
greater than qualifying wages. 7232

Sec. 718.05. (A) As used in this section: 7233

(1) "Generic form" means an electronic or paper form designed 7234
for reporting estimated municipal income taxes and annual 7235
municipal income tax liability or for filing a refund claim that 7236
is not prescribed by a particular municipal corporation for the 7237
reporting of that municipal corporation's tax on income. 7238

(2) "Return preparer" means any person other than a taxpayer 7239
that is authorized by a taxpayer to complete or file an income tax 7240
return, report, or other document for or on behalf of the 7241
taxpayer. 7242

(B) A municipal corporation shall not require a taxpayer to 7243
file an annual income tax return or report prior to the filing 7244
date for the corresponding tax reporting period as prescribed for 7245
such a taxpayer under the Internal Revenue Code. For taxable years 7246
beginning after 2003, except as otherwise provided in section 7247

718.051 of the Revised Code and division (D) of this section, a 7248
municipal corporation shall not require a taxpayer to file an 7249
annual income tax return or report on any date other than the 7250
filing date for the corresponding tax reporting period as 7251
prescribed for such a taxpayer under the Internal Revenue Code. 7252

(C) On and after January 1, 2001, any municipal corporation 7253
that requires taxpayers to file income tax returns, reports, or 7254
other documents shall accept for filing a generic form of such a 7255
return, report, or document if the generic form, once completed 7256
and filed, contains all of the information required to be 7257
submitted with the municipal corporation's prescribed returns, 7258
reports, or documents, and if the taxpayer or return preparer 7259
filing the generic form otherwise complies with rules or 7260
ordinances of the municipal corporation governing the filing of 7261
returns, reports, or documents. 7262

(D) ~~Beginning~~ Except as otherwise provided in section 718.051 7263
of the Revised Code, beginning January 1, 2001, any taxpayer that 7264
has requested an extension for filing a federal income tax return 7265
may request an extension for the filing of a municipal income tax 7266
return. The taxpayer shall make the request by filing a copy of 7267
the taxpayer's request for a federal filing extension with the 7268
individual or office charged with the administration of the 7269
municipal income tax. The request for extension shall be filed not 7270
later than the last day for filing the municipal income tax return 7271
as prescribed by ordinance or rule of the municipal corporation. A 7272
municipal corporation shall grant such a request for extension 7273
filed before January 1, 2004, for a period not less than the 7274
period of the federal extension request. For taxable years 7275
beginning after 2003, the extended due date of the municipal 7276
income tax return shall be the last day of the month to which the 7277
due date of the federal income tax return has been extended. A 7278
municipal corporation may deny a taxpayer's request for extension 7279

only if the taxpayer fails to timely file the request, fails to 7280
file a copy of the request for the federal extension, owes the 7281
municipal corporation any delinquent income tax or any penalty, 7282
interest, assessment, or other charge for the late payment or 7283
nonpayment of income tax, or has failed to file any required 7284
income tax return, report, or other related document for a prior 7285
tax period. The granting of an extension for filing a municipal 7286
corporation income tax return does not extend the last date for 7287
paying the tax without penalty unless the municipal corporation 7288
grants an extension of that date. 7289

Sec. 718.051. (A) As used in this section, "Ohio business 7290
gateway" means the online computer network system, initially 7291
created by the department of administrative services under section 7292
125.30 of the Revised Code, that allows private businesses to 7293
electronically file business reply forms with state agencies. 7294

(B) Notwithstanding section 718.05 of the Revised Code, on 7295
and after January 1, 2005, any taxpayer that is subject to any 7296
municipal corporation's tax on the net profit from a business or 7297
profession and has received an extension to file the federal 7298
income tax return shall not be required to notify the municipal 7299
corporation of the federal extension and shall not be required to 7300
file any municipal income tax return until the last day of the 7301
month to which the due date for filing the federal return has been 7302
extended, provided that, on or before the date for filing the 7303
municipal income tax return, the person notifies the tax 7304
commissioner of the federal extension through the Ohio business 7305
gateway or any successor electronic filing and payment system. 7306

(C) For taxable years beginning on or after January 1, 2005, 7307
a taxpayer subject to any municipal corporation's tax on the net 7308
profit from a business or profession may file any municipal income 7309
tax return or estimated municipal income return, and may make 7310

payment of amounts shown to be due on such returns, by using the 7311
Ohio business gateway or any successor electronic filing and 7312
payment system. 7313

(D)(1) As used in this division, "qualifying wages" has the 7314
same meaning as in section 718.031 of the Revised Code. 7315

(2) Any employer may report the amount of municipal income 7316
tax withheld from qualifying wages paid on or after January 1, 7317
2007, and may make remittance of such amounts, by using the Ohio 7318
business gateway or any successor electronic filing and payment 7319
system. 7320

(E) Nothing in this section shall be construed as affecting 7321
the due dates for filing income tax returns or employer 7322
withholding tax returns or for paying any amounts shown to be due 7323
on such returns. 7324

(F) Nothing in this section requires this state to continue 7325
to make available the Ohio business gateway or to make available 7326
any successor electronic filing and payment system. 7327

Sec. 718.11. (A) If any employer or taxpayer required to file 7328
a tax return for a tax subject to this chapter fails to file the 7329
return within the time prescribed, files an incorrect return, or 7330
fails to remit the full amount of the tax due for the period 7331
covered by the return, the tax administrator may make an 7332
assessment against the employer or taxpayer for any deficiency for 7333
the period for which the return or tax is due, based upon any 7334
information in the administrator's possession. 7335

The tax administrator shall not make or issue an assessment 7336
against an employer or taxpayer more than three years after the 7337
final date the return subject to assessment was required to be 7338
filed or the date the return was filed, whichever is later. The 7339
time limit may be extended if both the employer or taxpayer and 7340

the administrator consent in writing to the extension. An 7341
extension shall extend the three-year time limit in section 718.12 7342
of the Revised Code for the same period of time. There is no bar 7343
or limit to an assessment against an employer or taxpayer that 7344
fails to file a return subject to assessment as required by this 7345
chapter, or that files a fraudulent return. The administrator 7346
shall give the employer or taxpayer assessed written notice of the 7347
assessment by personal service or mail. Notice sent by mail shall 7348
be sent to the address shown on the tax return or other 7349
documentation unless the employer or taxpayer notifies the 7350
administrator of a different address. With the notice, the 7351
administrator shall provide instructions on how to petition for 7352
reassessment and request a hearing on the petition. 7353

(B) Unless the employer or taxpayer assessed files with the 7354
tax administrator within sixty days from the mailing of the 7355
assessment a written petition for reassessment signed by the 7356
employer or taxpayer or by the authorized agent of the employer or 7357
taxpayer assessed having knowledge of the facts, the assessment 7358
becomes final, and the amount of the assessment is due and payable 7359
from the employer or taxpayer to the treasurer of the municipal 7360
corporation. The petition shall indicate the employer's or 7361
taxpayer's objections, but additional objections may be raised in 7362
writing if received by the administrator prior to the date shown 7363
on the final determination. An assessment sent by mail which is 7364
returned undeliverable or sent to a location other than that of 7365
the employer or taxpayer shall not be considered to be "the 7366
mailing of the assessment" until the assessment is actually mailed 7367
to the location of the employer or taxpayer. 7368

(C) If the petitioner requests a hearing, the tax 7369
administrator shall assign a time and place for the hearing on the 7370
petition and shall notify the petitioner of the time and place of 7371
the hearing. The administrator may continue the hearing from time 7372

to time if necessary. 7373

The tax administrator shall make such corrections to the 7374
assessment as the administrator finds proper. The administrator 7375
shall serve a copy of the final determination on the petitioner by 7376
personal service or by certified mail, and the administrator's 7377
determination in the matter shall be final, subject to appeal as 7378
provided for in section 5717.011 of the Revised Code. Only 7379
objections decided on the merits by the board of tax appeals or a 7380
court shall be given collateral estoppel or res judicata effect in 7381
considering an application for refund of amounts paid pursuant to 7382
the assessment. 7383

(D) After an assessment becomes final, if any portion of the 7384
assessment remains unpaid, including accrued interest, a certified 7385
copy of the tax administrator's entry making the assessment final 7386
may be filed in the office of the clerk of the court of common 7387
pleas in the county where the municipal corporation is primarily 7388
located. 7389

Immediately upon the filing of the entry, the clerk shall 7390
enter a judgment against the employer or taxpayer assessed in the 7391
amount shown on the entry. The judgment may be filed by the clerk 7392
in a loose-leaf book entitled "special judgments for municipal 7393
corporation of income taxes" and shall have the same effect as 7394
other judgments. Execution shall issue upon the judgment upon the 7395
request of the tax administrator, and all laws applicable to sales 7396
on execution shall apply to sales made under the judgment. 7397

The portion of an assessment not paid within sixty days after 7398
the day the assessment was issued shall bear additional interest 7399
at the rate per annum prescribed by section 5703.47 of the Revised 7400
Code from the day the administrator issues the assessment until 7401
the assessment is paid. Interest shall be paid in the same manner 7402
as the tax and may be collected by issuing an assessment under 7403
this section. 7404

(E) All money collected under this section shall be 7405
considered revenue arising from the tax imposed by the municipal 7406
corporation. 7407

(F) If the tax administrator believes that collection of the 7408
tax will be jeopardized unless proceedings to collect or secure 7409
collection of the tax are instituted without delay, the 7410
administrator may issue a jeopardy assessment against the employer 7411
or taxpayer liable for the tax. Immediately upon the issuance of 7412
the jeopardy assessment, the administrator shall file an entry 7413
with the clerk of the court of common pleas in the manner 7414
prescribed by division (D) of this section. Notice of the jeopardy 7415
assessment shall be served on the employer or taxpayer assessed or 7416
the taxpayer's legal representative by personal service or 7417
certified mail within five days of the filing of the entry with 7418
the clerk. The total amount assessed is immediately due and 7419
payable, unless the employer or taxpayer assessed files a petition 7420
for reassessment in accordance with division (B) of this section 7421
and provides security in a form satisfactory to the administrator 7422
and in an amount sufficient to satisfy the unpaid balance of the 7423
assessment. Full or partial payment of the assessment does not 7424
prejudice the administrator's consideration of the petition for 7425
reassessment. 7426

(G) Notwithstanding the fact that a petition for reassessment 7427
is pending, the employer or taxpayer may pay all or a portion of 7428
the assessment that is the subject of the petition. The acceptance 7429
of a payment by the treasurer of the municipal corporation does 7430
not prejudice any claim for refund upon final determination of the 7431
petition. 7432

If upon final determination of the petition an error in the 7433
assessment is corrected by the tax administrator, upon petition so 7434
filed or pursuant to a decision of the board of tax appeals or any 7435
court to which the determination or decision has been appealed, so 7436

that the amount due from the employer or taxpayer under the 7437
corrected assessment is less than the portion paid, there shall be 7438
issued to the employer or taxpayer, its assignees, or legal 7439
representative a refund in the amount of the overpayment as 7440
provided by section 718.12 of the Revised Code, with interest on 7441
that amount as provided in that section. 7442

(H) As used in this section: 7443

(1) "Employer" includes a responsible party if the municipal 7444
corporation imposes such liability. 7445

(2) "Tax" includes amounts an employer is required to 7446
withhold. 7447

Sec. 718.111. Except as provided in this section, no 7448
municipal corporation shall levy, assess, or collect any civil 7449
penalties for a tax subject to assessment under section 718.11 of 7450
the Revised Code. 7451

(A) The following penalties shall apply to employers and 7452
taxpayers required to file a tax return for a tax subject to this 7453
chapter: 7454

(1) If an employer or a taxpayer required to file a return or 7455
remit tax fails to make and file a return within the time 7456
prescribed, including any extensions of time granted by the tax 7457
administrator, the administrator may impose a penalty not 7458
exceeding the greater of fifty dollars per month or fraction of a 7459
month, not to exceed five hundred dollars, or five per cent per 7460
month or fraction of a month, not to exceed fifty per cent, of the 7461
tax required to be shown on the return, for each month or fraction 7462
of a month elapsing between the due date, including extensions of 7463
the due date, and the day on which the return is filed. 7464

(2) If an employer or a taxpayer fails to pay any amount of 7465
estimated tax required to be paid, subject to section 718.08 of 7466

the Revised Code, by the dates prescribed for payment, the tax 7467
administrator may impose a penalty of up to twice the interest 7468
owed for the delinquent payment. 7469

(3) If an employer or a taxpayer files what purports to be a 7470
return required by a municipal corporation to report income that 7471
does not contain information upon which the substantial 7472
correctness of the return may be judged or contains information 7473
that on its face indicates that the return is substantially 7474
incorrect, and the filing of the return in that manner is due to a 7475
position that is frivolous or a desire that is apparent from the 7476
return to delay or impede the administration of the tax, a penalty 7477
of up to five hundred dollars may be imposed. 7478

(4) If an employer or a taxpayer makes a fraudulent attempt 7479
to evade the reporting or payment of the tax required to be shown 7480
on any return, a penalty may be imposed not exceeding the greater 7481
of one thousand dollars or one hundred per cent of the tax 7482
required to be shown on the return. 7483

(5) If any person makes a false or fraudulent claim for a 7484
refund under section 718.12 of the Revised Code, a penalty may be 7485
imposed not exceeding the greater of one thousand dollars or one 7486
hundred per cent of the claim. Any penalty imposed under division 7487
(A)(5) of this section, any refund issued on the claim, and 7488
interest on any refund from the date of the refund, may be 7489
assessed under section 718.11 of the Revised Code without regard 7490
to any time limitation for the assessment imposed by division (A) 7491
of that section. 7492

(B) For the purposes of this section, the tax required to be 7493
shown on the return shall be reduced by the amount of any part of 7494
the tax paid on or before the date, including extensions of the 7495
date, prescribed for filing the return. 7496

(C) Each penalty imposed under this section shall be in 7497

addition to any other penalty described in this section. All or 7498
part of any penalty imposed under this section may be abated by 7499
the tax administrator. The administrator may adopt rules governing 7500
the imposition and abatement of such penalties. 7501

(D) All amounts collected under this section from an employer 7502
or a taxpayer shall be considered as revenue arising from the tax 7503
imposed by the municipal corporation. 7504

(E) The interest rate for any interest charges levied by a 7505
municipal corporation for the underpayment of tax shall be based 7506
upon the rate per annum prescribed by section 5703.47 of the 7507
Revised Code. 7508

Sec. 718.112. (A) If any of the facts, figures, computations, 7509
or attachments required in a taxpayer's annual return to determine 7510
the tax charged by the municipal corporation must be altered as 7511
the result of an adjustment to the taxpayer's federal income tax 7512
return, whether initiated by the taxpayer or the internal revenue 7513
service, and such alteration affects the taxpayer's tax liability, 7514
the taxpayer shall file an amended return with the tax 7515
administrator in such form as the administrator requires. The 7516
amended return shall be filed not later than sixty days after the 7517
adjustment has been agreed to or finally determined for federal 7518
income tax purposes or any federal income tax deficiency or 7519
refund, or the abatement or credit resulting therefrom, has been 7520
assessed or paid, whichever occurs first. 7521

(B) In the case of an underpayment, the amended return shall 7523
be accompanied by payment of any additional tax due together with 7524
interest thereon. If the tax shown to be due is one dollar or 7525
less, such amount need not accompany the amended return. An 7526
amended return required by this section is a return subject to 7527
assessment under section 718.11 of the Revised Code for the 7528

purpose of assessing any additional tax due under this section, 7529
together with any applicable penalty and interest. An amended 7530
return does not reopen facts, figures, computations, or 7531
attachments from a previously filed return no longer subject to 7532
assessment that are not affected, either directly or indirectly, 7533
by the adjustment to the taxpayer's federal income tax return. 7534

(C) In the case of an overpayment, an application for refund 7535
may be filed under this division within the sixty-day period 7536
prescribed for filing the amended return even if it is filed 7537
beyond the period prescribed in section 718.12 of the Revised Code 7538
if it otherwise conforms to the requirements of that section. An 7539
application filed under this division shall claim refund of 7540
overpayments resulting from alterations to only those facts, 7541
figures, computations, or attachments required in the taxpayer's 7542
annual return that are affected, either directly or indirectly, by 7543
the adjustment to the taxpayer's federal income tax return unless 7544
it is also filed within the time prescribed in section 718.12 of 7545
the Revised Code. The application does not reopen facts, figures, 7546
computations, or attachments that are not affected, either 7547
directly or indirectly, by the adjustment to the taxpayer's 7548
federal income tax return. 7549

Sec. 718.12. (A) An application to refund to an employer or a 7550
taxpayer the amount of taxes paid on any illegal, erroneous, or 7551
excessive payment of tax to a municipal corporation, including 7552
assessments, shall be filed with the tax administrator of the 7553
municipal corporation within three years after the date of the 7554
illegal, erroneous, or excessive payment of the tax, or within any 7555
additional period allowed by division (A) of section 718.11 of the 7556
Revised Code. The application shall be filed in the form 7557
prescribed by the tax administrator or by using a generic form as 7558
allowed under section 718.05 of the Revised Code. 7559

(B) Upon the filing of a refund application, the 7560
administrator shall determine the amount of refund to which the 7561
applicant is entitled. If the amount is not less than that 7562
claimed, the administrator shall issue a refund. If the amount is 7563
less than that claimed, the administrator shall give the applicant 7564
notice by ordinary mail of the amount approved for refund. The 7565
notice shall be sent to the address shown on the application for a 7566
refund unless the applicant notifies the administrator of a 7567
different address. The applicant shall have sixty days from the 7568
date the administrator mails the notice to provide additional 7569
information to the administrator or to request a hearing, or both. 7570
Nothing in this section prohibits the administrator from refunding 7571
the applicant the approved amount prior to the expiration of the 7572
sixty-day period. 7573

(C) If the applicant neither requests a hearing nor provides 7574
additional information to the tax administrator within the time 7575
prescribed by division (B) of this section, the administrator 7576
shall take no further action, and the determination of the refund 7577
amount denied is final and is not subject to appeal under section 7578
5717.011 of the Revised Code. 7579

(D)(1) If the applicant requests a hearing within the time 7580
prescribed by division (B) of this section, the tax administrator 7581
shall assign a time and place for the hearing and shall notify the 7582
applicant of such time and place. The administrator may continue 7583
the hearing from time to time as necessary. After the hearing, the 7584
administrator may make such adjustments to the refund as the 7585
administrator finds proper and shall issue a final determination 7586
thereon. 7587

(2) If the applicant does not request a hearing, but provides 7588
additional information, within the time prescribed by division (B) 7589
of this section, the tax administrator shall review the 7590
information, make such adjustments to the refund as the 7591

administrator finds proper, and shall issue a final determination 7592
thereon. 7593

(3) The administrator shall serve a copy of the final 7594
determination made under division (D)(1) or (2) of this section on 7595
the applicant by personal service or by certified mail, and the 7596
decision is final, subject to appeal under section 5717.011 of the 7597
Revised Code. 7598

(4) The administrator shall refund any additional tax found 7599
to be due the taxpayer under division (D)(1) or (2) of this 7600
section. 7601

(E) Upon the written request of a taxpayer, the tax 7602
administrator may credit the amount of the refund against the 7603
taxpayer's estimated tax payments to the municipal corporation for 7604
an ensuing taxable year. The administrator may apply any refund 7605
due under this section to any taxes or fees owed to the municipal 7606
corporation as partial satisfaction of the debt owed to the 7607
municipal corporation if the refund is for less than the debt or 7608
for full satisfaction of the debt owed to the municipal 7609
corporation if the refund equals or exceeds the debt. If the 7610
refund is greater than the debt, the amount remaining after 7611
satisfaction of the debt shall be refunded. The preceding two 7612
sentences apply only to debts that have become final. 7613

(F) Interest shall be allowed and paid on any overpayment by 7614
a taxpayer of tax from the date of the overpayment until the date 7615
of the refund of the overpayment, except that if any overpayment 7616
is refunded within ninety days after the final filing date of the 7617
annual return or ninety days after the complete return is filed, 7618
whichever is later, no interest shall be allowed on the refunded 7619
overpayment. For purposes of computing the payment of interest on 7620
overpayments, no amount of tax for any taxable year shall be 7621
treated as having been paid before the date on which the tax 7622
return for that year was due without regard to any extension of 7623

time for filing that return. 7624

(G) If the amount of refund the applicant is entitled to 7625
under this section is for less than one dollar, the tax 7626
administrator is not required to issue the refund. 7627

Sec. 901.17. ~~(A)~~ The division of markets ~~shall~~ may do all of 7628
the following: 7629

~~(1)~~(A) Investigate the cost of production and marketing in 7630
all its phases; 7631

~~(2)~~(B) Gather and disseminate information concerning supply, 7632
demand, prevailing prices, and commercial movements, including 7633
common and cold storage of food products, and maintain market news 7634
service for disseminating such information; 7635

~~(3)~~(C) Promote, assist, and encourage the organization and 7636
operation of cooperative and other associations and organizations 7637
for improving the relations and services among producers, 7638
distributors, and consumers of food products; 7639

~~(4)~~(D) Investigate the practice, methods, and any specific 7640
transaction of commission merchants and others who receive, 7641
solicit, buy, or handle on commission or otherwise, food products; 7642

~~(5)~~(E) Act as mediator or arbitrator, when invited, in any 7643
controversy or issue that arises between producers and 7644
distributors and that affects the interest of the consumer; 7645

~~(6)~~(F) Act on behalf of the consumers in conserving and 7646
protecting their interests in every practicable way against 7647
excessive prices; 7648

~~(7)~~(G) Act as market adviser for producers and distributors, 7649
assisting them in economical and efficient distribution of good 7650
products at fair prices; 7651

~~(8)~~(H) Encourage the establishment of retail municipal 7652

markets and develop direct dealing between producers and 7653
consumers; 7654

~~(9)(I) Encourage the consumption of Ohio-grown products 7655
within the state, nationally, and internationally, and inspect and 7656
determine the grade and condition of farm produce, both at 7657
collecting and receiving centers within the state; 7658~~

~~(10)(J) Take such means and use such powers, relative to 7659
shipment, transportation, and storage of foodstuffs of any kind, 7660
as are necessary, advisable, or desirable in case of an emergency 7661
creating or threatening to create a scarcity of food within the 7662
state; 7663~~

~~(K) Participate in trade missions between states and foreign 7664
countries in order to encourage the sale and promotion of 7665
Ohio-grown products. 7666~~

~~(B)(1) The director of agriculture shall adopt and may amend 7667
schedules of fees to be charged for inspecting farm produce at 7668
collecting and receiving centers or such other services as may be 7669
rendered under this section. All such fees shall be made with a 7670
view to the minimum cost and to make this branch of the department 7671
of agriculture self sustaining. 7672~~

~~The fees shall be deposited in the state treasury and 7673
credited to the inspection fund, which is hereby created, for use 7674
in carrying out the purposes of this section. All investment 7675
earnings of the inspection fund shall be credited to the fund. If, 7676
in any year, the balance in the inspection fund is not sufficient 7677
to meet the expenses incurred pursuant to this section, the 7678
deficit shall be paid from funds appropriated for the use of the 7679
department. 7680~~

~~(2) The director may adopt a schedule of fees to be charged 7681
for inspecting any agricultural product for the purposes of the 7682
issuance of an export certificate, as may be required by the 7683~~

~~United States department of agriculture or foreign purchasers.~~ 7684
~~Such fees shall be credited to the general revenue fund.~~ 7685

Sec. 901.21. (A) As used in this section and section 901.22 7686
of the Revised Code: 7687

(1) "Agricultural easement" has the same meaning as in 7688
section 5301.67 of the Revised Code. 7689

(2) "Agriculture" means those activities occurring on land 7690
devoted exclusively to agricultural use, as defined in section 7691
5713.30 of the Revised Code, or on land that constitutes a 7692
homestead. 7693

(3) "Homestead" means the portion of a farm on which is 7694
located a dwelling house, yard, or outbuildings such as a barn or 7695
garage. 7696

(B) The director of agriculture may acquire real property 7697
used predominantly in agriculture and agricultural easements by 7698
gift, devise, or bequest if, at the time an easement is granted, 7699
such an easement is on land that is valued for purposes of real 7700
property taxation at its current value for agricultural use under 7701
section 5713.31 of the Revised Code or that constitutes a 7702
homestead. Any terms may be included in an agricultural easement 7703
so acquired that are necessary or appropriate to preserve on 7704
behalf of the grantor of the easement the favorable tax 7705
consequences of the gift, devise, or bequest under the "Internal 7706
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 7707
The director, by any such means or by purchase or lease, may 7708
acquire, or acquire the use of, stationary personal property or 7709
equipment that is located on land acquired in fee by the director 7710
under this section and that is necessary or appropriate for the 7711
use of the land predominantly in agriculture. 7712

(C) The director may do all things necessary or appropriate 7713

to retain the use of real property acquired in fee under division 7714
(B) of this section predominantly in agriculture, including, 7715
without limitation, performing any of the activities described in 7716
division (A)(1) or (2) of section 5713.30 of the Revised Code or 7717
entering into contracts to lease or rent the real property so 7718
acquired to persons or governmental entities that will use the 7719
land predominantly in agriculture. 7720

(D)(1) When the director considers it to be necessary or 7721
appropriate, the director may sell real property acquired in fee, 7722
and stationary personal property or equipment acquired by gift, 7723
devise, bequest, or purchase, under division (B) of this section 7724
on such terms as the director considers to be advantageous to this 7725
state. 7726

(2) An agricultural easement acquired under division (B) of 7727
this section may be extinguished under the circumstances 7728
prescribed, and in accordance with the terms and conditions set 7729
forth, in the instrument conveying the agricultural easement. 7730

(E) There is hereby created in the state treasury the 7731
agricultural easement purchase fund. The fund shall consist of the 7732
proceeds received from the sale of real and personal property 7733
under division (D) of this section; moneys received due to the 7734
extinguishment of agricultural easements acquired by the director 7735
under division (B) of this section or section 5301.691 of the 7736
Revised Code; moneys received due to the extinguishment of 7737
agricultural easements purchased with the assistance of matching 7738
grants made under section 901.22 of the Revised Code; gifts, 7739
bequests, devises, and contributions received by the director for 7740
the purpose of acquiring agricultural easements; and grants 7741
received from public or private sources for the purpose of 7742
purchasing agricultural easements. The fund shall be administered 7743
by the director, and moneys in the fund shall be used by the 7744
director exclusively to purchase agricultural easements under 7745

division (A) of section 5301.691 of the Revised Code and provide 7746
matching grants under section 901.22 of the Revised Code to 7747
municipal corporations, counties, townships, and charitable 7748
organizations for the purchase of agricultural easements. Money in 7749
the fund shall be used only to purchase agricultural easements on 7750
land that is valued for purposes of real property taxation at its 7751
current value for agricultural use under section 5713.31 of the 7752
Revised Code or that constitutes a homestead when the easement is 7753
purchased. 7754

(F) There is hereby created in the state treasury the clean 7755
Ohio agricultural easement fund. Twelve and one-half per cent of 7756
net proceeds of obligations issued and sold pursuant to sections 7757
151.01 and 151.09 of the Revised Code shall be deposited into the 7758
fund. The fund shall be used by the director for the purposes of 7759
sections 901.21 and 901.22 and the provisions of sections 5301.67 7760
to 5301.70 of the Revised Code governing agricultural easements. 7761
Investment earnings of the fund shall be credited to the fund. ~~For~~ 7762
~~two years after the effective date of this amendment, investment~~ 7763
~~earnings credited to the fund and~~ and may be used to pay costs 7764
incurred by the director in administering those sections and 7765
provisions. 7766

(G) The term of an agricultural easement purchased wholly or 7767
in part with money from the clean Ohio agricultural easement fund 7768
or the agricultural easement purchase fund shall be perpetual and 7769
shall run with the land. 7770

Sec. 902.11. (A) Any real or personal property, or both, of 7771
an issuer ~~which~~ that is acquired, constructed, reconstructed, 7772
enlarged, improved, furnished, or equipped, or any combination 7773
thereof, and leased or subleased under authority of this chapter 7774
shall be subject to ad valorem, sales, use, and franchise taxes 7775
and to zoning, planning, and building regulations and fees, to the 7776

same extent and in the same manner as if the lessee-user or 7777
sublessee-user thereof, rather than the issuer, had acquired, 7778
constructed, reconstructed, enlarged, improved, furnished, or 7779
equipped, or any combination thereof, such real or personal 7780
property, and title thereto was in the name of such lessee-user or 7781
sublessee-user. 7782

The transfer of tangible personal property by lease or 7783
sublease under authority of this chapter is not a sale as used in 7784
Chapter 5739. of the Revised Code. The exemptions provided in 7785
divisions (B)(1) and ~~(14)~~(12) of section 5739.02 of the Revised 7786
Code shall not be applicable to purchases for a project under this 7787
chapter. 7788

An issuer shall be exempt from all taxes on its real or 7789
personal property, or both, which has been acquired, constructed, 7790
reconstructed, enlarged, improved, furnished, or equipped, or any 7791
combination thereof, under this chapter so long as such property 7792
is used by the issuer for purposes which would otherwise exempt 7793
such property; has ceased to be used by a former lessee-user or 7794
sublessee-user and is not occupied or used; or has been acquired 7795
by the issuer but development has not yet commenced. The exemption 7796
shall be effective as of the date the exempt use begins. All taxes 7797
on the exempt real or personal property for the year should be 7798
prorated and the taxes for the exempt portion of the year shall be 7799
remitted by the county auditor. 7800

(B) Bonds issued under this chapter, the transfer thereof, 7801
and the interest and other income from the bonds, including any 7802
profit made on the sale thereof, are free from taxation within the 7803
state. 7804

Sec. 921.151. The pesticide program fund is hereby created in 7805
the state treasury. ~~All~~ The portion of the money in the fund that 7806
is collected under this chapter shall be used to carry out the 7807

purposes of this chapter. The portion of the money in the fund 7808
that is collected under Chapter 927. of the Revised Code shall be 7809
used to carry out the purposes of that chapter, provided that the 7810
money that is collected under section 927.701 of the Revised Code 7811
shall be used to carry out the purposes of that section. The fund 7812
shall consist of fees collected under sections 921.01 to 921.15 7813
and section 927.69 of the Revised Code, money collected under 7814
section 927.701 of the Revised Code, and all fines, penalties, 7815
costs, and damages, except court costs, ~~which that~~ are collected 7816
by either the director of agriculture or the attorney general in 7817
consequence of any violation of sections 921.01 to 921.29 of the 7818
Revised Code. Not later than the thirtieth day of June of each 7819
year, the director of budget and management shall determine 7820
whether the amount credited to the pesticide program fund is in 7821
excess of the amount necessary to meet the expenses of the 7822
director of agriculture in administering this chapter and Chapter 7823
927. of the Revised Code and shall transfer any excess from the 7824
pesticide program fund to the general revenue fund. 7825

Sec. 927.69. To effect the purpose of sections 927.51 to 7826
927.74, ~~inclusive,~~ of the Revised Code, the director of 7827
agriculture, ~~or his~~ the director's authorized representative, may: 7828

(A) Make reasonable inspection of any premises in this state 7829
and any property therein or thereon; 7830

(B) Stop and inspect in a reasonable manner, any means of 7831
conveyance moving within this state upon probable cause to believe 7832
it contains or carries any pest, host, commodity, or other article 7833
~~which that~~ is subject to sections 927.51 to 927.72, ~~inclusive,~~ of 7834
the Revised Code; 7835

(C) Conduct inspections of agricultural products that are 7836
required by other states, the United States department of 7837
agriculture, other federal agencies, or foreign countries to 7838

determine whether the products are infested. If, upon making such 7839
an inspection, the director or the director's authorized 7840
representative determines that an agricultural product is not 7841
infested, the director or the director's authorized representative 7842
may issue a certificate, as required by other states, the United 7843
States department of agriculture, other federal agencies, or 7844
foreign countries, indicating that the product is not infested. 7845

The director may charge a fee for the inspection and may 7846
charge an additional fee for the issuance of a certificate. The 7847
fees shall be established in rules adopted under section 927.52 of 7848
the Revised Code and shall be deposited into the state treasury to 7849
the credit of the pesticide program fund created in Chapter 921. 7850
of the Revised Code. Money credited to the fund shall be used to 7851
pay the costs incurred by the department of agriculture in 7852
administering this chapter. 7853

Sec. 927.701. (A) As used in this section, "gypsy moth" means 7854
the live insect, Lymantria dispar, in any stage of development. 7855

(B) The director of agriculture may establish a voluntary 7857
gypsy moth suppression program under which a landowner may request 7858
that the department of agriculture have the landowner's property 7859
aerially sprayed to suppress the presence of gypsy moths in 7860
exchange for payment from the landowner of a portion of the cost 7861
of the spraying. To determine the amount of payment that is due 7862
from a landowner, the department first shall determine the 7863
projected cost per acre to the department of gypsy moth 7864
suppression activities for the year in which the landowner's 7865
request is made. The cost shall be calculated by determining the 7866
total expense of aerial spraying for gypsy moths to be incurred by 7867
the department in that year divided by the total number of acres 7868
proposed to be sprayed in that year. With respect to a landowner, 7869

the department shall multiply the cost per acre by the number of 7870
acres that the landowner requests to be sprayed. The department 7871
shall add to that amount any administrative costs that it incurs 7872
in billing the landowner and collecting payment. The amount that 7873
the landowner shall pay to the department shall not exceed fifty 7874
per cent of the resulting amount. 7875

(C) The director shall adopt rules under Chapter 119. of the 7876
Revised Code to establish procedures under which a landowner may 7877
make a request under division (B) of this section and to establish 7878
provisions governing agreements between the department and 7879
landowners concerning gypsy moth suppression together with any 7880
other provisions that the director considers appropriate to 7881
administer this section. 7882

(D) The director shall deposit all money collected under this 7883
section into the state treasury to the credit of the pesticide 7884
program fund created in Chapter 921. of the Revised Code. Money 7885
credited to the fund under this section shall be used for the 7886
suppression of gypsy moths in accordance with this section. 7887

Sec. 1309.109. (A) Except as otherwise provided in divisions 7888
(C) and (D) of this section, this chapter applies to the 7889
following: 7890

(1) A transaction, regardless of its form, that creates a 7891
security interest in personal property or fixtures by contract; 7892

(2) An agricultural lien; 7893

(3) A sale of accounts, chattel paper, payment intangibles, 7894
or promissory notes; 7895

(4) A consignment; 7896

(5) A security interest arising under section 1302.42 or 7897
1302.49, division (C) of section 1302.85, or division (E) of 7898
section 1310.54 of the Revised Code, as provided in section 7899

1309.110 of the Revised Code; and	7900
(6) A security interest arising under section 1304.20 or	7901
1305.18 of the Revised Code.	7902
(B) The application of this chapter to a security interest in	7903
a secured obligation is not affected by the fact that the	7904
obligation is itself secured by a transaction or interest to which	7905
this chapter does not apply.	7906
(C) This chapter does not apply to the extent that:	7907
(1) A statute, regulation, or treaty of the United States	7908
preempts this chapter; or	7909
(2) The rights of a transferee beneficiary or nominated	7910
person under a letter of credit are independent and superior under	7911
section 1305.13 of the Revised Code.	7912
(D) This chapter does not apply to <u>the following</u> :	7913
(1) A landlord's lien, other than an agricultural lien;	7914
(2)(a) A lien, not enumerated in division (D)(2) of this	7915
section and other than an agricultural lien, given by statute or	7916
other rule of law for services or materials, including any lien	7917
created under any provision of Chapter 926., sections 1311.55 to	7918
1311.57, sections 1311.71 to 1311.80, section 1701.66, or Chapter	7919
4585. of the Revised Code;	7920
(b) Notwithstanding division (D)(2)(a) of this section,	7921
section 1309.333 of the Revised Code applies with respect to	7922
priority of the lien.	7923
(3) An assignment of a claim for wages, salary, or other	7924
compensation of an employee;	7925
(4) A sale of accounts, chattel paper, payment intangibles,	7926
or promissory notes as part of a sale of the business out of which	7927
they arose;	7928

(5) An assignment of accounts, chattel paper, payment intangibles, or promissory notes that is for the purpose of collection only;	7929 7930 7931
(6) An assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;	7932 7933
(7) An assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;	7934 7935 7936
(8) A transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but sections 1309.315 and 1309.322 of the Revised Code apply with respect to proceeds and priorities in proceeds;	7937 7938 7939 7940 7941 7942
(9) An assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;	7943 7944
(10) A right of recoupment or set-off, but:	7945
(a) Section 1309.340 of the Revised Code applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and	7946 7947 7948
(b) Section 1309.404 of the Revised Code applies with respect to defenses or claims of an account debtor.	7949 7950
(11) The creation or transfer of an interest in or lien on real property, including a lease or rents under a lease, except to the extent that provision is made for:	7951 7952 7953
(a) Liens on real property in sections 1309.203 and 1309.308 of the Revised Code;	7954 7955
(b) Fixtures in section 1309.334 of the Revised Code;	7956
(c) Fixture filings in sections 1309.501, 1309.502, 1309.512,	7957

1309.516, and 1309.519 of the Revised Code; and 7958

(d) Security agreements covering personal and real property 7959
in section 1309.604 of the Revised Code. 7960

(12) An assignment of a claim arising in tort, other than a 7961
commercial tort claim, but sections 1309.315 and 1309.322 of the 7962
Revised Code apply with respect to proceeds and priorities in 7963
proceeds; 7964

(13) An assignment of a deposit account in a consumer 7965
transaction, but sections 1309.315 and 1309.322 of the Revised 7966
Code apply with respect to proceeds and priorities in proceeds; or 7967

(14) A transfer by a government, state, or governmental unit. 7968

(E) The granting of a security interest in all or any part of 7969
a lottery prize award for consideration is subject to the 7970
prohibition of division ~~(A)(3)(C)~~ of section 3770.07 of the 7971
Revised Code. The sale, assignment, or other redirection of a 7972
lottery prize award for consideration is subject to the provisions 7973
of division ~~(A)(4)(D)~~ of section 3770.07 and sections 3770.10 to 7974
3770.14 of the Revised Code. 7975

Sec. 1321.21. All fees, charges, penalties, and forfeitures 7976
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 7977
sections 1315.21 to 1315.30, ~~and~~ sections 1315.35 to 1315.44, and 7978
sections 1349.25 to 1349.37 of the Revised Code shall be paid to 7979
the superintendent of financial institutions and shall be 7980
deposited by the superintendent into the state treasury to the 7981
credit of the consumer finance fund, which is hereby created. The 7982
fund may be expended or obligated by the superintendent for the 7983
defrayment of the costs of administration of Chapters 1321., 7984
1322., 4712., 4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ 7985
sections 1315.35 to 1315.44, and sections 1349.25 to 1349.37 of 7986
the Revised Code by the division of financial institutions. All 7987

actual and necessary expenses incurred by the superintendent, 7988
including any services rendered by the department of commerce for 7989
the division's administration of Chapters 1321., 1322., 4712., 7990
4727., and 4728., sections 1315.21 to 1315.30, ~~and~~ sections 7991
1315.35 to 1315.44, and sections 1349.25 to 1349.37 of the Revised 7992
Code, shall be paid from the fund. The fund shall be assessed a 7993
proportionate share of the administrative costs of the department 7994
and the division. The proportionate share of the administrative 7995
costs of the division of financial institutions shall be 7996
determined in accordance with procedures prescribed by the 7997
superintendent and approved by the director of budget and 7998
management. Such assessment shall be paid from the consumer 7999
finance fund to the division of administration fund or the 8000
financial institutions fund. 8001

Sec. 1333.99. (A) Whoever violates sections 1333.01 to 8002
1333.04 of the Revised Code is guilty of a minor misdemeanor. 8003

(B) Whoever violates section 1333.12 of the Revised Code is 8004
guilty of a misdemeanor of the fourth degree. 8005

(C) Whoever violates section 1333.36 of the Revised Code is 8006
guilty of a misdemeanor of the third degree. 8007

(D) A prosecuting attorney may file an action to restrain any 8008
person found in violation of section 1333.36 of the Revised Code. 8009
Upon the filing of such an action, the common pleas court may 8010
receive evidence of such violation and forthwith grant a temporary 8011
restraining order as may be prayed for, pending a hearing on the 8012
merits of said cause. 8013

(E) Whoever violates division (A)(1) of section 1333.52 or 8014
section 1333.81 of the Revised Code is guilty of a misdemeanor of 8015
the first degree. 8016

(F) Whoever violates division (A)(2) or (B) of section 8017

1333.52 ~~or division (F) or (H) of section 1333.96~~ of the Revised Code is guilty of a misdemeanor of the second degree. 8018
8019

(G) Except as otherwise provided in this division, whoever violates section 1333.92 of the Revised Code is guilty of a misdemeanor of the first degree. If the value of the compensation is five hundred dollars or more and less than five thousand dollars, whoever violates section 1333.92 of the Revised Code is guilty of a felony of the fifth degree. If the value of the compensation is five thousand dollars or more and less than one hundred thousand dollars, whoever violates section 1333.92 of the Revised Code is guilty of a felony of the fourth degree. If the value of the compensation is one hundred thousand dollars or more, whoever violates section 1333.92 of the Revised Code is guilty of a felony of the third degree. 8020
8021
8022
8023
8024
8025
8026
8027
8028
8029
8030
8031

~~(H) Whoever violates division (B), (C), or (I) of section 1333.96 of the Revised Code is guilty of a misdemeanor of the third degree.~~ 8032
8033
8034

~~(I) Any person not registered as a travel agency or tour promoter as provided in divisions (B) and (C) of section 1333.96 of the Revised Code who states that the person is so registered is guilty of a misdemeanor of the first degree.~~ 8035
8036
8037
8038

Sec. 1501.04. There is hereby created in the department of natural resources a recreation and resources commission composed of the ~~chairman~~ chairperson of the wildlife council created under section 1531.03 of the Revised Code, the ~~chairman~~ chairperson of the parks and recreation council created under section 1541.40 of the Revised Code, the ~~chairman~~ chairperson of the waterways safety council created under section 1547.73 of the Revised Code, the ~~chairman~~ chairperson of the technical advisory council on oil and gas created under section 1509.38 of the Revised Code, the chairman of the forestry advisory council created under section 8039
8040
8041
8042
8043
8044
8045
8046
8047
8048

1503.40 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8049
soil and water conservation commission created under section 8050
1515.02 of the Revised Code, the ~~chairman~~ chairperson of the Ohio 8051
natural areas council created under section 1517.03 of the Revised 8052
Code, the ~~chairman~~ chairperson of the Ohio water advisory council 8053
created under section 1521.031 of the Revised Code, the 8054
chairperson of the recycling and litter prevention advisory 8055
council created under section 1502.04 of the Revised Code, ~~the~~ 8056
~~chairperson of the civilian conservation advisory council created~~ 8057
~~under section 1553.10 of the Revised Code,~~ the ~~chairman~~ 8058
chairperson of the Ohio geology advisory council created under 8059
section 1505.11 of the Revised Code, and five members appointed by 8060
the governor with the advice and consent of the senate, not more 8061
than three of whom shall belong to the same political party. The 8062
director of natural resources shall be an ex officio member of the 8063
commission, with a voice in its deliberations, but without the 8064
power to vote. 8065

Terms of office of members of the commission appointed by the 8066
governor shall be for five years, commencing on the second day of 8067
February and ending on the first day of February. Each member 8068
shall hold office from the date of ~~his~~ appointment until the end 8069
of the term for which ~~he~~ the member was appointed. 8070

In the event of the death, removal, resignation, or 8071
incapacity of a member of the commission, the governor, with the 8072
advice and consent of the senate, shall appoint a successor who 8073
shall hold office for the remainder of the term for which ~~his~~ the 8074
member's predecessor was appointed. Any member shall continue in 8075
office subsequent to the expiration date of ~~his~~ the member's term 8076
until ~~his~~ the member's successor takes office, or until a period 8077
of sixty days has elapsed, whichever occurs first. 8078

The governor may remove any appointed member of the 8079
commission for misfeasance, nonfeasance, or malfeasance in office. 8080

The commission shall exercise no administrative function, but 8081
may: 8082

(A) Advise with and recommend to the director ~~of natural~~ 8083
~~resources~~ as to plans and programs for the management, 8084
development, utilization, and conservation of the natural 8085
resources of the state; 8086

(B) Advise with and recommend to the director as to methods 8087
of coordinating the work of the divisions of the department; 8088

(C) Consider and make recommendations upon any matter ~~which~~ 8089
~~that~~ the director may submit to it; 8090

(D) Submit to the governor biennially recommendations for 8091
amendments to the conservation laws of the state. 8092

~~Before~~ Each member of the commission, before entering upon 8093
the discharge of ~~his~~ the member's duties, ~~each member of the~~ 8094
~~commission~~ shall take and subscribe to an oath of office, which 8095
oath, in writing, shall be filed in the office of the secretary of 8096
state. 8097

The members of the commission shall serve without 8098
compensation, but shall be entitled to receive their actual and 8099
necessary expenses incurred in the performance of their official 8100
duties. 8101

The commission, by a majority vote of all its members, shall 8102
adopt and amend bylaws. 8103

To be eligible for appointment, a person shall be a citizen 8104
of the United States and an elector of the state and shall possess 8105
a knowledge of and have an interest in the natural resources of 8106
this state. 8107

The commission shall hold at least four regular quarterly 8108
meetings each year. Special meetings shall be held at such times 8109
as the bylaws of the commission provide. Notices of all meetings 8110

shall be given in such manner as the bylaws provide. The 8111
commission shall choose annually from among its members a ~~chairman~~ 8112
chairperson to preside over its meetings and a secretary to keep a 8113
record of its proceedings. A majority of the members of the 8114
commission constitutes a quorum. No advice shall be given or 8115
recommendation made without a majority of the members of the 8116
commission concurring therein. 8117

Sec. 1502.02. (A) There is hereby created in the department 8118
of natural resources the division of recycling and litter 8119
prevention to be headed by the chief of recycling and litter 8120
prevention. 8121

(B) There is hereby created in the state treasury the 8122
recycling and litter prevention fund, consisting of moneys 8123
distributed to it. 8124

(C) The chief of recycling and litter prevention shall do all 8125
of the following: 8126

(1) Use moneys credited to the fund exclusively for the 8127
purposes set forth in sections 1502.03, 1502.04, and 1502.05 of 8128
the Revised Code, with particular emphasis on programs relating to 8129
recycling; 8130

(2) Expend for administration of the division not more than 8131
ten per cent of any fiscal year's appropriation to the division, 8132
excluding the amount assessed to the division for direct and 8133
indirect central support charges; 8134

(3) Require recipients of grants under section 1502.05 of the 8135
Revised Code, as a condition of receiving and retaining them, to 8136
do all of the following: 8137

(a) Create a separate account for the grants ~~and any cash~~ 8138
~~donations received that qualify for the donor credit allowed by~~ 8139
~~section 5733.064 of the Revised Code;~~ 8140

(b) Make expenditures from the account exclusively for the purposes for which the grants were received;	8141 8142
(c) Use any auditing and accounting practices the chief considers necessary regarding the account;	8143 8144
(d) Report to the chief information regarding the amount and donor of cash donations received as described by section 5733.064 of the Revised Code;	8145 8146 8147
(e) Use grants received to supplement and not to replace any existing funding for such purposes.	8148 8149
(4) Report to the tax commissioner information the chief receives pursuant to division (C)(3)(d) of this section.	8150 8151
Sec. 1503.011. The chief of the division of forestry shall be responsible for the conservation and development of forests within this state. The chief shall be concerned with silvicultural practices, including the proper planting, growing, protecting, harvesting, and managing of trees for such purposes as watershed and soil protection, timber production and utilization, recreation, aesthetics, wildlife habitat development, and urban enhancement and for all benefits that forests provide.	8152 8153 8154 8155 8156 8157 8158 8159
The chief may do any or all of the following:	8160
(A) Provide rural forestry assistance to nonindustrial private forest landowners, including advice in tree planting, forest improvement, harvesting, and all aspects of conservation;	8161 8162 8163
(B) Provide urban forestry assistance to individuals, nonprofit organizations, and political subdivisions to manage their urban forest resource and develop comprehensive tree care programs;	8164 8165 8166 8167
(C) Provide wood utilization, marketing, and rural forestry development assistance to forest industries, political	8168 8169

subdivisions and agencies thereof, and state and federal agencies 8170
for the purpose of establishing and maintaining a viable, 8171
economically sound wood-based industry while expanding the forest 8172
resource of this state; 8173

(D) Provide forest pest protection assistance to forest 8174
landowners, political subdivisions and agencies thereof, and state 8175
and federal agencies on assessing and evaluating the health and 8176
vigor of the forest resource; 8177

(E) Provide technical assistance to landowners in developing 8178
forest windbreaks, filter strips, and other forest management 8179
practices that provide conservation benefits; 8180

(F) Provide awareness of and education concerning the 8181
programs provided for under divisions (A) to (E) of this section; 8182

(G) Enter into agreements with political subdivisions and 8183
agencies thereof, state and federal agencies, firefighting 8184
agencies and private fire companies, as those terms are defined in 8185
section 9.60 of the Revised Code, nonprofit organizations, and 8186
individuals to meet the needs of forestry assistance in this state 8187
and, in accordance with section 1503.01 of the Revised Code, 8188
develop and administer grant programs for any of those entities 8189
requesting assistance. The chief shall adopt, and may amend and 8190
rescind, rules in accordance with Chapter 119. of the Revised Code 8191
establishing such requirements and procedures as are necessary to 8192
implement this division. ~~As~~ As used in this ~~section~~ division, 8193
"nonprofit organization" has the same meaning as in section 8194
4141.01 of the Revised Code. 8195

(H) Perform inventories and assessments of the forest 8196
resource in this state; 8197

(I) Establish and administer a cost-share program, in 8198
accordance with rules adopted under section 1503.58 of the Revised 8199
Code, under which the state may share the costs to private forest 8200

landowners of enhancing the sustainability of the forest resource 8201
in this state; 8202

(J) Establish and administer a grant program, in accordance 8203
with rules adopted under section 1503.58 of the Revised Code, for 8204
the purpose of enhancing the sustainability and economic 8205
development of the forest resource of this state; 8206

(K) Enter into agreements with private entities to carry out 8207
the purposes of sections 1503.50 to 1503.58 of the Revised Code; 8208

(L) Upon the invitation or permission of a private property 8209
owner, enter private property or designate another person to do so 8210
on the chief's behalf to carry out the purposes of this section. 8211

Sec. 1503.05. (A) The chief of the division of forestry may 8212
sell timber and other forest products from the state forest and 8213
state forest nurseries whenever the chief considers such a sale 8214
desirable and, with the approval of the attorney general and the 8215
director of natural resources, may sell portions of the state 8216
forest lands when such a sale is advantageous to the state. 8217

(B) Except as otherwise provided in this section, a timber 8218
sale agreement shall not be executed unless the person or 8219
governmental entity bidding on the sale executes and files a 8220
surety bond conditioned on completion of the timber sale in 8221
accordance with the terms of the agreement in an amount equal to 8222
twenty-five per cent of the highest value cutting section. All 8223
bonds shall be given in a form prescribed by the chief and shall 8224
run to the state as obligee. 8225

The chief shall not approve any bond until it is personally 8226
signed and acknowledged by both principal and surety, or as to 8227
either by the attorney in fact thereof, with a certified copy of 8228
the power of attorney attached. The chief shall not approve the 8229
bond unless there is attached a certificate of the superintendent 8230

of insurance that the company is authorized to transact a fidelity 8231
and surety business in this state. 8232

In lieu of a bond, the bidder may deposit any of the 8233
following: 8234

(1) Cash in an amount equal to the amount of the bond; 8235

(2) United States government securities having a par value 8236
equal to or greater than the amount of the bond; 8237

(3) Negotiable certificates of deposit or irrevocable letters 8238
of credit issued by any bank organized or transacting business in 8239
this state having a par value equal to or greater than the amount 8240
of the bond. 8241

The cash or securities shall be deposited on the same terms 8242
as bonds. If one or more certificates of deposit are deposited in 8243
lieu of a bond, the chief shall require the bank that issued any 8244
of the certificates to pledge securities of the aggregate market 8245
value equal to the amount of the certificate or certificates that 8246
is in excess of the amount insured by the federal deposit 8247
insurance corporation. The securities to be pledged shall be those 8248
designated as eligible under section 135.18 of the Revised Code. 8249
The securities shall be security for the repayment of the 8250
certificate or certificates of deposit. 8251

Immediately upon a deposit of cash, securities, certificates 8252
of deposit, or letters of credit, the chief shall deliver them to 8253
the treasurer of state, who shall hold them in trust for the 8254
purposes for which they have been deposited. The treasurer of 8255
state is responsible for the safekeeping of the deposits. A bidder 8256
making a deposit of cash, securities, certificates of deposit, or 8257
letters of credit may withdraw and receive from the treasurer of 8258
state, on the written order of the chief, all or any portion of 8259
the cash, securities, certificates of deposit, or letters of 8260
credit upon depositing with the treasurer of state cash, other 8261

United States government securities, or other negotiable 8262
certificates of deposit or irrevocable letters of credit issued by 8263
any bank organized or transacting business in this state, equal in 8264
par value to the par value of the cash, securities, certificates 8265
of deposit, or letters of credit withdrawn. 8266

A bidder may demand and receive from the treasurer of state 8267
all interest or other income from any such securities or 8268
certificates as it becomes due. If securities so deposited with 8269
and in the possession of the treasurer of state mature or are 8270
called for payment by their issuer, the treasurer of state, at the 8271
request of the bidder who deposited them, shall convert the 8272
proceeds of the redemption or payment of the securities into other 8273
United States government securities, negotiable certificates of 8274
deposit, or cash as the bidder designates. 8275

When the chief finds that a person or governmental agency has 8276
failed to comply with the conditions of the person's or 8277
governmental agency's bond, the chief shall make a finding of that 8278
fact and declare the bond, cash, securities, certificates, or 8279
letters of credit forfeited. The chief thereupon shall certify the 8280
total forfeiture to the attorney general, who shall proceed to 8281
collect the amount of the bond, cash, securities, certificates, or 8282
letters of credit. 8283

In lieu of total forfeiture, the surety, at its option, may 8284
cause the timber sale to be completed or pay to the treasurer of 8285
state the cost thereof. 8286

All moneys collected as a result of forfeitures of bonds, 8287
cash, securities, certificates, and letters of credit under this 8288
section shall be credited to the state forest fund created in this 8289
section. 8290

(C) The chief may grant easements and leases on portions of 8291
the state forest lands and state forest nurseries under terms that 8292

are advantageous to the state, and the chief may grant mineral 8293
rights on a royalty basis on those lands and nurseries, with the 8294
approval of the attorney general and the director. 8295

(D) All moneys received from the sale of state forest lands, 8296
or in payment for easements or leases on or as rents from those 8297
lands or from state forest nurseries, shall be paid into the state 8298
treasury to the credit of the state forest fund, which is hereby 8299
created. All moneys received from the sale of standing timber 8300
taken from the state forest lands shall be deposited into the 8301
general revenue fund. All moneys received from the sale of forest 8302
products, other than standing timber, and minerals taken from the 8303
state forest lands and state forest nurseries, together with 8304
royalties from mineral rights, shall be paid into the state forest 8305
fund. In addition, all fees collected under section 1503.51 of the 8306
Revised Code related to the licensure of timber buyers, all 8307
sustainable forestry fees collected under section 1503.56 of the 8308
Revised Code, and all per-acre fees collected under section 8309
1503.57 of the Revised Code for the conversion of forest land 8310
shall be paid into the state forest fund. 8311

At the time of making such a payment or deposit, the chief 8312
shall determine the amount and gross value of all such products 8313
sold or royalties received from lands and nurseries in each 8314
county, in each township within the county, and in each school 8315
district within the county. Afterward the chief shall send to each 8316
county treasurer a copy of the determination and shall provide for 8317
payment to the county treasurer, for the use of the general fund 8318
of that county from the amount so received as provided in this 8319
division, an amount equal to eighty per cent of the gross value of 8320
the products sold or royalties received from lands and nurseries 8321
located in that county. The county auditor shall do all of the 8322
following: 8323

(1) Retain for the use of the general fund of the county 8324

one-fourth of the amount received by the county under division (D) 8325
of this section; 8326

(2) Pay into the general fund of any township located within 8327
the county and containing such lands and nurseries one-fourth of 8328
the amount received by the county from products sold or royalties 8329
received from lands and nurseries located in the township; 8330

(3) Request the board of education of any school district 8331
located within the county and containing such lands and nurseries 8332
to identify which fund or funds of the district should receive the 8333
moneys available to the school district under division (D)(3) of 8334
this section. After receiving notice from the board, the county 8335
auditor shall pay into the fund or funds so identified one-half of 8336
the amount received by the county from products sold or royalties 8337
received from lands and nurseries located in the school district, 8338
distributed proportionately as identified by the board. 8339

The division of forestry shall not supply logs, lumber, or 8340
other forest products or minerals, taken from the state forest 8341
lands or state forest nurseries, to any other agency or 8342
subdivision of the state unless payment is made therefor in the 8343
amount of the actual prevailing value thereof. This section is 8344
applicable to the moneys so received. All moneys received from the 8345
sale of reforestation tree stock or other revenues derived from 8346
the operation of the state forests, facilities, or equipment shall 8347
be paid into the state forest fund. 8348

The fund shall not be expended for any purpose other than the 8349
administration, operation, maintenance, development, or 8350
utilization of the state forests, forest nurseries, and forest 8351
programs, for facilities or equipment incident to them, or for the 8352
further purchase of lands for state forest or forest nursery 8353
purposes. 8354

Sec. 1503.50. As used in sections 1503.50 to 1503.58 of the 8355

<u>Revised Code:</u>	8356
<u>(A) "Buying timber" means to purchase timber, cut timber in exchange for receiving a share of it, or barter for timber; to offer to do so; or to take possession of timber with or without the consent of the timber grower.</u>	8357 8358 8359 8360
<u>(B) "Forest land" means land consisting of a stand or stands of timber that contain not less than fifty square feet of basal area or not less than three hundred stems per acre and that are distributed evenly throughout the stand.</u>	8361 8362 8363 8364
<u>(C) "Person" means an individual, partnership, firm, association, business trust, or corporation.</u>	8365 8366
<u>(D) "Rules" means rules adopted by the chief of the division of forestry under section 1503.58 of the Revised Code.</u>	8367 8368
<u>(E) "Timber" means trees, standing or felled, and parts of trees that can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of any article. "Timber" does not include Christmas trees, fruit or ornamental trees, or wood products that are not used or intended for use for building, structural, manufacturing, or processing purposes.</u>	8369 8370 8371 8372 8373 8374 8375
<u>(F) "Timber buyer" means a person who is engaged in either of the following:</u>	8376 8377
<u>(1) The business of buying timber from its grower for the purposes of sawing it into lumber, processing it, or reselling it;</u>	8378 8379
<u>(2) Land-clearing, as "land-clearing" is defined in rules.</u>	8380
<u>"Timber buyer" does not include a person who purchases timber for the purposes of sawing or processing it for the person's own use and not for resale, provided that the person does not purchase timber more frequently than the interval established in rules or in greater amounts than the amounts specified in rules.</u>	8381 8382 8383 8384 8385

Sec. 1503.51. Not later than July 1, 2004, the chief of the 8386
division of forestry shall establish a program for the licensure 8387
of timber buyers. 8388

On and after July 1, 2004, no person shall act as a timber 8389
buyer unless the person holds a valid timber buyer license issued 8390
by the chief. A person who wishes to obtain a timber buyer license 8391
shall file an application with the chief on a form that the chief 8392
prescribes and provides. The application shall include the 8393
applicant's name, the names of the applicant's principal officers 8394
if the applicant is a corporation, the names of the applicant's 8395
partners if the applicant is a partnership, the location of any 8396
principal office or place of business of the applicant, the 8397
counties in this state in which the applicant proposes to engage 8398
in business as a timber buyer, and any additional information that 8399
the chief requires. 8400

An applicant shall include with an application a filing fee 8401
of one hundred dollars plus an additional five-dollar fee for a 8402
timber buyer identification card. The chief shall deposit fees 8403
collected under this section in the state treasury to the credit 8404
of the state forest fund created in section 1503.05 of the Revised 8405
Code. 8406

Upon receipt of a completed application together with the 8407
one-hundred-dollar fee and the five-dollar fee, the chief shall 8408
issue a license and a timber buyer identification card to the 8409
applicant, except that the chief shall not issue a license or 8410
timber buyer identification card to an applicant who has violated 8411
section 1503.56 or 1503.57 of the Revised Code by failing to pay a 8412
fee established in those sections. The license and identification 8413
card shall be valid for one year and may be renewed in the same 8414
manner that an initial license and identification card are applied 8415
for and issued. 8416

Sec. 1503.52. (A) A timber buyer shall post a copy of that 8417
person's valid timber buyer license in the timber buyer's 8418
principal office in this state. 8419

(B) When engaged in buying timber, a timber buyer shall carry 8420
on the timber buyer's person a valid timber buyer identification 8421
card. Upon the request of the chief of the division of forestry, 8422
the chief's authorized representative, a sheriff, a deputy 8423
sheriff, or any other peace officer, a timber buyer shall present 8424
the identification card for inspection. No person charged with 8425
violating this division shall be convicted if the person produces 8426
in court satisfactory evidence that a timber buyer identification 8427
card that was valid at the time of the violation had been issued 8428
to the person. 8429

Sec. 1503.53. (A) No timber buyer shall do any of the 8430
following: 8431

(1) Knowingly fail to pay for any timber purchased as agreed 8432
to with the seller; 8433

(2) Knowingly cut or cause to be cut or appropriate any 8434
timber without the consent of the timber grower; 8435

(3) Knowingly make any false statement in connection with an 8436
application for a timber buyer license or any other information 8437
that is required under sections 1503.50 to 1503.58 of the Revised 8438
Code; 8439

(4) Knowingly fail to accurately account for timber for 8440
purposes of calculating the sustainable forestry fee established 8441
under section 1503.56 of the Revised Code; 8442

(5) Commit any act in connection with the cutting or purchase 8443
of timber with purpose to defraud or deceive; 8444

(6) Violate sections 1503.50 to 1503.58 of the Revised Code 8445

or rules. 8446

(B) No person shall resist or obstruct the chief of the 8447
division of forestry or the chief's authorized representatives in 8448
the administration or enforcement of sections 1503.50 to 1503.58 8449
of the Revised Code or rules. 8450

Sec. 1503.54. The chief of the division of forestry may 8451
inspect at any reasonable time the premises used by a timber buyer 8452
in the conduct of the timber buyer's business. During business 8453
hours, the books, accounts, records, and papers that are used in 8454
the conduct of the timber buyer's business are subject to 8455
inspection by the chief. A timber buyer shall retain the books, 8456
accounts, records, and papers that pertain to buying timber for a 8457
period of three years after the timber is bought. 8458

Sec. 1503.55. The chief of the division of forestry may 8459
suspend or revoke the timber buyer license of any person who 8460
violates sections 1503.50 to 1503.58 of the Revised Code or rules. 8461
In addition, the chief may refuse to issue a timber buyer license 8462
and timber buyer identification card to a person whose license has 8463
been suspended or revoked for a period not to exceed five years 8464
following the suspension or revocation. 8465

The chief, by application to a court of competent 8466
jurisdiction, may seek, and the court may issue, an injunction 8467
restraining a timber buyer who engages in the business of buying 8468
timber in this state and who does not hold a valid timber buyer 8469
license from continuing to engage in that business until the 8470
person obtains a valid timber buyer license. Upon refusal or 8471
neglect to obey the order of the court, the court may compel 8472
compliance by initiating proceedings for contempt. 8473

Sec. 1503.56. (A) On and after July 1, 2004, each timber 8474
buyer who engages in buying timber in this state shall pay a 8475

sustainable forestry fee. Except as otherwise provided in division 8476
(B) of this section, the amount of the fee shall be equal to six 8477
per cent of the value, as determined by the sale price, of the 8478
timber involved in a transaction. 8479

The timber buyer shall include with the fee a report 8480
describing the timber transaction that is the basis of the fee. 8481
The report shall be made on forms prescribed and provided by the 8482
chief of the division of forestry and shall include information 8483
specified by rules. The timber buyer shall post a copy of the 8484
report in a conspicuous place at the harvest site. 8485

(B) In the case of a timber buyer who engages in the business 8486
of land-clearing forest land, as "land-clearing" is defined in 8487
rules, the timber buyer shall pay a sustainable forestry fee in an 8488
amount that is equal to six per cent of the gross value of the 8489
standing timber before its harvest. The timber buyer shall include 8490
with the fee a list on forms that the chief prescribes and 8491
provides. The list shall specify the size and species of the 8492
timber removed together with its gross value as standing timber. 8493
If the chief disputes the gross value assigned to the timber, the 8494
chief may cause an investigation to be made into the actual gross 8495
value of the timber. 8496

A sustainable forestry fee is not due under this division for 8497
the clearing of land that does not consist of forest land. 8498

(C) Prior to harvesting timber, a timber buyer shall submit 8499
the sustainable forestry fee together with the report or the list, 8500
as appropriate, that are required under this section to the chief 8501
in accordance with procedures established in rules. The chief 8502
shall deposit the fee in the state treasury to the credit of the 8503
state forest fund created in section 1503.05 of the Revised Code. 8504

(D) The chief shall rebate one-sixth of a sustainable 8505
forestry fee that the chief receives to the following persons 8506

under the following circumstances: 8507

(1) The owner of the land on which timber was harvested, 8508
provided that the landowner supplies the chief with documentation 8509
that either a professional forester planned and administered the 8510
harvest or a trained logger was utilized in the harvest of the 8511
timber; 8512

(2) The timber buyer, provided that the timber buyer supplies 8513
the chief with any information about the harvest that is 8514
encouraged under section 1511.02 of the Revised Code and that a 8515
trained logger and management practices to protect water quality 8516
were utilized in the harvest of the timber. 8517

For purposes of division (D) of this section, in order to be 8518
considered a professional forester or a trained logger, a person 8519
shall satisfy the standards established in rules. 8520

Sec. 1503.57. A landowner who converts land use from forest 8521
land to nonforest land that is not used for agriculture shall pay 8522
a per-acre conversion fee to the chief of the division of 8523
forestry. The fee shall be submitted in an amount and in 8524
accordance with procedures and other requirements established by 8525
rules. The chief shall deposit the fee in the state treasury to 8526
the credit of the state forest fund created in section 1503.05 of 8527
the Revised Code. 8528

Sec. 1503.58. (A) In accordance with Chapter 119. of the 8529
Revised Code, the chief of the division of forestry shall adopt 8530
rules that do all of the following: 8531

(1) Establish procedures, eligibility criteria, and any other 8532
provisions that are necessary for the administration of a 8533
cost-share program under which the state may share the costs to 8534
private forest landowners of enhancing the sustainability of the 8535
forest resource in this state; 8536

(2) Establish procedures, eligibility criteria, and any other provisions that are necessary for the administration of a grant program for the purpose of enhancing the sustainability and economic development of the forest resource in this state; 8537
8538
8539
8540

(3) Define "land-clearing" for purposes of sections 1503.50 to 1503.58 of the Revised Code; 8541
8542

(4) Establish the maximum frequency and amount of timber purchases that a person may make for the person's own use without being considered to be a timber buyer; 8543
8544
8545

(5) Specify the information that must be included in the report that is required to be submitted with a sustainable forestry fee under section 1503.56 of the Revised Code and establish procedures for submitting the report together with procedures for submitting the list that is required under that section; 8546
8547
8548
8549
8550
8551

(6) Establish standards that a person must meet in order to be considered to be a professional forester or a trained logger for purposes of section 1503.56 of the Revised Code; 8552
8553
8554

(7) Establish the amount of the per-acre conversion fee that is required under section 1503.57 of the Revised Code and establish procedures for submitting the fee and any other requirements that are necessary to administer that section. 8555
8556
8557
8558

(B) In accordance with Chapter 119. of the Revised Code, the chief may adopt any additional rules that the chief considers necessary to administer sections 1503.50 to 1503.58 of the Revised Code. 8559
8560
8561
8562

Sec. 1503.99. (A) Whoever violates section 1503.01 or 1503.12 of the Revised Code is guilty of a minor misdemeanor. 8563
8564

(B) Whoever violates section 1503.18 or 1503.43 of the Revised Code is guilty of a misdemeanor of the third degree. 8565
8566

(C) Whoever violates section 1503.53 of the Revised Code is guilty of a minor misdemeanor. Whoever knowingly violates that section during a time period when the person does not possess a valid timber buyer license because the person's license has been suspended or revoked or the chief of the division of forestry has refused to issue a license under section 1503.55 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 1509.06. An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply shall be filed with the chief of the division of mineral resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:

(A) The name and address of the owner and, if a corporation, the name and address of the statutory agent;

(B) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.

(C) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;

(D) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;

(E) Designation of the well by name and number;

(F) The geological formation to be tested or used and the proposed total depth of the well;

(G) The type of drilling equipment to be used;

(H) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected;

(I) A sworn statement that all requirements of any municipal corporation, county, or township having jurisdiction over any activity related to the drilling or operation of an oil or gas well that have been filed with the division of mineral resources management and are in effect at the time the application is filed, including, but not limited to, zoning ordinances and resolutions and the requirements of section 4513.34 of the Revised Code, will be complied with until abandonment of the well;

(J) A plan for restoration of the land surface disturbed by drilling operations. The plan shall provide for compliance with the restoration requirements of division (A) of section 1509.072 of the Revised Code and any rules adopted by the chief pertaining to that restoration.

(K) A description by name or number of the county, township, and municipal corporation roads, streets, and highways that the applicant anticipates will be used for access to and egress from the well site;

(L) Such other relevant information as the chief prescribes by rule.

Each application shall be accompanied by a map, on a scale not smaller than four hundred feet to the inch, prepared by an Ohio registered surveyor, showing the location of the well and containing such other data as may be prescribed by the chief. If the well is or is to be located within the excavations and workings of a mine, the map also shall include the location of the mine, the name of the mine, and the name of the person operating the mine.

The chief shall cause a copy of the weekly circular prepared

by the division to be provided to the county engineer of each 8627
county that contains active or proposed drilling activity. The 8628
weekly circular shall contain, in the manner prescribed by the 8629
chief, the names of all applicants for permits, the location of 8630
each well or proposed well, the information required by division 8631
(K) of this section, and any additional information the chief 8632
prescribes. 8633

The chief shall not issue a permit for at least ten days 8634
after the date of filing of the application for the permit unless, 8635
upon reasonable cause shown, the chief waives that period or a 8636
request for expedited review is filed under this section. However, 8637
the chief shall issue a permit within twenty-one days of the 8638
filing of the application unless the chief denies the application 8639
by order. 8640

An applicant may file a request with the chief for expedited 8641
review of a permit application if the well is not or is not to be 8642
located in a gas storage reservoir or reservoir protective area, 8643
as "reservoir protective area" is defined in section 1571.01 of 8644
the Revised Code. If the well is or is to be located in a coal 8645
bearing township, the application shall be accompanied by the 8646
affidavit of the landowner prescribed in section 1509.08 of the 8647
Revised Code. 8648

In addition to a complete application for a permit that meets 8649
the requirements of this section and the permit fee prescribed by 8650
this section, a request for expedited review shall be accompanied 8651
by a separate nonrefundable filing fee of five hundred dollars. 8652
Upon the filing of a request for expedited review, the chief shall 8653
cause the county engineer of the county in which the well is or is 8654
to be located to be notified of the filing of the permit 8655
application and the request for expedited review by telephone or 8656
other means that in the judgment of the chief will provide timely 8657
notice of the application and request. The chief shall issue a 8658

permit within seven days of the filing of the request unless the 8659
chief denies the application by order. Notwithstanding the 8660
provisions of this section governing expedited review of permit 8661
applications, the chief may refuse to accept requests for 8662
expedited review if, in the chief's judgment, the acceptance of 8663
the requests would prevent the issuance, within twenty-one days of 8664
their filing, of permits for which applications are pending. 8665

A well shall be drilled and operated in accordance with the 8666
plans, sworn statements, and other information submitted in the 8667
approved application. 8668

The chief shall issue an order denying a permit if the chief 8669
finds that there is a substantial risk that the operation will 8670
result in violations of this chapter or rules adopted under it 8671
that will present an imminent danger to public health or safety or 8672
damage to the environment, provided that where the chief finds 8673
that terms or conditions to the permit can reasonably be expected 8674
to prevent such violations, the chief shall issue the permit 8675
subject to those terms or conditions. 8676

Each application for a permit required by section 1509.05 of 8677
the Revised Code, except an application for a well drilled or 8678
reopened for purposes of section 1509.22 of the Revised Code, also 8679
shall be accompanied by a nonrefundable fee of two hundred fifty 8680
dollars. 8681

The chief may order the immediate suspension of drilling, 8682
operating, or plugging activities after finding that any person is 8683
causing, engaging in, or maintaining a condition or activity that 8684
in the chief's judgment presents an imminent danger to public 8685
health or safety or results in or is likely to result in immediate 8686
substantial damage to natural resources or for nonpayment of the 8687
fee required by this section. The chief may order the immediate 8688
suspension of the drilling or reopening of a well in a coal 8689
bearing township after determining that the drilling or reopening 8690

activities present an imminent and substantial threat to public 8691
health or safety or to miners' health or safety. Before issuing 8692
any such order, the chief shall notify the owner in such manner as 8693
in the chief's judgment would provide reasonable notification that 8694
the chief intends to issue a suspension order. The chief may issue 8695
such an order without prior notification if reasonable attempts to 8696
notify the owner have failed, but in such an event notification 8697
shall be given as soon thereafter as practical. Within five 8698
calendar days after the issuance of the order, the chief shall 8699
provide the owner an opportunity to be heard and to present 8700
evidence that the condition or activity is not likely to result in 8701
immediate substantial damage to natural resources or does not 8702
present an imminent danger to public health or safety or to 8703
miners' health or safety, if applicable. In the case of activities 8704
in a coal bearing township, if the chief, after considering 8705
evidence presented by the owner, determines that the activities do 8706
not present such a threat, the chief shall revoke the suspension 8707
order. Notwithstanding any provision of this chapter, the owner 8708
may appeal a suspension order directly to the court of common 8709
pleas of the county in which the activity is located ~~or, if in a~~ 8710
~~coal bearing township, to the reclamation commission under section~~ 8711
~~1513.13 of the Revised Code.~~ 8712

Sec. 1509.08. Upon receipt of an application for a permit 8713
required by section 1509.05 of the Revised Code, or upon receipt 8714
of an application for a permit to plug and abandon under section 8715
1509.13 of the Revised Code, the chief of the division of mineral 8716
resources management shall determine whether the well is or is to 8717
be located in a coal bearing township. 8718

Whether or not the well is or is to be located in a coal 8719
bearing township, the chief, by order, may refuse to issue a 8720
permit required by section 1509.05 of the Revised Code to any 8721
applicant who at the time of applying for the permit is in 8722

material or substantial violation of this chapter or rules adopted 8723
or orders issued under it. The chief shall refuse to issue a 8724
permit to any applicant who at the time of applying for the permit 8725
has been found liable by a final nonappealable order of a court of 8726
competent jurisdiction for damage to streets, roads, highways, 8727
bridges, culverts, or drainways pursuant to section 4513.34 or 8728
5577.12 of the Revised Code until the applicant provides the chief 8729
with evidence of compliance with the order. No applicant shall 8730
attempt to circumvent this provision by applying for a permit 8731
under a different name or business organization name, by 8732
transferring responsibility to another person or entity, by 8733
abandoning the well or lease, or by any other similar act. 8734

If the well is not or is not to be located in a coal bearing 8735
township, or if it is to be located in a coal bearing township, 8736
but the landowner submits an affidavit attesting to ownership of 8737
the property in fee simple, including the coal, and has no 8738
objection to the well, the chief shall issue the permit. 8739

If the application to drill, reopen, or convert concerns a 8740
well that is or is to be located in a coal bearing township, the 8741
chief immediately shall notify the owner or lessee of any affected 8742
mine that the application has been filed and send to the owner or 8743
lessee two copies of the map accompanying the application setting 8744
forth the location of the well. 8745

If the owner or lessee objects to the location of the well or 8746
objects to any location within fifty feet of the original location 8747
as a possible site for relocation of the well, the owner or lessee 8748
shall notify the chief of the objection, giving the reasons for 8749
the objection and, if applicable, indicating on a copy of the map 8750
the particular location or locations within fifty feet of the 8751
original location to which the owner or lessee objects as a site 8752
for possible relocation of the well, within six days after the 8753
receipt of the notice. If the chief receives no objections from 8754

the owner or lessee of the mine within ten days after the receipt 8755
of the notice by the owner or lessee, or if in the opinion of the 8756
chief the objections offered by the owner or lessee are not 8757
sufficiently well founded, the chief immediately shall notify the 8758
owner or lessee of those findings. The owner or lessee may appeal 8759
the decision of the chief to the ~~reclamation~~ oil and gas 8760
commission under section ~~1513.13~~ 1509.36 of the Revised Code. The 8761
appeal shall be filed within fifteen days, notwithstanding 8762
provisions in ~~divisions (A)(1) of section 1513.13~~ 1509.36 of the 8763
Revised Code, to the contrary, from the date on which the owner or 8764
lessee receives the notice. If the appeal is not filed within that 8765
time, the chief immediately shall approve the application and 8766
issue the permit if the provisions of this chapter pertaining to 8767
the issuance of such a permit have been complied with. 8768

If the chief receives an objection from the owner or lessee 8769
of the mine as to the location of the well within ten days after 8770
receipt of the notice by the owner or lessee, and if in the 8771
opinion of the chief the objection is well founded, the chief 8772
shall disapprove the application and suggest a new location for 8773
the well, provided that the suggested new location shall not be a 8774
location within fifty feet of the original location to which the 8775
owner or lessee has objected as a site for possible relocation of 8776
the well if the chief has determined that the objection is well 8777
founded. The chief immediately shall notify the applicant for the 8778
permit of the disapproval and any suggestion as to a new location 8779
for the well. The applicant may withdraw the application or amend 8780
the application to drill the well at the location suggested by the 8781
chief, or the applicant may appeal the disapproval of the 8782
application by the chief to the ~~reclamation~~ commission. 8783

If the chief receives no objection from the owner or lessee 8784
of a mine as to the location of the well, but does receive an 8785
objection from the owner or lessee as to one or more locations 8786

within fifty feet of the original location as possible sites for 8787
relocation of the well within ten days after receipt of the notice 8788
by the owner or lessee, and if in the opinion of the chief the 8789
objection is well founded, the chief nevertheless shall approve 8790
the application and issue a permit if the provisions of this 8791
chapter pertaining to the issuance of such a permit have been 8792
complied with, incorporating as a term or condition of the permit 8793
that the applicant is prohibited from commencing drilling at any 8794
location within fifty feet of the original location that has been 8795
disapproved by the chief. The applicant may appeal to the 8796
~~reclamation~~ commission the terms and conditions of the permit 8797
prohibiting the commencement of drilling at any such location 8798
disapproved by the chief. 8799

Any such appeal shall be filed within fifteen days, 8800
notwithstanding provisions in ~~division (A)(1) of section 1513.13~~ 8801
1509.36 of the Revised Code to the contrary, from the date the 8802
applicant receives notice of the disapproval of the application, 8803
any other location within fifty feet of the original location, or 8804
terms or conditions of the permit, or the owner or lessee receives 8805
notice of the chief's decision. No approval or disapproval of an 8806
application shall be delayed by the chief for more than fifteen 8807
days from the date of sending the notice of the application to the 8808
mine owner or lessee as required by this section. 8809

All appeals provided for in this section shall be treated as 8810
expedited appeals. The ~~reclamation~~ commission shall hear any such 8811
appeal in accordance with section ~~1513.13~~ 1509.36 of the Revised 8812
Code and issue a decision within thirty days of the filing of the 8813
notice of appeal. 8814

The chief shall not issue a permit to drill a new well or 8815
reopen a well that is or is to be located within three hundred 8816
feet of any opening of any mine used as a means of ingress, 8817
egress, or ventilation for persons employed in the mine, nor 8818

within one hundred feet of any building or inflammable structure 8819
connected with the mine and actually used as a part of the 8820
operating equipment of the mine, unless the chief determines that 8821
life or property will not be endangered by drilling and operating 8822
the well in that location. 8823

Sec. 1513.02. (A) The division of mineral resources 8824
management shall administer, enforce, and implement this chapter. 8825
The chief of the division of mineral resources management shall do 8826
all of the following: 8827

(1) Adopt, amend, and rescind rules: 8828

(a) To administer and enforce this chapter; 8829

(b) To implement the requirements of this chapter for the 8830
reclamation of lands affected by coal mining, including such rules 8831
governing mining practices and procedures, segregation and 8832
placement of soil and topsoil, backfilling, grading, terracing, 8833
resoiling, soil conditioning and reconditioning, planting, 8834
establishment of drainage patterns, construction of impoundments, 8835
and the construction, maintenance, and disposition of haul roads, 8836
ditches, and dikes, as may be necessary or desirable, under 8837
varying conditions of slope, drainage, physical and chemical 8838
characteristics of soil and overburden, erodability of materials, 8839
season, growth characteristics of plants, and other factors 8840
affecting coal mining and reclamation, to facilitate the return of 8841
the land to a condition required by this chapter; to prevent 8842
pollution or substantial diminution of waters of the state, 8843
substantial erosion, substantial deposition of sediment, 8844
landslides, accumulation and discharge of acid water, and 8845
flooding, both during mining and reclamation and thereafter; to 8846
restore the recharge capacity of the mined area to approximate 8847
premining conditions; and to ensure full compliance with all 8848
requirements of this chapter relating to reclamation, and the 8849

attainment of those objectives in the interest of the public 8850
health, safety, and welfare to which these reclamation 8851
requirements are directed; 8852

(c) To meet the requirements of the "Surface Mining Control 8853
and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 1201. 8854

(2) Issue orders to enforce this chapter and rules adopted 8855
under it; 8856

(3) Adopt rules for the internal management of the division 8857
that do not affect private rights; 8858

(4) Adopt programs, rules, and procedures designed to assist 8859
the coal operator in this state with the permitting process and 8860
complying with the environmental standards of this chapter. Upon 8861
request of the applicant for a permit, the chief shall make a 8862
determination of the probable hydrologic consequences required in 8863
division (B)~~(2)~~(1)(k) of section 1513.07 of the Revised Code 8864
within sixty days after a permit has been submitted to the 8865
division for those applications requesting the chief to perform 8866
the study. The chief shall perform the chemical analysis of test 8867
borings or core samplings for operators who have a total annual 8868
production of coal at all locations that does not exceed one 8869
hundred thousand tons. 8870

(5) Adopt programs, rules, and procedures designed to ensure 8871
that reclamation is performed on operations for which the 8872
performance bond has been forfeited pursuant to section 1513.16 of 8873
the Revised Code; 8874

(6) Receive, administer, and expend moneys obtained from the 8875
United States department of the interior and other federal 8876
agencies to implement the state's permanent coal regulatory 8877
program; 8878

(7)(a) Regulate the beneficial use of coal combustion 8879
byproducts at coal mining and reclamation operations and abandoned 8880

mine lands that are regulated under this chapter and rules adopted 8881
under it. The beneficial use of coal combustion byproducts at such 8882
coal mining and reclamation operations and abandoned mine lands is 8883
subject to all applicable performance standards and requirements 8884
established under this chapter and rules adopted under it, 8885
including, without limitation, standards and requirements 8886
established under section 1513.16 of the Revised Code and rules 8887
adopted pursuant to it. 8888

The beneficial use of coal combustion byproducts that is 8889
authorized at coal mining and reclamation operations and abandoned 8890
mine lands that are regulated under this chapter and rules adopted 8891
under it is not subject to the following provisions of Chapters 8892
3734. and 6111. of the Revised Code and rules adopted under those 8893
provisions: 8894

(i) Permit and license requirements for solid waste 8895
facilities established under sections 3734.02 and 3734.05 of the 8896
Revised Code; 8897

(ii) The prohibition against the open dumping of solid wastes 8898
established in section 3734.03 of the Revised Code; 8899

(iii) Solid waste generation and disposal fees established 8900
under sections 3734.57 to 3734.574 of the Revised Code; 8901

(iv) Permit to install and plan approval requirements 8902
established under sections 6111.03, 6111.44, and 6111.45 of the 8903
Revised Code. 8904

Nothing in division (A)(7) of this section shall be construed 8905
to limit any other requirements that are applicable to the 8906
beneficial use of coal combustion byproducts and that are 8907
established under Chapter 3704., 3714., 3734., or 6111. of the 8908
Revised Code or under local or federal laws, including, without 8909
limitation, requirements governing air pollution control permits, 8910
hazardous waste, national pollutant discharge elimination system 8911

permits, and section 401 water quality certifications. 8912

(b) As used in division (A)(7) of this section: 8913

(i) "Coal combustion byproducts" means fly ash, bottom ash, 8914
coal slag, flue gas desulphurization and fluidized bed combustion 8915
byproducts, air or water pollution control residues from the 8916
operation of a coal-fired electric or steam generation facility, 8917
and any material from a clean coal technology demonstration 8918
project or other innovative process at a coal-fired electric or 8919
steam generation facility. 8920

(ii) "Beneficial use" means the use of coal combustion 8921
byproducts in a manner that is not equivalent to the establishment 8922
of a disposal system or a solid waste disposal facility and that 8923
is unlikely to affect human health or safety or the environment 8924
adversely or to degrade the existing quality of the land, air, or 8925
water. "Beneficial use" includes, without limitation, land 8926
application uses for agronomic value; land reclamation uses; and 8927
discrete, controlled uses for structural fill, pavement aggregate, 8928
pipe bedding aggregate, mine sealing, alternative drainage or 8929
capping material, and pilot demonstration projects. 8930

(iii) "Structural fill" means the discrete, controlled use of 8931
a coal combustion byproduct as a substitute for a conventional 8932
aggregate, raw material, or soil under or immediately adjacent to 8933
a building or structure. "Structural fill" does not include uses 8934
that involve general filling or grading operations or valley 8935
fills. 8936

(iv) "Pavement aggregate" means the discrete, controlled use 8937
of a coal combustion byproduct as a subbase material or drainage 8938
layer under or immediately adjacent to a paved road or a paved 8939
parking lot where the coal combustion byproduct is a substitute 8940
for a conventional aggregate, raw material, or soil. 8941

(v) "Pipe bedding aggregate" means the discrete, controlled 8942

use of a coal combustion byproduct as a substitute for a 8943
conventional aggregate, raw material, or soil under, around, or 8944
immediately adjacent to a water, sewer, or other pipeline. 8945

(vi) "Coal-fired electric or steam generation facility" 8946
includes any boiler that is fired with coal or with coal in 8947
combination with petroleum coke, oil, natural gas, or any other 8948
fossil fuel. 8949

(vii) "Solid waste disposal facility" means a facility for 8950
the disposal of solid wastes as provided in Chapter 3734. of the 8951
Revised Code and rules adopted under it. 8952

(viii) "Disposal system" has the same meaning as in section 8953
6111.01 of the Revised Code. 8954

(B) The chief, by rule, may designate as unsuitable for coal 8955
mining natural areas maintained on the registry of natural areas 8956
of the department of natural resources pursuant to Chapter 1517. 8957
of the Revised Code, wild, scenic, or recreational river areas 8958
designated pursuant to that chapter, publicly owned or dedicated 8959
parks, and other areas of unique and irreplaceable natural beauty 8960
or condition, or areas within specified distances of a public 8961
road, occupied dwelling, public building, school, church, 8962
community, or institutional building, public park, or cemetery. 8963
Such a designation may include land adjacent to the perimeters of 8964
those areas that may be necessary to protect their integrity. 8965

(C)(1) The adoption, amendment, and rescission of rules under 8966
divisions (A)(1) and (B) of this section are subject to Chapter 8967
119. of the Revised Code. 8968

(2) The issuance of orders under division (A)(2) of this 8969
section and appeals therefrom are not governed by or subject to 8970
Chapter 119. of the Revised Code, but are governed by this 8971
chapter. 8972

(D)(1) When the chief or an authorized representative of the 8973

chief determines that any condition or practice exists or that any 8974
permittee is in violation of any requirement of this chapter or 8975
any permit condition required by this chapter, which condition, 8976
practice, or violation creates an imminent danger to the health or 8977
safety of the public or is causing, or can reasonably be expected 8978
to cause, significant, imminent environmental harm to land, air, 8979
or water resources, the chief or the authorized representative 8980
immediately shall order the cessation of coal mining and 8981
reclamation operations or the portion thereof relevant to the 8982
condition, practice, or violation. The cessation order shall 8983
remain in effect until the chief or the authorized representative 8984
determines that the condition, practice, or violation has been 8985
abated or until the order is modified, vacated, or terminated by 8986
the chief or the authorized representative pursuant to division 8987
(D)(4) of this section or by the ~~reclamation~~ environmental review 8988
appeals commission pursuant to section 1513.13 of the Revised 8989
Code. When the chief or the authorized representative finds that 8990
the ordered cessation of coal mining and reclamation operations or 8991
any portion thereof will not completely abate the imminent danger 8992
to the health or safety of the public or the significant, imminent 8993
environmental harm to land, air, or water resources, the chief or 8994
the authorized representative, in addition to the cessation order, 8995
shall order the operator to take whatever steps the chief or the 8996
authorized representative considers necessary to abate the 8997
imminent danger or the significant environmental harm. 8998

(2) When the chief or an authorized representative of the 8999
chief determines that any person is in violation of any 9000
requirement of this chapter or any permit condition required by 9001
this chapter, but the violation does not create an imminent danger 9002
to the health or safety of the public or cannot reasonably be 9003
expected to cause significant, imminent environmental harm to 9004
land, air, or water resources, the chief or the authorized 9005
representative shall issue a notice of violation to the person or 9006

the person's agent fixing a reasonable time for the abatement of 9007
the violation, provided that the time afforded a person to abate 9008
the violation shall not exceed the time limitations prescribed by 9009
the secretary of the interior in 30 C.F.R. Part 843 for an 9010
approvable state regulatory program under the "Surface Mining 9011
Control and Reclamation Act of 1977," 91 Stat. 445, 30 U.S.C. 9012
1201. 9013

If, upon expiration of the period of time as originally fixed 9014
or subsequently extended for good cause shown and upon the written 9015
finding of the chief or the authorized representative, the chief 9016
or the authorized representative finds that the violation has not 9017
been abated, the chief or the authorized representative 9018
immediately shall order the cessation of coal mining and 9019
reclamation operations or the portion thereof relevant to the 9020
violation. The cessation order shall remain in effect until the 9021
chief or the authorized representative determines that the 9022
violation has been abated or until the order is modified, vacated, 9023
or terminated by the chief or the authorized representative 9024
pursuant to division (D)(4) of this section or by the ~~reclamation~~ 9025
environmental review appeals commission pursuant to section 9026
1513.13 of the Revised Code. In a cessation order issued under 9027
division (D)(2) of this section, the chief or the authorized 9028
representative shall prescribe the steps necessary to abate the 9029
violation in the most expeditious manner possible. 9030

(3) When in the judgment of the chief or an authorized 9031
representative of the chief a pattern of violations of any 9032
requirements of this chapter or any permit conditions required by 9033
this chapter exists or has existed and the violations are caused 9034
by the unwarranted failure of the permittee to comply with any 9035
requirements of this chapter or any permit conditions or are 9036
willfully caused by the permittee, the chief or the authorized 9037
representative immediately shall issue an order to the permittee 9038

to show cause why the permit should not be suspended or revoked. 9039
If a hearing is requested, the chief shall inform all interested 9040
parties of the time and place of the hearing and conduct the 9041
hearing pursuant to division (D) of section 1513.13 of the Revised 9042
Code. Upon the permittee's failure to show cause why the permit 9043
should not be suspended or revoked, the chief or the authorized 9044
representative immediately shall suspend or revoke the permit. 9045

(4) Notices of violation and orders issued pursuant to this 9046
section shall set forth with reasonable specificity the nature of 9047
the violation and the remedial action required, the period of time 9048
established for abatement, and a reasonable description of the 9049
portion of the coal mining and reclamation operation to which the 9050
notice or order applies. Each notice or order issued under this 9051
section shall be given promptly to the alleged violator or the 9052
agent of the alleged violator by the chief or an authorized 9053
representative of the chief who issues the notice or order. 9054
Notices and orders shall be in writing and shall be signed by the 9055
chief or the authorized representative and may be modified, 9056
vacated, or terminated by the chief or the authorized 9057
representative. Any notice or order issued pursuant to this 9058
section that requires cessation of mining by the operator shall 9059
expire within thirty days after actual notice to the operator 9060
unless a public hearing pursuant to section 1513.13 of the Revised 9061
Code is held at the site or within such reasonable proximity to 9062
the site that any viewings of the site can be conducted during the 9063
course of the public hearing. 9064

(E)(1) A person who violates a permit condition or any other 9065
provision of this chapter may be assessed a civil penalty by the 9066
chief, except that if the violation leads to the issuance of a 9067
cessation order under division (D) of this section, the civil 9068
penalty shall be assessed for each day until the person initiates 9069
the necessary corrective steps. The penalty shall not exceed five 9070

thousand dollars for each violation. Each day of continuing 9071
violation may be deemed a separate violation for purposes of 9072
penalty assessments. In determining the amount of the penalty, 9073
consideration shall be given to the person's history of previous 9074
violation at the particular coal mining operation; the seriousness 9075
of the violation, including any irreparable harm to the 9076
environment and any hazard to the health or safety of the public; 9077
whether the person was negligent; and the demonstrated diligence 9078
of the person charged in attempting to achieve rapid compliance 9079
after notification of the violation. 9080

(2) A civil penalty shall be assessed by the chief only after 9081
the person charged with a violation under division (E)(1) of this 9082
section has been given an opportunity for a public hearing. If a 9083
person charged with such a violation fails to avail oneself of the 9084
opportunity for a public hearing, a civil penalty shall be 9085
assessed by the chief after the chief has determined that a 9086
violation did occur, and the amount of the penalty that is 9087
warranted, and has issued an order requiring that the penalty be 9088
paid. 9089

(3) Upon the issuance of a notice or order charging that a 9090
violation of this chapter has occurred, the chief shall inform the 9091
operator within thirty days of the proposed amount of the penalty 9092
and provide opportunity for an adjudicatory hearing pursuant to 9093
section 1513.13 of the Revised Code. The person charged with the 9094
penalty then shall have thirty days to pay the proposed penalty in 9095
full or, if the person wishes to contest either the amount of the 9096
penalty or the fact of the violation, file a petition for review 9097
of the proposed assessment with the secretary of the ~~reclamation~~ 9098
environmental review appeals commission pursuant to section 9099
1513.13 of the Revised Code. If, after the hearing, the commission 9100
affirms or modifies the proposed amount of the penalty, the person 9101
charged with the penalty then shall have thirty days after receipt 9102

of the written decision to pay the amount in full or file an 9103
appeal with the court of appeals in accordance with section 9104
1513.14 of the Revised Code. At the time the petition for review 9105
of the proposed assessment is filed with the secretary, the person 9106
shall forward the amount of the penalty to the secretary for 9107
placement in the reclamation penalty fund, which is hereby 9108
created. The fund shall be in the custody of the treasurer of 9109
state, but shall not be a part of the state treasury. Pursuant to 9110
administrative or judicial review of the penalty, the secretary, 9111
within thirty days, shall remit the appropriate amount of the 9112
penalty to the person, with interest, if it is determined that no 9113
violation occurred or that the amount of the penalty should be 9114
reduced, and the secretary shall forward the balance of the 9115
penalty or, if the penalty was not reduced, the entire amount of 9116
the penalty, with interest, to the chief for deposit in the coal 9117
mining administration and reclamation reserve fund created in 9118
section 1513.181 of the Revised Code. Failure to forward the money 9119
to the secretary within thirty days after the chief informs the 9120
operator of the proposed amount of the penalty shall result in a 9121
waiver of all legal rights to contest the violation or the amount 9122
of the penalty. Within fifteen days after being informed of the 9123
penalty, the person charged with the penalty may request in 9124
writing an informal assessment conference to review the amount of 9125
the penalty. The conference shall be presided over by the chief or 9126
an individual appointed by the chief other than the inspector that 9127
issued the notice of violation or order upon which the penalty is 9128
based. The chief shall adopt rules governing procedures to be 9129
followed in informal conferences. Time allowed for payment of the 9130
penalty or appeal to the commission shall be tolled while the 9131
penalty is being reviewed in an informal conference. 9132

(4) An operator who fails to correct a violation for which a 9133
notice of violation or order has been issued under division (D) of 9134
this section within the period permitted for its correction shall 9135

be assessed a civil penalty of not less than seven hundred fifty 9136
dollars for each day during which the failure or violation 9137
continues. However, a civil penalty shall not be assessed under 9138
division (E)(4) of this section if the commission orders the 9139
suspension of the abatement requirement after determining, based 9140
upon the findings of an expedited hearing held under section 9141
1513.13 of the Revised Code at the request of the operator, that 9142
the operator will suffer irreparable loss or damage from the 9143
application of the abatement requirement or if the court orders 9144
suspension of the abatement requirement pursuant to review 9145
proceedings held under section 1513.14 of the Revised Code at the 9146
request of the operator. 9147

(F) The chief may enter into a cooperative agreement with the 9148
secretary of the interior to provide for state regulation of coal 9149
mining and reclamation operations on federal lands within the 9150
state. 9151

(G) The chief may prohibit augering if necessary to maximize 9152
the utilization, recoverability, or conservation of the solid fuel 9153
resources or to protect against adverse water quality impacts. 9154

(H) The chief shall transmit copies of all schedules 9155
submitted under section 1513.07 of the Revised Code pertaining to 9156
violations of air or water quality laws and rules adopted and 9157
orders issued under those laws in connection with coal mining 9158
operations to the director of environmental protection for 9159
verification. 9160

(I) For the purposes of sections 1513.18, 1513.24, 1513.37, 9161
and 1514.06 of the Revised Code, the chief triennially shall 9162
determine the average wage rate for companies performing 9163
reclamation work for the division under those sections by 9164
averaging the wage rate paid by all companies performing such 9165
reclamation work during the three years immediately preceding the 9166
determination. However, in making the initial determination under 9167

this division, the chief shall average the wage rate paid by all 9168
companies performing such reclamation work during the ten years 9169
immediately preceding October 29, 1995. 9170

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 9171
operation without a permit for the operation issued by the chief 9172
of the division of mineral resources management. 9173

(2) All permits issued pursuant to this chapter shall be 9174
issued for a term not to exceed five years, except that, if the 9175
applicant demonstrates that a specified longer term is reasonably 9176
needed to allow the applicant to obtain necessary financing for 9177
equipment and the opening of the operation, and if the application 9178
is full and complete for the specified longer term, the chief may 9179
grant a permit for the longer term. A successor in interest to a 9180
permittee who applies for a new permit within thirty days after 9181
succeeding to the interest and who is able to obtain the bond 9182
coverage of the original permittee may continue coal mining and 9183
reclamation operations according to the approved mining and 9184
reclamation plan of the original permittee until the successor's 9185
application is granted or denied. 9186

(3) A permit shall terminate if the permittee has not 9187
commenced the coal mining operations covered by the permit within 9188
three years after the issuance of the permit, except that the 9189
chief may grant reasonable extensions of the time upon a showing 9190
that the extensions are necessary by reason of litigation 9191
precluding the commencement or threatening substantial economic 9192
loss to the permittee, or by reason of conditions beyond the 9193
control and without the fault or negligence of the permittee, and 9194
except that with respect to coal to be mined for use in a 9195
synthetic fuel facility or specified major electric generating 9196
facility, the permittee shall be deemed to have commenced coal 9197
mining operations at the time construction of the synthetic fuel 9198

or generating facility is initiated. 9199

(4)(a) Any permit issued pursuant to this chapter shall carry 9200
with it the right of successive renewal upon expiration with 9201
respect to areas within the boundaries of the permit. The holders 9202
of the permit may apply for renewal and the renewal shall be 9203
issued, unless the chief determines by written findings, 9204
subsequent to fulfillment of the public notice requirements of 9205
this section and section 1513.071 of the Revised Code through 9206
demonstrations by opponents of renewal or otherwise, that one or 9207
more of the following circumstances exists: 9208

(i) The terms and conditions of the existing permit are not 9209
being satisfactorily met. 9210

(ii) The present coal mining and reclamation operation is not 9211
in compliance with the environmental protection standards of this 9212
chapter. 9213

(iii) The renewal requested substantially jeopardizes the 9214
operator's continuing responsibilities on existing permit areas. 9215

(iv) The applicant has not provided evidence that the 9216
performance bond in effect for the operation will continue in 9217
effect for any renewal requested in the application. 9218

(v) Any additional, revised, or updated information required 9219
by the chief has not been provided. Prior to the approval of any 9220
renewal of a permit, the chief shall provide notice to the 9221
appropriate public authorities as prescribed by rule of the chief. 9222

(b) If an application for renewal of a valid permit includes 9223
a proposal to extend the mining operation beyond the boundaries 9224
authorized in the existing permit, the portion of the application 9225
for renewal of a valid permit that addresses any new land areas 9226
shall be subject to the full standards applicable to new 9227
applications under this chapter. 9228

(c) A permit renewal shall be for a term not to exceed the 9229
period of the original permit established by this chapter. 9230
Application for permit renewal shall be made at least one hundred 9231
twenty days prior to the expiration of the valid permit. 9232

(5) A permit issued pursuant to this chapter does not 9233
eliminate the requirements for obtaining a permit to install or 9234
modify a disposal system or any part thereof or to discharge 9235
sewage, industrial waste, or other wastes into the waters of the 9236
state in accordance with Chapter 6111. of the Revised Code. 9237

(B)(1) Each application for a coal mining and reclamation 9238
permit or renewal of such a permit ~~shall be accompanied by a~~ 9239
~~permit or renewal fee in an amount equal to the product of~~ 9240
~~seventy five dollars multiplied by the number of acres, estimated~~ 9241
~~in the application, that will comprise the area of land to be~~ 9242
~~affected within the permit or renewal period by the coal mining~~ 9243
~~operation for which the permit or renewal is requested.~~ 9244

~~(2) The permit application shall be submitted in a manner~~ 9245
satisfactory to the chief and shall contain, among other things, 9246
all of the following: 9247

(a) The names and addresses of all of the following: 9248

(i) The permit applicant; 9249

(ii) Every legal owner of record of the property, surface and 9250
mineral, to be mined; 9251

(iii) The holders of record of any leasehold interest in the 9252
property; 9253

(iv) Any purchaser of record of the property under a real 9254
estate contract; 9255

(v) The operator if different from the applicant; 9256

(vi) If any of these are business entities other than a 9257
single proprietor, the names and addresses of the principals, 9258

officers, and statutory agent for service of process.	9259
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	9260 9261 9262
(c) A statement of any current or previous coal mining permits in the United States held by the applicant, the permit identification, and any pending applications;	9263 9264 9265
(d) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, the name and address of any person owning, of record, ten per cent or more of any class of voting stock of the applicant, a list of all names under which the applicant, partner, or principal shareholder previously operated a coal mining operation within the United States within the five-year period preceding the date of submission of the application, and a list of the person or persons primarily responsible for ensuring that the applicant complies with the requirements of this chapter and rules adopted pursuant thereto while mining and reclaiming under the permit;	9266 9267 9268 9269 9270 9271 9272 9273 9274 9275 9276 9277 9278 9279
(e) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, any partner if the applicant is a partnership, any officer, principal shareholder, or director if the applicant is a corporation, or any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant:	9280 9281 9282 9283 9284 9285 9286
(i) Has ever held a federal or state coal mining permit that in the five-year period prior to the date of submission of the application has been suspended or revoked or has had a coal mining	9287 9288 9289

bond or similar security deposited in lieu of bond forfeited and, 9290
if so, a brief explanation of the facts involved; 9291

(ii) Has been an officer, partner, director, principal 9292
shareholder, or person having the right to control or has in fact 9293
controlled the management of or the selection of officers, 9294
directors, or managers of a business entity that has had a coal 9295
mining or surface mining permit that in the five-year period prior 9296
to the date of submission of the application has been suspended or 9297
revoked or has had a coal mining or surface mining bond or similar 9298
security deposited in lieu of bond forfeited and, if so, a brief 9299
explanation of the facts involved. 9300

(f) A copy of the applicant's advertisement to be published 9301
in a newspaper of general circulation in the locality of the 9302
proposed site at least once a week for four successive weeks, 9303
which shall include the ownership of the proposed mine, a 9304
description of the exact location and boundaries of the proposed 9305
site sufficient to make the proposed operation readily 9306
identifiable by local residents, and the location where the 9307
application is available for public inspection; 9308

(g) A description of the type and method of coal mining 9309
operation that exists or is proposed, the engineering techniques 9310
proposed or used, and the equipment used or proposed to be used; 9311

(h) The anticipated or actual starting and termination dates 9312
of each phase of the mining operation and number of acres of land 9313
to be affected; 9314

(i) An accurate map or plan, to an appropriate scale, clearly 9315
showing the land to be affected and the land upon which the 9316
applicant has the legal right to enter and commence coal mining 9317
operations, copies of those documents upon which is based the 9318
applicant's legal right to enter and commence coal mining 9319
operations, and a statement whether that right is the subject of 9320

pending litigation. This chapter does not authorize the chief to adjudicate property title disputes.

(j) The name of the watershed and location of the surface stream or tributary into which drainage from the operation will be discharged;

(k) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, providing information on the quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the chief of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability, but this determination shall not be required until hydrologic information of the general area prior to mining is made available from an appropriate federal or state agency; however, the permit shall not be approved until the information is available and is incorporated into the application;

(l) When requested by the chief, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges;

(m) Accurate maps prepared by or under the direction of and certified by a qualified registered professional engineer, registered surveyor, or licensed landscape architect to an appropriate scale clearly showing all types of information set forth on topographical maps of the United States geological survey of a scale of not more than four hundred feet to the inch, including all artificial features and significant known archeological sites. The map, among other things specified by the

chief, shall show all boundaries of the land to be affected, the 9353
boundary lines and names of present owners of record of all 9354
surface areas abutting the permit area, and the location of all 9355
buildings within one thousand feet of the permit area. 9356

(n)(i) Cross-section maps or plans of the land to be affected 9357
including the actual area to be mined, prepared by or under the 9358
direction of and certified by a qualified registered professional 9359
engineer or certified professional geologist with assistance from 9360
experts in related fields such as hydrology, hydrogeology, 9361
geology, and landscape architecture, showing pertinent elevations 9362
and locations of test borings or core samplings and depicting the 9363
following information: the nature and depth of the various strata 9364
of overburden; the nature and thickness of any coal or rider seam 9365
above the coal seam to be mined; the nature of the stratum 9366
immediately beneath the coal seam to be mined; all mineral crop 9367
lines and the strike and dip of the coal to be mined within the 9368
area to be affected; existing or previous coal mining limits; the 9369
location and extent of known workings of any underground mines, 9370
including mine openings to the surface; the location of spoil, 9371
waste, or refuse areas and topsoil preservation areas; the 9372
location of all impoundments for waste or erosion control; any 9373
settling or water treatment facility; constructed or natural 9374
drainways and the location of any discharges to any surface body 9375
of water on the land to be affected or adjacent thereto; profiles 9376
at appropriate cross sections of the anticipated final surface 9377
configuration that will be achieved pursuant to the operator's 9378
proposed reclamation plan; the location of subsurface water, if 9379
encountered; the location and quality of aquifers; and the 9380
estimated elevation of the water table. Registered surveyors shall 9381
be allowed to perform all plans, maps, and certifications under 9382
this chapter as they are authorized under Chapter 4733. of the 9383
Revised Code. 9384

(ii) A statement of the quality and locations of subsurface water. The chief shall provide by rule the number of locations to be sampled, frequency of collection, and parameters to be analyzed to obtain the statement required.

(o) A statement of the results of test borings or core samplings from the permit area, including logs of the drill holes, the thickness of the coal seam found, an analysis of the chemical properties of the coal, the sulfur content of any coal seam, chemical analysis of potentially acid or toxic forming sections of the overburden, and chemical analysis of the stratum lying immediately underneath the coal to be mined, except that this division may be waived by the chief with respect to the specific application by a written determination that its requirements are unnecessary;

(p) For those lands in the permit application that a reconnaissance inspection suggests may be prime farmlands, a soil survey shall be made or obtained according to standards established by the secretary of the United States department of agriculture in order to confirm the exact location of the prime farmlands, if any;

(q) A certificate issued by an insurance company authorized to do business in this state certifying that the applicant has a public liability insurance policy in force for the coal mining and reclamation operations for which the permit is sought or evidence that the applicant has satisfied other state self-insurance requirements. The policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation

operations. The insurance company shall give prompt notice to the 9417
permittee and the chief if the public liability insurance policy 9418
lapses for any reason, including the nonpayment of insurance 9419
premiums. Upon the lapse of the policy, the chief may suspend the 9420
permit and all other outstanding permits until proper insurance 9421
coverage is obtained. 9422

(r) The business telephone number of the applicant; 9423

(s) If the applicant seeks an authorization under division 9424
(E)(7) of this section to conduct coal mining and reclamation 9425
operations on areas to be covered by the permit that were affected 9426
by coal mining operations before August 3, 1977, that have 9427
resulted in continuing water pollution from or on the previously 9428
mined areas, such additional information pertaining to those 9429
previously mined areas as may be required by the chief, including, 9430
without limitation, maps, plans, cross sections, data necessary to 9431
determine existing water quality from or on those areas with 9432
respect to pH, iron, and manganese, and a pollution abatement plan 9433
that may improve water quality from or on those areas with respect 9434
to pH, iron, and manganese. 9435

~~(3)~~(2) Information pertaining to coal seams, test borings, 9436
core samplings, or soil samples as required by this section shall 9437
be made available by the chief to any person with an interest that 9438
is or may be adversely affected, except that information that 9439
pertains only to the analysis of the chemical and physical 9440
properties of the coal, excluding information regarding mineral or 9441
elemental content that is potentially toxic in the environment, 9442
shall be kept confidential and not made a matter of public record. 9443

~~(4)~~(3)(a) If the chief finds that the probable total annual 9444
production at all locations of any operator will not exceed three 9445
hundred thousand tons, the following activities, upon the written 9446
request of the operator in connection with a permit application, 9447
shall be performed by a qualified public or private laboratory or 9448

another public or private qualified entity designated by the 9449
chief, and the cost of the activities shall be assumed by the 9450
chief, provided that sufficient moneys for such assistance are 9451
available: 9452

(i) The determination of probable hydrologic consequences 9453
required under division (B)~~(2)~~(1)(k) of this section; 9454

(ii) The development of cross-section maps and plans required 9455
under division (B)~~(2)~~(1)(n)(i) of this section; 9456

(iii) The geologic drilling and statement of results of test 9457
borings and core samplings required under division (B)~~(2)~~(1)(o) of 9458
this section; 9459

(iv) The collection of archaeological information required 9460
under division (B)~~(2)~~(1)(m) of this section and any other 9461
archaeological and historical information required by the chief, 9462
and the preparation of plans necessitated thereby; 9463

(v) Pre-blast surveys required under division (E) of section 9464
1513.161 of the Revised Code; 9465

(vi) The collection of site-specific resource information and 9466
production of protection and enhancement plans for fish and 9467
wildlife habitats and other environmental values required by the 9468
chief under this chapter. 9469

(b) A coal operator that has received assistance under 9470
division (B)~~(4)~~(3)(a) of this section shall reimburse the chief 9471
for the cost of the services rendered, if the chief finds that the 9472
operator's actual and attributed annual production of coal for all 9473
locations exceeds three hundred thousand tons during the twelve 9474
months immediately following the date on which the operator was 9475
issued a coal mining and reclamation permit. 9476

~~(5)~~(4) Each applicant for a permit shall submit to the chief 9477
as part of the permit application a reclamation plan that meets 9478

the requirements of this chapter. 9479

~~(6)~~(5) Each applicant for a coal mining and reclamation 9480
permit shall file a copy of the application for a permit, 9481
excluding that information pertaining to the coal seam itself, for 9482
public inspection with the county recorder or an appropriate 9483
public office approved by the chief in the county where the mining 9484
is proposed to occur. 9485

~~(7)~~(6) Each applicant for a coal mining and reclamation 9486
permit shall submit to the chief as part of the permit application 9487
a blasting plan that describes the procedures and standards by 9488
which the operator will comply with section 1513.161 of the 9489
Revised Code. 9490

(C) Each reclamation plan submitted as part of a permit 9491
application shall include, in the detail necessary to demonstrate 9492
that reclamation required by this chapter can be accomplished, a 9493
statement of: 9494

(1) The identification of the lands subject to coal mining 9495
operations over the estimated life of those operations and the 9496
size, sequence, and timing of the subareas for which it is 9497
anticipated that individual permits for mining will be sought; 9498

(2) The condition of the land to be covered by the permit 9499
prior to any mining, including all of the following: 9500

(a) The uses existing at the time of the application and, if 9501
the land has a history of previous mining, the uses that preceded 9502
any mining; 9503

(b) The capability of the land prior to any mining to support 9504
a variety of uses, giving consideration to soil and foundation 9505
characteristics, topography, and vegetative cover and, if 9506
applicable, a soil survey prepared pursuant to division 9507
(B)~~(2)~~(1)(p) of this section; 9508

(c) The productivity of the land prior to mining, including 9509
appropriate classification as prime farmlands as well as the 9510
average yield of food, fiber, forage, or wood products obtained 9511
from the land under high levels of management. 9512

(3) The use that is proposed to be made of the land following 9513
reclamation, including information regarding the utility and 9514
capacity of the reclaimed land to support a variety of alternative 9515
uses, the relationship of the proposed use to existing land use 9516
policies and plans, and the comments of any owner of the land and 9517
state and local governments or agencies thereof that would have to 9518
initiate, implement, approve, or authorize the proposed use of the 9519
land following reclamation; 9520

(4) A detailed description of how the proposed postmining 9521
land use is to be achieved and the necessary support activities 9522
that may be needed to achieve the proposed land use; 9523

(5) The engineering techniques proposed to be used in mining 9524
and reclamation and a description of the major equipment; a plan 9525
for the control of surface water drainage and of water 9526
accumulation; a plan, where appropriate, for backfilling, soil 9527
stabilization, and compacting, grading, and appropriate 9528
revegetation; a plan for soil reconstruction, replacement, and 9529
stabilization, pursuant to the performance standards in section 9530
1513.16 of the Revised Code, for those food, forage, and forest 9531
lands identified in that section; and an estimate of the cost per 9532
acre of the reclamation, including a statement as to how the 9533
permittee plans to comply with each of the requirements set out in 9534
section 1513.16 of the Revised Code; 9535

(6) A description of the means by which the utilization and 9536
conservation of the solid fuel resource being recovered will be 9537
maximized so that re-affecting the land in the future can be 9538
minimized; 9539

(7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;	9540 9541
(8) A description of the degree to which the coal mining and reclamation operations are consistent with surface owner plans and applicable state and local land use plans and programs;	9542 9543 9544
(9) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards;	9545 9546 9547
(10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions;	9548 9549 9550
(11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit;	9551 9552 9553 9554
(12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental contents that are potentially toxic in the environment, shall be kept confidential and not made a matter of public record;	9555 9556 9557 9558 9559 9560 9561 9562 9563 9564
(13) A detailed description of the measures to be taken during the mining and reclamation process to ensure the protection of all of the following:	9565 9566 9567
(a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation	9568 9569

process;	9570
(b) The rights of present users to such water;	9571
(c) The quantity of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process or, where such protection of quantity cannot be assured, provision of alternative sources of water.	9572 9573 9574 9575
(14) Any other requirements the chief prescribes by rule.	9576
(D)(1) Any information required by division (C) of this section that is not on public file pursuant to this chapter shall be held in confidence by the chief.	9577 9578 9579
(2) With regard to requests for an exemption from the requirements of this chapter for coal extraction incidental to the extraction of other minerals, as described in division (H)(1)(a) of section 1513.01 of the Revised Code, confidential information includes and is limited to information concerning trade secrets or privileged commercial or financial information relating to the competitive rights of the persons intending to conduct the extraction of minerals.	9580 9581 9582 9583 9584 9585 9586 9587
(E)(1) Upon the basis of a complete mining application and reclamation plan or a revision or renewal thereof, as required by this chapter, and information obtained as a result of public notification and public hearing, if any, as provided by section 1513.071 of the Revised Code, the chief shall grant, require modification of, or deny the application for a permit in a reasonable time set by the chief and notify the applicant in writing. The applicant for a permit or revision of a permit has the burden of establishing that the application is in compliance with all the requirements of this chapter. Within ten days after the granting of a permit, the chief shall notify the boards of township trustees and county commissioners, the mayor, and the legislative authority in the township, county, and municipal	9588 9589 9590 9591 9592 9593 9594 9595 9596 9597 9598 9599 9600

corporation in which the area of land to be affected is located 9601
that a permit has been issued and shall describe the location of 9602
the land. However, failure of the chief to notify the local 9603
officials shall not affect the status of the permit. 9604

(2) No permit application or application for revision of an 9605
existing permit shall be approved unless the application 9606
affirmatively demonstrates and the chief finds in writing on the 9607
basis of the information set forth in the application or from 9608
information otherwise available, which shall be documented in the 9609
approval and made available to the applicant, all of the 9610
following: 9611

(a) The application is accurate and complete and all the 9612
requirements of this chapter have been complied with. 9613

(b) The applicant has demonstrated that the reclamation 9614
required by this chapter can be accomplished under the reclamation 9615
plan contained in the application. 9616

(c)(i) Assessment of the probable cumulative impact of all 9617
anticipated mining in the general and adjacent area on the 9618
hydrologic balance specified in division (B)~~(2)~~(1)(k) of this 9619
section has been made by the chief, and the proposed operation has 9620
been designed to prevent material damage to hydrologic balance 9621
outside the permit area. 9622

(ii) There shall be an ongoing process conducted by the chief 9623
in cooperation with other state and federal agencies to review all 9624
assessments of probable cumulative impact of coal mining in light 9625
of post-mining data and any other hydrologic information as it 9626
becomes available to determine if the assessments were realistic. 9627
The chief shall take appropriate action as indicated in the review 9628
process. 9629

(d) The area proposed to be mined is not included within an 9630
area designated unsuitable for coal mining pursuant to section 9631

1513.073 of the Revised Code or is not within an area under study 9632
for such designation in an administrative proceeding commenced 9633
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 9634
Revised Code, unless in an area as to which an administrative 9635
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 9636
section 1513.073 of the Revised Code, the operator making the 9637
permit application demonstrates that, prior to January 1, 1977, 9638
the operator made substantial legal and financial commitments in 9639
relation to the operation for which a permit is sought. 9640

(e) In cases where the private mineral estate has been 9641
severed from the private surface estate, the applicant has 9642
submitted to the chief one of the following: 9643

(i) The written consent of the surface owner to the 9644
extraction of coal by strip mining methods; 9645

(ii) A conveyance that expressly grants or reserves the right 9646
to extract the coal by strip mining methods; 9647

(iii) If the conveyance does not expressly grant the right to 9648
extract coal by strip mining methods, the surface-subsurface legal 9649
relationship shall be determined under the law of this state. This 9650
chapter does not authorize the chief to adjudicate property rights 9651
disputes. 9652

(3)(a) The applicant shall file with the permit application a 9653
schedule listing all notices of violations of any law, rule, or 9654
regulation of the United States or of any department or agency 9655
thereof or of any state pertaining to air or water environmental 9656
protection incurred by the applicant in connection with any coal 9657
mining operation during the three-year period prior to the date of 9658
application. The schedule also shall indicate the final resolution 9659
of such a notice of violation. Upon receipt of an application, the 9660
chief shall provide a schedule listing all notices of violations 9661
of this chapter pertaining to air or water environmental 9662

protection incurred by the applicant during the three-year period 9663
prior to receipt of the application and the final resolution of 9664
all such notices of violation. The chief shall provide this 9665
schedule to the applicant for filing by the applicant with the 9666
application filed for public review, as required by division 9667
(B)~~(6)~~(5) of this section. When the schedule or other information 9668
available to the chief indicates that any coal mining operation 9669
owned or controlled by the applicant is currently in violation of 9670
such laws, the permit shall not be issued until the applicant 9671
submits proof that the violation has been corrected or is in the 9672
process of being corrected to the satisfaction of the regulatory 9673
authority, department, or agency that has jurisdiction over the 9674
violation and that any civil penalties owed to the state for a 9675
violation and not the subject of an appeal have been paid. No 9676
permit shall be issued to an applicant after a finding by the 9677
chief that the applicant or the operator specified in the 9678
application controls or has controlled mining operations with a 9679
demonstrated pattern of willful violations of this chapter of a 9680
nature and duration to result in irreparable damage to the 9681
environment as to indicate an intent not to comply with or a 9682
disregard of this chapter. 9683

(b) For the purposes of division (E)(3)(a) of this section, 9684
any violation resulting from an unanticipated event or condition 9685
at a surface coal mining operation on lands eligible for remining 9686
under a permit held by the person submitting an application for a 9687
coal mining permit under this section shall not prevent issuance 9688
of that permit. As used in this division, "unanticipated event or 9689
condition" means an event or condition encountered in a remining 9690
operation that was not contemplated by the applicable surface coal 9691
mining and reclamation permit. 9692

(4)(a) In addition to finding the application in compliance 9693
with division (E)(2) of this section, if the area proposed to be 9694

mined contains prime farmland as determined pursuant to division 9695
(B)~~(2)~~(1)(p) of this section, the chief, after consultation with 9696
the secretary of the United States department of agriculture and 9697
pursuant to regulations issued by the secretary of the interior 9698
with the concurrence of the secretary of agriculture, may grant a 9699
permit to mine on prime farmland if the chief finds in writing 9700
that the operator has the technological capability to restore the 9701
mined area, within a reasonable time, to equivalent or higher 9702
levels of yield as nonmined prime farmland in the surrounding area 9703
under equivalent levels of management and can meet the soil 9704
reconstruction standards in section 1513.16 of the Revised Code. 9705

(b) Division (E)(4)(a) of this section does not apply to a 9706
permit issued prior to August 3, 1977, or revisions or renewals 9707
thereof. 9708

(5) The chief shall issue an order denying a permit after 9709
finding that the applicant has misrepresented or omitted any 9710
material fact in the application for the permit. 9711

(6) The chief may issue an order denying a permit after 9712
finding that the applicant, any partner, if the applicant is a 9713
partnership, any officer, principal shareholder, or director, if 9714
the applicant is a corporation, or any other person who has a 9715
right to control or in fact controls the management of the 9716
applicant or the selection of officers, directors, or managers of 9717
the applicant has been a sole proprietor or partner, officer, 9718
director, principal shareholder, or person having the right to 9719
control or has in fact controlled the management of or the 9720
selection of officers, directors, or managers of a business entity 9721
that ever has had a coal mining license or permit issued by this 9722
or any other state or the United States suspended or revoked, ever 9723
has forfeited a coal or surface mining bond or security deposited 9724
in lieu of bond in this or any other state or with the United 9725
States, or ever has substantially or materially failed to comply 9726

with this chapter. 9727

(7) When issuing a permit under this section, the chief may 9728
authorize an applicant to conduct coal mining and reclamation 9729
operations on areas to be covered by the permit that were affected 9730
by coal mining operations before August 3, 1977, that have 9731
resulted in continuing water pollution from or on the previously 9732
mined areas for the purpose of potentially reducing the pollution 9733
loadings of pH, iron, and manganese from discharges from or on the 9734
previously mined areas. Following the chief's authorization to 9735
conduct such operations on those areas, the areas shall be 9736
designated as pollution abatement areas for the purposes of this 9737
chapter. 9738

The chief shall not grant an authorization under division 9739
(E)(7) of this section to conduct coal mining and reclamation 9740
operations on any such previously mined areas unless the applicant 9741
demonstrates to the chief's satisfaction that all of the following 9742
conditions are met: 9743

(a) The applicant's pollution abatement plan for mining and 9744
reclaiming the previously mined areas represents the best 9745
available technology economically achievable+ 9746

(b) Implementation of the plan will potentially reduce 9747
pollutant loadings of pH, iron, and manganese resulting from 9748
discharges of surface waters or ground water from or on the 9749
previously mined areas within the permit area+ 9750

(c) Implementation of the plan will not cause any additional 9751
degradation of surface water quality off the permit area with 9752
respect to pH, iron, and manganese+ 9753

(d) Implementation of the plan will not cause any additional 9754
degradation of ground water+ 9755

(e) The plan meets the requirements governing mining and 9756
reclamation of such previously mined pollution abatement areas 9757

established by the chief in rules adopted under section 1513.02 of 9758
the Revised Code. 9759

(f) Neither the applicant; any partner, if the applicant is a 9760
partnership; any officer, principal shareholder, or director, if 9761
the applicant is a corporation; any other person who has a right 9762
to control or in fact controls the management of the applicant or 9763
the selection of officers, directors, or managers of the 9764
applicant; nor any contractor or subcontractor of the applicant, 9765
has any of the following: 9766

(i) Responsibility or liability under this chapter or rules 9767
adopted under it as an operator for treating the discharges of 9768
water pollutants from or on the previously mined areas for which 9769
the authorization is sought; 9770

(ii) Any responsibility or liability under this chapter or 9771
rules adopted under it for reclaiming the previously mined areas 9772
for which the authorization is sought; 9773

(iii) During the eighteen months prior to submitting the 9774
permit application requesting an authorization under division 9775
(E)(7) of this section, had a coal mining and reclamation permit 9776
suspended or revoked under division (D)(3) of section 1513.02 of 9777
the Revised Code for violating this chapter or Chapter 6111. of 9778
the Revised Code or rules adopted under them with respect to water 9779
quality, effluent limitations, or surface or ground water 9780
monitoring; 9781

(iv) Ever forfeited a coal or surface mining bond or security 9782
deposited in lieu of a bond in this or any other state or with the 9783
United States. 9784

(F)(1) During the term of the permit, the permittee may 9785
submit an application for a revision of the permit, together with 9786
a revised reclamation plan, to the chief. 9787

(2) An application for a revision of a permit shall not be 9788

approved, unless the chief finds that reclamation required by this 9789
chapter can be accomplished under the revised reclamation plan. 9790
The revision shall be approved or disapproved within ninety days 9791
after receipt of a complete revision application. The chief shall 9792
establish, by rule, criteria for determining the extent to which 9793
all permit application information requirements and procedures, 9794
including notice and hearings, shall apply to the revision 9795
request, except that any revisions that propose significant 9796
alterations in the reclamation plan, at a minimum, shall be 9797
subject to notice and hearing requirements. 9798

(3) Any extensions to the area covered by the permit except 9799
incidental boundary revisions shall be made by application for a 9800
permit. 9801

(G) No transfer, assignment, or sale of the rights granted 9802
under a permit issued pursuant to this chapter shall be made 9803
without the written approval of the chief. 9804

(H) The chief, within a time limit prescribed in the chief's 9805
rules, shall review outstanding permits and may require reasonable 9806
revision or modification of a permit. A revision or modification 9807
shall be based upon a written finding and subject to notice and 9808
hearing requirements established by rule of the chief. 9809

(I)(1) If an informal conference has been held pursuant to 9810
section 1513.071 of the Revised Code, the chief shall issue and 9811
furnish the applicant for a permit, persons who participated in 9812
the informal conference, and persons who filed written objections 9813
pursuant to division (B) of section 1513.071 of the Revised Code, 9814
with the written finding of the chief granting or denying the 9815
permit in whole or in part and stating the reasons therefor within 9816
sixty days of the conference. 9817

(2) If there has been no informal conference held pursuant to 9818
section 1513.071 of the Revised Code, the chief shall notify the 9819

applicant for a permit within a reasonable time as provided by 9820
rule of the chief, taking into account the time needed for proper 9821
investigation of the site, the complexity of the permit 9822
application, whether or not a written objection to the application 9823
has been filed, and whether the application has been approved or 9824
disapproved in whole or in part. 9825

(3) If the application is approved, the permit shall be 9826
issued. If the application is disapproved, specific reasons 9827
therefor shall be set forth in the notification. Within thirty 9828
days after the applicant is notified of the final decision of the 9829
chief on the permit application, the applicant or any person with 9830
an interest that is or may be adversely affected may appeal the 9831
decision to the ~~reclamation~~ environmental review appeals 9832
commission pursuant to section 1513.13 of the Revised Code. 9833

(4) Any applicant or any person with an interest that is or 9834
may be adversely affected who has participated in the 9835
administrative proceedings as an objector and is aggrieved by the 9836
decision of the ~~reclamation~~ environmental review appeals 9837
commission, or if the commission fails to act within the time 9838
limits specified in this chapter, may appeal in accordance with 9839
section 1513.14 of the Revised Code. 9840

Sec. 1513.13. (A)(1) Any person having an interest that is or 9841
may be adversely affected by a notice of violation, order, or 9842
decision of the chief of the division of mineral resources 9843
management, other than a decision made under section 1509.06 or 9844
1509.08 of the Revised Code or a show cause order or an order that 9845
adopts a rule, or by any modification, vacation, or termination of 9846
such a notice, order, or decision, may appeal by filing a notice 9847
of appeal with the ~~reclamation~~ environmental review appeals 9848
commission created in section 3745.02 of the Revised Code for 9849
review of the notice, order, or decision within thirty days after 9850

the notice, order, or decision is served upon the person or within 9851
thirty days after its modification, vacation, or termination and 9852
by filing a copy of the notice of appeal with the chief within 9853
three days after filing the notice of appeal with the commission. 9854
The notice of appeal shall contain a copy of the notice of 9855
violation, order, or decision complained of and the grounds upon 9856
which the appeal is based. The commission has exclusive original 9857
jurisdiction to hear and decide such appeals. The filing of a 9858
notice of appeal under division (A)(1) of this section does not 9859
operate as a stay of any order, notice of violation, or decision 9860
of the chief. 9861

(2) The permittee, the chief, and other interested persons 9862
shall be given written notice of the time and place of the hearing 9863
at least five days prior thereto. The hearing shall be of record. 9864

(3) Any person authorized under this section to appeal to the 9865
commission may request an informal review by the chief or the 9866
chief's designee by filing a written request with the chief within 9867
thirty days after a notice, order, decision, modification, 9868
vacation, or termination is served upon the person. Filing of the 9869
written request shall toll the time for appeal before the 9870
commission, but shall not operate as a stay of any order, notice 9871
of violation, or decision of the chief. The chief's determination 9872
of an informal review is appealable to the commission under this 9873
section. 9874

(B) The commission shall affirm the notice of violation, 9875
order, or decision of the chief unless the commission determines 9876
that it is arbitrary, capricious, or otherwise inconsistent with 9877
law; in that case the commission may modify the notice of 9878
violation, order, or decision or vacate it and remand it to the 9879
chief for further proceedings that the commission may direct. 9880

The commission shall conduct hearings and render decisions in 9881
a timely fashion, except that all of the following apply: 9882

(1) When the appeal concerns an order for the cessation of coal mining and reclamation operations issued pursuant to division (D)(1) or (2) of section 1513.02 of the Revised Code, the commission shall issue its written decision within thirty days after the receipt of the appeal unless temporary relief has been granted by the chairperson pursuant to division (C) of this section.

(2) When the appeal concerns an application for a permit under division (I) of section 1513.07 of the Revised Code, the commission shall hold a hearing within thirty days after receipt of the notice of appeal and issue its decision within thirty days after the hearing.

(3) When the appeal concerns a decision of the chief regarding release of bond under division (F) of section 1513.16 of the Revised Code, the commission shall hold a hearing within thirty days after receipt of the notice of appeal and issue its decision within sixty days after the hearing.

~~(4) When the appeal concerns a decision of the chief regarding the location of a well in a coal bearing township under section 1509.08 of the Revised Code, the commission shall hold a hearing and issue its decision within thirty days after receipt of the notice of appeal.~~

(C) The chairperson of the commission, under conditions the chairperson prescribes, may grant temporary relief the chairperson considers appropriate pending final determination of an appeal if all of the following conditions are met:

(1) All parties to the appeal have been notified and given an opportunity for a hearing to be held in the locality of the subject site on the request for temporary relief and the opportunity to be heard on the request.

(2) The person requesting relief shows that there is a

substantial likelihood that the person will prevail on the merits. 9914

(3) The relief will not adversely affect public health or 9915
safety or cause significant imminent environmental harm to land, 9916
air, or water resources. 9917

The chairperson shall issue a decision expeditiously, except 9918
that when the applicant requests relief from an order for the 9919
cessation of coal mining and reclamation operations issued 9920
pursuant to division (D)(1) or (2) of section 1513.02 of the 9921
Revised Code, the decision shall be issued within five days after 9922
its receipt. 9923

Any party to an appeal filed with the commission who is 9924
aggrieved or adversely affected by a decision of the chairperson 9925
to grant or deny temporary relief under this section may appeal 9926
that decision to the commission. The commission may confine its 9927
review to the record developed at the hearing before the 9928
chairperson. 9929

The appeal shall be filed with the commission within thirty 9930
days after the chairperson issues the decision on the request for 9931
temporary relief. The commission shall issue a decision as 9932
expeditiously as possible, except that when the appellant requests 9933
relief from an order for the cessation of coal mining and 9934
reclamation operations issued pursuant to division (D)(1) or (2) 9935
of section 1513.02 of the Revised Code, the decision of the 9936
commission shall be issued within five days after receipt of the 9937
notice of appeal. 9938

The commission shall affirm the decision of the chairperson 9939
granting or denying temporary relief unless it determines that the 9940
decision is arbitrary, capricious, or otherwise inconsistent with 9941
law. 9942

(D) Following the issuance of an order to show cause as to 9943
why a permit should not be suspended or revoked pursuant to 9944

division (D)(3) of section 1513.02 of the Revised Code, the chief 9945
or a representative of the chief shall hold a public adjudicatory 9946
hearing after giving written notice of the time, place, and date 9947
thereof. The hearing shall be of record. 9948

Within sixty days following the public hearing, the chief 9949
shall issue and furnish to the permittee and all other parties to 9950
the hearing a written decision, and the reasons therefor, 9951
concerning suspension or revocation of the permit. If the chief 9952
revokes the permit, the permittee immediately shall cease coal 9953
mining operations on the permit area and shall complete 9954
reclamation within a period specified by the chief, or the chief 9955
shall declare as forfeited the performance bonds for the 9956
operation. 9957

(E)(1) Whenever an enforcement order or permit decision is 9958
issued under this chapter and is appealed under this section or 9959
any action is filed under division (B) of section 1513.15 or 9960
1513.39 of the Revised Code, at the request of a prevailing party, 9961
a sum equal to the aggregate amount of all costs and expenses, 9962
including attorney's fees, as determined to have been necessary 9963
and reasonably incurred by the prevailing party for or in 9964
connection with participation in the ~~enforcement~~ proceedings 9965
before the commission, the court under section 1513.15 of the 9966
Revised Code, or the chief under section 1513.39 of the Revised 9967
Code, may be awarded, as considered proper, in accordance with 9968
divisions (E)(1)(a) to (c) of this section. In no event shall 9969
attorney's fees awarded under this section exceed, for the kind 9970
and quality of services, the prevailing market rates at the time 9971
the services were furnished under division (A) of this section. A 9972
party may be entitled to costs and expenses related solely to the 9973
preparation, defense, and appeal of a petition for costs and 9974
expenses, provided that the costs and expenses are limited and 9975
proportionate to costs and expenses otherwise allowed under 9976

division (E) of this section. 9977

(a) A party, other than the permittee or the division of 9978
mineral resources management, ~~shall~~ may file a petition, ~~if any,~~ 9979
for an award of costs and expenses, including attorney's fees, 9980
with the chief, who shall review the petition. If the chief finds 9981
that the party, other than the permittee or the division, 9982
prevailed in whole or in part, made a substantial contribution to 9983
a full and fair determination of the issues, and made a 9984
contribution separate and distinct from the contribution made by 9985
any other party, the chief may award to that party ~~the party's~~ 9986
those costs and expenses, including attorney's fees that were 9987
necessary and reasonably incurred by the petitioning party for, or 9988
in connection with, participation in the proceeding before the 9989
commission. 9990

(b) ~~If a permittee who made a request under division (E)(1)~~ 9991
~~of this section demonstrates that a party other than a A permittee~~ 9992
~~who initiated an appeal under this section or participated in such~~ 9993
may file, with the chief, a request for an award to the permittee 9994
of the costs and expenses, including attorney's fees, reasonably 9995
incurred by the permittee in connection with an appeal initiated 9996
~~or participated in the appeal in bad faith and for the purpose of~~ 9997
~~harassing or embarrassing the permittee, the permittee may file a~~ 9998
~~petition with the chief~~ under this section. The chief may award to 9999
~~the permittee the~~ assess those costs and expenses reasonably 10000
~~incurred by the permittee in connection with participation in the~~ 10001
~~appeal and assess those costs and expenses~~ against the a party who 10002
initiated or participated in the appeal if the permittee 10003
demonstrates that the party initiated or participated in the 10004
appeal in bad faith and for the purpose of harassing or 10005
embarrassing the permittee. 10006

(c) The division may file, with the commission, a request for 10007
an award to the division of the costs and expenses, including 10008

attorney's fees, reasonably incurred by the division in connection 10009
with an appeal initiated under this section. The commission may 10010
assess those costs and expenses against ~~the~~ a party who initiated 10011
or participated in the appeal if the division demonstrates that 10012
the party initiated or participated in the appeal in bad faith and 10013
for the purpose of harassing or embarrassing the division. 10014

(2) ~~Whenever an~~ If a final order involving this chapter is 10015
issued by the commission as a decision under division (B) of this 10016
~~section or as a result of any administrative proceeding under this~~ 10017
~~chapter is~~ by a court of common pleas under division (B) of 10018
section 1513.15 of the Revised Code or by the chief under section 10019
1513.39 of the Revised Code and the final order becomes the 10020
subject of judicial review, at the request of any party, a sum 10021
equal to the aggregate amount of all costs and expenses, including 10022
attorney's fees, as determined by the court to have been necessary 10023
and reasonably incurred by the party for or in connection with 10024
participation in the proceedings, may be awarded to either party, 10025
in accordance with division (E)(1) of this section, as the court, 10026
on the basis of judicial review, considers proper. 10027

Sec. 1513.131. For the purpose of conducting any public 10028
adjudicatory hearing under this chapter or Chapter 1514. of the 10029
Revised Code, the chief, of the division of mineral resources 10030
management or the ~~reclamation~~ environmental review appeals 10031
commission created in section 3745.02 of the Revised Code may 10032
require the attendance of witnesses and the production of books, 10033
records, and papers, and may, and at the request of any party, 10034
shall issue subpoenas for witnesses or subpoenas duces tecum to 10035
compel the production of any books, records, papers, or other 10036
material relevant to the inquiry, directed to the sheriff of the 10037
counties where the witnesses or materials are found, which 10038
subpoenas shall be served and returned in the same manner as 10039
subpoenas issued by courts of common pleas are served and 10040

returned. The fees and mileage of sheriffs and witnesses shall be 10041
the same as those allowed by the court of common pleas in criminal 10042
cases. 10043

In cases of disobedience or neglect of any subpoena served on 10044
any person or the refusal of any witness to testify to any matter 10045
regarding which the witness may lawfully be interrogated, the 10046
court of common pleas of the county in which such disobedience, 10047
neglect, or refusal occurs, or any judge thereof, on application 10048
of the chief or the commission or any member thereof, shall compel 10049
obedience by attachment procedures for contempt as in the case of 10050
disobedience of the requirements of a subpoena issued from the 10051
court or a refusal to testify therein. 10052

A witness at any hearing shall testify under oath or 10053
affirmation, which the chief or any member of the commission may 10054
administer. 10055

Hearing officers designated by the commission shall have the 10056
same powers and authority in conducting the hearings as granted to 10057
the commission. Whenever a hearing officer conducts a hearing, the 10058
officer shall prepare a report setting forth the hearing officer's 10059
findings of fact and conclusions of law and a recommendation of 10060
the action to be taken by the commission. The hearing officer 10061
shall file the report with the secretary of the commission and 10062
shall mail a copy by certified mail to the parties. A party may, 10063
within fourteen days after receipt of the report, serve and file 10064
written objections to the hearing officer's report with the 10065
secretary of the commission. Objections shall be specific and 10066
state with particularity the grounds therefor. Upon consideration 10067
of the objections, the commission may adopt, reject, or modify the 10068
report; hear additional evidence; return the report to the hearing 10069
officer with instructions; or hear the matter itself. 10070

Sec. 1513.14. (A) Any party aggrieved or adversely affected 10071

by a decision of the ~~reclamation~~ environmental review appeals 10072
commission that is made under this chapter or Chapter 1514. of the 10073
Revised Code may appeal to the court of appeals for the county in 10074
which the activity addressed by the decision of the commission 10075
occurred, is occurring, or will occur, which court has exclusive 10076
jurisdiction over the appeal. The appeal shall be filed within 10077
thirty days of issuance of the decision of the commission. The 10078
court shall confine its review to the record certified by the 10079
commission. The court may, upon motion, grant such temporary 10080
relief as it considers appropriate pending final disposition of 10081
the appeal if all of the following apply: 10082

(1) All parties to the appeal have been notified and given an 10083
opportunity to be heard on a request for temporary relief. 10084

(2) The person requesting the relief shows that there is a 10085
substantial likelihood that the person will prevail on the merits. 10086

(3) The relief will not adversely affect public health or 10087
safety or the health or safety of miners or cause significant 10088
imminent environmental harm to land, air, or water resources. 10089

The court shall affirm the decision of the commission unless 10090
the court determines that it is arbitrary, capricious, or 10091
otherwise inconsistent with law, in which case the court shall 10092
vacate the decision and remand to the commission for such further 10093
proceedings as it may direct. 10094

(B) Any order of the chief of the division of mineral 10095
resources management adopting a rule shall be subject to judicial 10096
review in the Franklin county court of appeals, which court has 10097
exclusive original jurisdiction to review the order. A petition 10098
for review of the order shall be filed within thirty days from the 10099
date of such order. The petition may be made by any person who 10100
participated in the rule-making proceedings and who is aggrieved 10101
by the order. The court shall confine its review to the record of 10102

the rule-making proceedings. The order shall be affirmed unless 10103
the court concludes that the order is arbitrary, capricious, or 10104
otherwise inconsistent with law, in which case the court shall 10105
vacate the order or portion thereof and remand to the chief for 10106
such further proceedings as it may direct. 10107

Sec. 1513.16. (A) Any permit issued under this chapter to 10108
conduct coal mining operations shall require that the operations 10109
meet all applicable performance standards of this chapter and such 10110
other requirements as the chief of the division of mineral 10111
resources management shall adopt by rule. General performance 10112
standards shall apply to all coal mining and reclamation 10113
operations and shall require the operator at a minimum to do all 10114
of the following: 10115

(1) Conduct coal mining operations so as to maximize the 10116
utilization and conservation of the solid fuel resource being 10117
recovered so that re-affecting the land in the future through coal 10118
mining can be minimized; 10119

(2) Restore the land affected to a condition capable of 10120
supporting the uses that it was capable of supporting prior to any 10121
mining, or higher or better uses of which there is reasonable 10122
likelihood, so long as the uses do not present any actual or 10123
probable hazard to public health or safety or pose any actual or 10124
probable threat of diminution or pollution of the waters of the 10125
state, and the permit applicants' declared proposed land uses 10126
following reclamation are not considered to be impractical or 10127
unreasonable, to be inconsistent with applicable land use policies 10128
and plans, to involve unreasonable delay in implementation, or to 10129
violate federal, state, or local law; 10130

(3) Except as provided in division (B) of this section, with 10131
respect to all coal mining operations, backfill, compact where 10132
advisable to ensure stability or to prevent leaching of toxic 10133

materials, and grade in order to restore the approximate original 10134
contour of the land with all highwalls, spoil piles, and 10135
depressions eliminated unless small depressions are needed in 10136
order to retain moisture to assist revegetation or as otherwise 10137
authorized pursuant to this chapter, provided that if the operator 10138
demonstrates that due to volumetric expansion the amount of 10139
overburden and the spoil and waste materials removed in the course 10140
of the mining operation are more than sufficient to restore the 10141
approximate original contour, the operator shall backfill, grade, 10142
and compact the excess overburden and other spoil and waste 10143
materials to attain the lowest grade, but not more than the angle 10144
of repose, and to cover all acid-forming and other toxic materials 10145
in order to achieve an ecologically sound land use compatible with 10146
the surrounding region in accordance with the approved mining 10147
plan. The overburden or spoil shall be shaped and graded in such a 10148
way as to prevent slides, erosion, and water pollution and shall 10149
be revegetated in accordance with this chapter. 10150

(4) Stabilize and protect all surface areas, including spoil 10151
piles affected by the coal mining and reclamation operation, to 10152
control erosion and attendant air and water pollution effectively; 10153

(5) Remove the topsoil from the land in a separate layer, 10154
replace it on the backfill area, or, if not utilized immediately, 10155
segregate it in a separate pile from the spoil, and when the 10156
topsoil is not replaced on a backfill area within a time short 10157
enough to avoid deterioration of the topsoil, maintain a 10158
successful cover by quick-growing plants or other means thereafter 10159
so that the topsoil is preserved from wind and water erosion, 10160
remains free of any contamination by acid or other toxic material, 10161
and is in a usable condition for sustaining vegetation when 10162
restored during reclamation. If the topsoil is of insufficient 10163
quantity or of poor quality for sustaining vegetation or if other 10164
strata can be shown to be more suitable for vegetation 10165

requirements, the operator shall remove, segregate, and preserve 10166
in a like manner such other strata as are best able to support 10167
vegetation. 10168

(6) Restore the topsoil or the best available subsoil that is 10169
best able to support vegetation; 10170

(7) For all prime farmlands as identified in division 10171
(B)~~(2)~~(1)(p) of section 1513.07 of the Revised Code to be mined 10172
and reclaimed, perform soil removal, storage, replacement, and 10173
reconstruction in accordance with specifications established by 10174
the secretary of the United States department of agriculture under 10175
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 10176
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 10177
required to do all of the following: 10178

(a) Segregate the A horizon of the natural soil, except where 10179
it can be shown that other available soil materials will create a 10180
final soil having a greater productive capacity, and, if not 10181
utilized immediately, stockpile this material separately from the 10182
spoil and provide needed protection from wind and water erosion or 10183
contamination by acid or other toxic material; 10184

(b) Segregate the B horizon of the natural soil, or 10185
underlying C horizons or other strata, or a combination of such 10186
horizons or other strata that are shown to be both texturally and 10187
chemically suitable for plant growth and that can be shown to be 10188
equally or more favorable for plant growth than the B horizon, in 10189
sufficient quantities to create in the regraded final soil a root 10190
zone of comparable depth and quality to that which existed in the 10191
natural soil, and, if not utilized immediately, stockpile this 10192
material separately from the spoil and provide needed protection 10193
from wind and water erosion or contamination by acid or other 10194
toxic material; 10195

(c) Replace and regrade the root zone material described in 10196

division (A)(7)(b) of this section with proper compaction and 10197
uniform depth over the regraded spoil material; 10198

(d) Redistribute and grade in a uniform manner the surface 10199
soil horizon described in division (A)(7)(a) of this section. 10200

(8) Create, if authorized in the approved mining and 10201
reclamation plan and permit, permanent impoundments of water on 10202
mining sites as part of reclamation activities only when it is 10203
adequately demonstrated by the operator that all of the following 10204
conditions will be met: 10205

(a) The size of the impoundment is adequate for its intended 10206
purposes. 10207

(b) The impoundment dam construction will be so designed as 10208
to achieve necessary stability with an adequate margin of safety 10209
compatible with that of structures constructed under the 10210
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 10211
(1954), 16 U.S.C. 1001, as amended. 10212

(c) The quality of impounded water will be suitable on a 10213
permanent basis for its intended use and discharges from the 10214
impoundment will not degrade the water quality below water quality 10215
standards established pursuant to applicable federal and state law 10216
in the receiving stream. 10217

(d) The level of water will be reasonably stable. 10218

(e) Final grading will provide adequate safety and access for 10219
proposed water users. 10220

(f) The water impoundments will not result in the diminution 10221
of the quality or quantity of water utilized by adjacent or 10222
surrounding landowners for agricultural, industrial, recreational, 10223
or domestic uses. 10224

(9) Conduct any augering operation associated with strip 10225
mining in a manner to maximize recoverability of mineral reserves 10226

remaining after the operation and reclamation are complete and 10227
seal all auger holes with an impervious and noncombustible 10228
material in order to prevent drainage, except where the chief 10229
determines that the resulting impoundment of water in such auger 10230
holes may create a hazard to the environment or the public health 10231
or safety. The chief may prohibit augering if necessary to 10232
maximize the utilization, recoverability, or conservation of the 10233
solid fuel resources or to protect against adverse water quality 10234
impacts. 10235

(10) Minimize the disturbances to the prevailing hydrologic 10236
balance at the mine site and in associated offsite areas and to 10237
the quality and quantity of water in surface and ground water 10238
systems both during and after coal mining operations and during 10239
reclamation by doing all of the following: 10240

(a) Avoiding acid or other toxic mine drainage by such 10241
measures as, but not limited to: 10242

(i) Preventing or removing water from contact with toxic 10243
producing deposits; 10244

(ii) Treating drainage to reduce toxic content that adversely 10245
affects downstream water upon being released to water courses in 10246
accordance with rules adopted by the chief in accordance with 10247
section 1513.02 of the Revised Code; 10248

(iii) Casing, sealing, or otherwise managing boreholes, 10249
shafts, and wells, and keeping acid or other toxic drainage from 10250
entering ground and surface waters. 10251

(b)(i) Conducting coal mining operations so as to prevent, to 10252
the extent possible using the best technology currently available, 10253
additional contributions of suspended solids to streamflow or 10254
runoff outside the permit area, but in no event shall 10255
contributions be in excess of requirements set by applicable state 10256
or federal laws; 10257

(ii) Constructing any siltation structures pursuant to 10258
division (A)(10)(b)(i) of this section prior to commencement of 10259
coal mining operations. The structures shall be certified by 10260
persons approved by the chief to be constructed as designed and as 10261
approved in the reclamation plan. 10262

(c) Cleaning out and removing temporary or large settling 10263
ponds or other siltation structures from drainways after disturbed 10264
areas are revegetated and stabilized, and depositing the silt and 10265
debris at a site and in a manner approved by the chief; 10266

(d) Restoring recharge capacity of the mined area to 10267
approximate premining conditions; 10268

(e) Avoiding channel deepening or enlargement in operations 10269
requiring the discharge of water from mines; 10270

(f) Such other actions as the chief may prescribe. 10271

(11) With respect to surface disposal of mine wastes, 10272
tailings, coal processing wastes, and other wastes in areas other 10273
than the mine working areas or excavations, stabilize all waste 10274
piles in designated areas through construction in compacted 10275
layers, including the use of noncombustible and impervious 10276
materials if necessary, and ensure that the final contour of the 10277
waste pile will be compatible with natural surroundings and that 10278
the site can and will be stabilized and revegetated according to 10279
this chapter; 10280

(12) Refrain from coal mining within five hundred feet of 10281
active and abandoned underground mines in order to prevent 10282
breakthroughs and to protect the health or safety of miners. The 10283
chief shall permit an operator to mine near, through, or partially 10284
through an abandoned underground mine or closer than five hundred 10285
feet to an active underground mine if both of the following 10286
conditions are met: 10287

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief;	10288 10289 10290
(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.	10291 10292 10293
(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;	10294 10295 10296 10297 10298 10299 10300
(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;	10301 10302 10303 10304 10305
(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:	10306 10307 10308 10309 10310 10311 10312 10313 10314 10315
(a) The chief finds in writing that:	10316
(i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground	10317 10318

mining operations. 10319

(ii) The proposed underground mining operations are necessary 10320
or desirable to ensure maximum practical recovery of the mineral 10321
resource and will avoid multiple disturbance of the surface. 10322

(iii) The applicant has satisfactorily demonstrated that the 10323
plan for the underground mining operations conforms to 10324
requirements for underground mining in this state and that permits 10325
necessary for the underground mining operations have been issued 10326
by the appropriate authority. 10327

(iv) The areas proposed for the variance have been shown by 10328
the applicant to be necessary for the implementing of the proposed 10329
underground mining operations. 10330

(v) No substantial adverse environmental damage, either 10331
on-site or off-site, will result from the delay in completion of 10332
reclamation as required by this chapter. 10333

(vi) Provisions for the off-site storage of spoil will comply 10334
with division (A)(21) of this section. 10335

(b) The chief has adopted specific rules to govern the 10336
granting of such variances in accordance with this division and 10337
has imposed such additional requirements as the chief considers 10338
necessary. 10339

(c) Variances granted under this division shall be reviewed 10340
by the chief not more than three years from the date of issuance 10341
of the permit. 10342

(d) Liability under the bond filed by the applicant with the 10343
chief pursuant to section 1513.08 of the Revised Code shall be for 10344
the duration of the underground mining operations and until the 10345
requirements of this section and section 1513.08 of the Revised 10346
Code have been fully complied with. 10347

(16) Ensure that the construction, maintenance, and 10348

postmining conditions of access roads into and across the site of 10349
operations will control or prevent erosion and siltation, 10350
pollution of water, and damage to fish or wildlife or their 10351
habitat, or to public or private property; 10352

(17) Refrain from the construction of roads or other access 10353
ways up a stream bed or drainage channel or in such proximity to 10354
the channel as to seriously alter the normal flow of water; 10355

(18) Establish, on the regraded areas and all other lands 10356
affected, a diverse, effective, and permanent vegetative cover of 10357
the same seasonal variety native to the area of land to be 10358
affected and capable of self-regeneration and plant succession at 10359
least equal in extent of cover to the natural vegetation of the 10360
area, except that introduced species may be used in the 10361
revegetation process where desirable and necessary to achieve the 10362
approved postmining land use plan; 10363

(19)(a) Assume the responsibility for successful 10364
revegetation, as required by division (A)(18) of this section, for 10365
a period of five full years after the last year of augmented 10366
seeding, fertilizing, irrigation, or other work in order to ensure 10367
compliance with that division, except that when the chief approves 10368
a long-term intensive agricultural postmining land use, the 10369
applicable five-year period of responsibility for revegetation 10370
shall commence at the date of initial planting for that long-term 10371
intensive agricultural postmining land use, and except that when 10372
the chief issues a written finding approving a long-term intensive 10373
agricultural postmining land use as part of the mining and 10374
reclamation plan, the chief may grant an exception to division 10375
(A)(18) of this section; 10376

(b) On lands eligible for remining, assume the responsibility 10377
for successful revegetation, as required by division (A)(18) of 10378
this section, for a period of two full years after the last year 10379
of augmented seeding, fertilizing, irrigation, or other work in 10380

order to ensure compliance with that division. 10381

(20) Protect off-site areas from slides or damage occurring 10382
during the coal mining and reclamation operations and not deposit 10383
spoil material or locate any part of the operations or waste 10384
accumulations outside the permit area; 10385

(21) Place all excess spoil material resulting from coal 10386
mining and reclamation operations in such a manner that all of the 10387
following apply: 10388

(a) Spoil is transported and placed in a controlled manner in 10389
position for concurrent compaction and in such a way as to ensure 10390
mass stability and to prevent mass movement. 10391

(b) The areas of disposal are within the bonded permit areas. 10392
All organic matter shall be removed immediately prior to spoil 10393
placement except in the zoned concept method. 10394

(c) Appropriate surface and internal drainage systems and 10395
diversion ditches are used so as to prevent spoil erosion and mass 10396
movement. 10397

(d) The disposal area does not contain springs, natural 10398
watercourses, or wet weather seeps unless lateral drains are 10399
constructed from the wet areas to the main underdrains in such a 10400
manner that filtration of the water into the spoil pile will be 10401
prevented unless the zoned concept method is used. 10402

(e) If placed on a slope, the spoil is placed upon the most 10403
moderate slope among those slopes upon which, in the judgment of 10404
the chief, the spoil could be placed in compliance with all the 10405
requirements of this chapter and is placed, where possible, upon, 10406
or above, a natural terrace, bench, or berm if that placement 10407
provides additional stability and prevents mass movement. 10408

(f) Where the toe of the spoil rests on a downslope, a rock 10409
toe buttress of sufficient size to prevent mass movement is 10410

constructed.	10411
(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.	10412 10413
(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards.	10414 10415 10416
(i) All other provisions of this chapter are met.	10417
(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;	10418 10419 10420 10421
(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;	10422 10423 10424 10425
(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion.	10426 10427 10428 10429
(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.	10430 10431
(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as mountain top removal set forth in divisions (A)(3) or (C)(2) and (3) of this section may be granted for the mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill, except as provided in division (B)(4)(a) of this section, by removing all of the overburden and creating a level plateau or a	10432 10433 10434 10435 10436 10437 10438 10439 10440

gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accordance with this division.

(3) In cases where an industrial, commercial, agricultural, residential, or public facility use, including recreational facilities, is proposed for the postmining use of the affected land, the chief may grant a permit for a mining operation of the nature described in division (B)(2) of this section when all of the following apply:

(a) After consultation with the appropriate land use planning agencies, if any, the proposed postmining land use is considered to constitute an equal or better economic or public use of the affected land, as compared with premining use.

(b) The applicant presents specific plans for the proposed postmining land use and appropriate assurances that the use will be all of the following:

(i) Compatible with adjacent land uses;

(ii) Obtainable according to data regarding expected need and market;

(iii) Assured of investment in necessary public facilities;

(iv) Supported by commitments from public agencies where appropriate;

(v) Practicable with respect to private financial capability for completion of the proposed use;

(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;

(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs. 10471
10472

(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use. 10473
10474
10475
10476
10477
10478

(e) All other requirements of this chapter will be met. 10479

(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met: 10480
10481

(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion. 10482
10483
10484

(b) The reclaimed area is stable. 10485

(c) The resulting plateau or rolling contour drains inward from the outslopes except at specified points. 10486
10487

(d) No damage will be done to natural watercourses. 10488

(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section. 10489
10490
10491
10492
10493

(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 10494
10495

(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 10496
10497
10498
10499

(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:

(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section.

(2) The operator shall complete backfilling with spoil material to cover completely the highwall and return the site to the approximate original contour, which material will maintain stability following mining and reclamation.

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land

necessary to facilitate compliance. 10531

(D)(1) The chief may permit variances for the purposes set 10532
forth in division (D)(3) of this section, provided that the 10533
watershed control of the area is improved and that complete 10534
backfilling with spoil material shall be required to cover 10535
completely the highwall, which material will maintain stability 10536
following mining and reclamation. 10537

(2) Where an applicant meets the requirements of divisions 10538
(D)(3) and (4) of this section, a variance from the requirement to 10539
restore to approximate original contour set forth in division 10540
(C)(2) of this section may be granted for the mining of coal when 10541
the owner of the surface knowingly requests in writing, as a part 10542
of the permit application, that such a variance be granted so as 10543
to render the land, after reclamation, suitable for an industrial, 10544
commercial, residential, or public use, including recreational 10545
facilities, in accordance with divisions (D)(3) and (4) of this 10546
section. 10547

(3) A variance pursuant to division (D)(2) of this section 10548
may be granted if: 10549

(a) After consultation with the appropriate land use planning 10550
agencies, if any, the potential use of the affected land is 10551
considered to constitute an equal or better economic or public 10552
use. 10553

(b) The postmining land condition is designed and certified 10554
by a registered professional engineer in conformity with 10555
professional standards established to ensure the stability, 10556
drainage, and configuration necessary for the intended use of the 10557
site. 10558

(c) After approval of the appropriate state environmental 10559
agencies, the watershed of the affected land is considered to be 10560
improved. 10561

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in division (A)(13) of this section and division (A)(5) of section 1513.35 of the Revised Code. The standards and criteria shall conform to the standards and criteria used by the chief of the United States army corps of engineers to ensure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications, the standards and criteria developed pursuant to this division shall include provisions for review and approval of plans and specifications prior to construction, enlargement, modification, removal, or abandonment; performance of periodic inspections during construction; issuance of certificates of approval upon completion of construction; performance of periodic safety inspections; and

issuance of notices for required remedial or maintenance work. 10594

(F)(1) The permittee may file a request with the chief for 10595
release of a part of a performance bond or deposit under division 10596
(F)(3) of this section. Within thirty days after any request for 10597
bond or deposit release under this section has been filed with the 10598
chief, the operator shall submit a copy of an advertisement placed 10599
at least once a week for four successive weeks in a newspaper of 10600
general circulation in the locality of the coal mining operation. 10601
The advertisement shall be considered part of any bond release 10602
application and shall contain a notification of the precise 10603
location of the land affected, the number of acres, the permit 10604
number and the date approved, the amount of the bond filed and the 10605
portion sought to be released, the type and appropriate dates of 10606
reclamation work performed, and a description of the results 10607
achieved as they relate to the operator's approved reclamation 10608
plan and, if applicable, the operator's pollution abatement plan. 10609
In addition, as part of any bond release application, the 10610
applicant shall submit copies of the letters sent to adjoining 10611
property owners, local governmental bodies, planning agencies, and 10612
sewage and water treatment authorities or water companies in the 10613
locality in which the coal mining and reclamation activities took 10614
place, notifying them of the applicant's intention to seek release 10615
from the bond. 10616

(2) Upon receipt of a copy of the advertisement and request 10617
for release of a bond or deposit under division (F)(3)(c) of this 10618
section, the chief, within thirty days, shall conduct an 10619
inspection and evaluation of the reclamation work involved. The 10620
evaluation shall consider, among other things, the degree of 10621
difficulty to complete any remaining reclamation, whether 10622
pollution of surface and subsurface water is occurring, the 10623
probability of continuation or future occurrence of the pollution, 10624
and the estimated cost of abating the pollution. The chief shall 10625

notify the permittee in writing of the decision to release or not 10626
to release all or part of the performance bond or deposit within 10627
sixty days after the filing of the request if no public hearing is 10628
held pursuant to division (F)(6) of this section or, if there has 10629
been a public hearing held pursuant to division (F)(6) of this 10630
section, within thirty days thereafter. 10631

(3) The chief may release the bond or deposit if the 10632
reclamation covered by the bond or deposit or portion thereof has 10633
been accomplished as required by this chapter and rules adopted 10634
under it according to the following schedule: 10635

(a) When the operator completes the backfilling, regrading, 10636
and drainage control of a bonded area in accordance with the 10637
approved reclamation plan, and, if the area covered by the bond or 10638
deposit is one for which an authorization was made under division 10639
(E)(7) of section 1513.07 of the Revised Code, the operator has 10640
complied with the approved pollution abatement plan and all 10641
additional requirements established by the chief in rules adopted 10642
under section 1513.02 of the Revised Code governing coal mining 10643
and reclamation operations on pollution abatement areas, the chief 10644
shall grant a release of fifty per cent of the bond or deposit for 10645
the applicable permit area. 10646

(b) After resoiling and revegetation have been established on 10647
the regraded mined lands in accordance with the approved 10648
reclamation plan, the chief shall grant a release in an amount not 10649
exceeding thirty-five per cent of the original bond or deposit for 10650
all or part of the affected area under the permit. When 10651
determining the amount of bond to be released after successful 10652
revegetation has been established, the chief shall retain that 10653
amount of bond for the revegetated area that would be sufficient 10654
for a third party to cover the cost of reestablishing revegetation 10655
for the period specified for operator responsibility in this 10656
section for reestablishing revegetation. No part of the bond or 10657

deposit shall be released under this division so long as the lands 10658
to which the release would be applicable are contributing 10659
suspended solids to streamflow or runoff outside the permit area 10660
in excess of the requirements of this section or until soil 10661
productivity for prime farmlands has returned to equivalent levels 10662
of yield as nonmined land of the same soil type in the surrounding 10663
area under equivalent management practices as determined from the 10664
soil survey performed pursuant to section 1513.07 of the Revised 10665
Code. If the area covered by the bond or deposit is one for which 10666
an authorization was made under division (E)(7) of section 1513.07 10667
of the Revised Code, no part of the bond or deposit shall be 10668
released under this division until the operator has complied with 10669
the approved pollution abatement plan and all additional 10670
requirements established by the chief in rules adopted under 10671
section 1513.02 of the Revised Code governing coal mining and 10672
reclamation operations on pollution abatement areas. Where a silt 10673
dam is to be retained as a permanent impoundment pursuant to 10674
division (A)(10) of this section, the portion of bond may be 10675
released under this division so long as provisions for sound 10676
future maintenance by the operator or the landowner have been made 10677
with the chief. 10678

(c) When the operator has completed successfully all coal 10679
mining and reclamation activities, including, if applicable, all 10680
additional requirements established in the pollution abatement 10681
plan approved under division (E)(7) of section 1513.07 of the 10682
Revised Code and all additional requirements established by the 10683
chief in rules adopted under section 1513.02 of the Revised Code 10684
governing coal mining and reclamation operations on pollution 10685
abatement areas, the chief shall release all or any of the 10686
remaining portion of the bond or deposit for all or part of the 10687
affected area under a permit, but not before the expiration of the 10688
period specified for operator responsibility in this section, 10689
except that the chief may adopt rules for a variance to the 10690

operator period of responsibility considering vegetation success 10691
and probability of continued growth and consent of the landowner, 10692
provided that no bond shall be fully released until all 10693
reclamation requirements of this chapter are fully met. 10694

(4) If the chief disapproves the application for release of 10695
the bond or deposit or portion thereof, the chief shall notify the 10696
permittee, in writing, stating the reasons for disapproval and 10697
recommending corrective actions necessary to secure the release, 10698
and allowing the opportunity for a public adjudicatory hearing. 10699

(5) When any application for total or partial bond release is 10700
filed with the chief under this section, the chief shall notify 10701
the municipal corporation in which the coal mining operation is 10702
located by certified mail at least thirty days prior to the 10703
release of all or a portion of the bond. 10704

(6) A person with a valid legal interest that might be 10705
adversely affected by release of a bond under this section or the 10706
responsible officer or head of any federal, state, or local 10707
government agency that has jurisdiction by law or special 10708
expertise with respect to any environmental, social, or economic 10709
impact involved in the operation or is authorized to develop and 10710
enforce environmental standards with respect to such operations 10711
may file written objections to the proposed release from the bond 10712
with the chief within thirty days after the last publication of 10713
the notice required by division (F)(1) of this section. If written 10714
objections are filed and an informal conference is requested, the 10715
chief shall inform all interested parties of the time and place of 10716
the conference. The date, time, and location of the informal 10717
conference shall be advertised by the chief in a newspaper of 10718
general circulation in the locality of the coal mining operation 10719
proposed for bond release for at least once a week for two 10720
consecutive weeks. The informal conference shall be held in the 10721
locality of the coal mining operation proposed for bond release or 10722

in Franklin county, at the option of the objector, within thirty 10723
days after the request for the conference. An electronic or 10724
stenographic record shall be made of the conference proceeding 10725
unless waived by all parties. The record shall be maintained and 10726
shall be accessible to the parties until final release of the 10727
performance bond at issue. In the event all parties requesting the 10728
informal conference stipulate agreement prior to the requested 10729
informal conference and withdraw their request, the informal 10730
conference need not be held. 10731

(7) If an informal conference has been held pursuant to 10732
division (F)(6) of this section, the chief shall issue and furnish 10733
the applicant and persons who participated in the conference with 10734
the written decision regarding the release within sixty days after 10735
the conference. Within thirty days after notification of the final 10736
decision of the chief regarding the bond release, the applicant or 10737
any person with an interest that is or may be adversely affected 10738
by the decision may appeal the decision to the ~~reclamation~~ 10739
environmental review appeals commission pursuant to section 10740
1513.13 of the Revised Code. 10741

(G) The chief shall adopt rules governing the criteria for 10742
forfeiture of bond, the method of determining the forfeited 10743
amount, and the procedures to be followed in the event of 10744
forfeiture. Cash received as the result of such forfeiture is the 10745
property of the state. 10746

Sec. 1514.021. (A) A permit holder who wishes to continue 10747
surface or in-stream mining operations after the expiration date 10748
of the existing permit or renewal permit shall file with the chief 10749
of the division of mineral resources management an application for 10750
renewal of a surface or in-stream mining permit or renewal permit 10751
at least ninety days before the expiration date of the existing 10752
permit or renewal permit. The application shall be upon the form 10753

that the chief prescribes and provides and shall be accompanied by 10754
a permit renewal fee. The amount of the fee for renewal of a 10755
surface mining permit or renewal permit shall be one thousand 10756
dollars, and the amount of the fee for renewal of an in-stream 10757
mining permit or renewal permit shall be five hundred dollars. 10758

(B) Upon receipt of an application for renewal and the permit 10759
renewal fee under division (A) of this section, the chief shall 10760
notify the applicant to submit a map that is a composite of the 10761
information required to be contained in the most recent annual 10762
report map under section 1514.03 of the Revised Code and of all 10763
surface or in-stream mining and reclamation activities conducted 10764
under the existing permit or renewal permit; the annual report 10765
required under section 1514.03 of the Revised Code; in the case of 10766
an applicant proposing a significant change to the plan of mining 10767
and reclamation, as "significant" is defined by rule, a copy of 10768
the advertisement that the applicant is required to have published 10769
in accordance with section 1514.022 of the Revised Code; and 10770
additional maps, plans, and revised or updated information that 10771
the chief determines to be necessary for permit renewal. Within 10772
sixty days after receipt of this notification, the applicant shall 10773
submit all the required information to the chief. 10774

(C)(1) Upon receipt of the information required under 10775
division (B) of this section and except as otherwise provided in 10776
division (C)(2) of this section, the chief shall approve the 10777
application for renewal and issue an order granting a renewal 10778
permit unless the chief finds that any of the following applies: 10779

(a) The permit holder's operation is not in substantial or 10780
material compliance with this chapter, rules adopted and orders 10781
issued under it, and the plan of mining and reclamation under the 10782
existing permit or renewal permit. 10783

(b) The permit holder has not provided evidence that a 10784
performance bond filed under section 1514.04 of the Revised Code 10785

applicable to lands affected under the existing permit or renewal 10786
permit will remain effective until released under section 1514.05 10787
of the Revised Code. 10788

(c) The permit holder, any partner if the applicant is a 10789
partnership, any officer or director if the applicant is a 10790
corporation, or any other person who has a right to control or in 10791
fact controls the management of the applicant or the selection of 10792
officers, directors, or managers of the applicant has failed 10793
substantially or materially to comply or continues to fail to 10794
comply with this chapter as provided in section 1514.02 of the 10795
Revised Code. 10796

(2) If the application for renewal proposes significant 10797
changes to the plan of mining and reclamation, as "significant" is 10798
defined by rule, the chief may, but is not required to, approve 10799
the application for renewal. 10800

(D) Within sixty days after receiving the information and 10801
permit renewal fees required under divisions (A) and (B) of this 10802
section, the chief shall approve the application for renewal and 10803
issue an order granting a renewal permit, issue an order denying 10804
the application, or notify the applicant that the time limit for 10805
issuing such an order has been extended. This extension of time 10806
shall not exceed sixty days. 10807

(E) If an applicant for a renewal permit has complied with 10808
division (A) of this section, the applicant may continue surface 10809
or in-stream mining operations under the existing permit or 10810
renewal permit after its expiration date until the sixty-day 10811
period for filing the information required by the chief under 10812
division (B) of this section has expired or until the chief issues 10813
an order under division (D) of this section denying the renewal 10814
permit. 10815

(F) A permit holder who fails to submit an application and 10816

required permit renewal fees within the time prescribed by 10817
division (A) of this section shall cease surface or in-stream 10818
mining operations on the expiration date of the existing permit or 10819
renewal permit. If such a permit holder then submits an 10820
application for renewal and the permit renewal fees otherwise 10821
required by division (A) of this section on or before the 10822
thirtieth day after the expiration date of the expired permit or 10823
renewal permit and provides the information required by the chief 10824
under division (B) of this section within sixty days after being 10825
notified of the information required under that division, the 10826
permit holder need not submit the final map and report required by 10827
section 1514.03 of the Revised Code until the later of thirty days 10828
after the chief issues an order denying the application for 10829
renewal or thirty days after the chief's order is affirmed upon 10830
appeal under section 1513.13 or 1513.14 of the Revised Code. An 10831
applicant under this division who fails to provide the information 10832
required by the chief under division (B) of this section within 10833
the prescribed time period shall submit the final map and report 10834
required by section 1514.03 of the Revised Code within thirty days 10835
after the expiration of that prescribed period. 10836

(G) If the chief issues an order denying an application for 10837
renewal of a permit or renewal permit after the expiration date of 10838
the permit, the permit holder shall cease surface or in-stream 10839
mining operations immediately and, within thirty days after the 10840
issuance of the order, shall submit the final report and map 10841
required under section 1514.03 of the Revised Code. The chief 10842
shall state the reasons for denial in the order denying renewal of 10843
the application. An applicant may appeal the chief's order denying 10844
the renewal under section 1513.13 of the Revised Code and may 10845
continue surface or in-stream mining and reclamation operations 10846
under the expired permit until the ~~reclamation~~ environmental 10847
review appeals commission affirms the chief's order under that 10848
section and, if the applicant elects to appeal the order of the 10849

commission under section 1513.14 of the Revised Code, until the 10850
court of appeals affirms the order. 10851

(H) The approval of an application for renewal under this 10852
section authorizes the continuation of an existing surface mining 10853
permit or renewal permit for a term of fifteen years from the 10854
expiration date of the existing permit. 10855

The approval of an application for renewal under this section 10856
authorizes the continuation of an existing in-stream mining permit 10857
or renewal permit for a term of two years from the expiration date 10858
of the existing permit. 10859

(I) Any renewal permit is subject to all the requirements of 10860
this chapter and rules adopted under it. 10861

Sec. 1514.071. (A) In addition to any other penalties 10862
established under this chapter, the chief of the division of 10863
mineral resources management may assess a civil penalty against 10864
any person who fails to comply with an order issued by the chief 10865
under section 1514.07 of the Revised Code by the date specified in 10866
the order or as subsequently extended by the chief. 10867

(B) Civil penalties assessed under this section shall not 10868
exceed one thousand dollars for each occurrence of noncompliance 10869
with an order. Each day of continuing noncompliance, up to a 10870
maximum of thirty days, may be deemed a separate occurrence for 10871
purposes of penalty assessments. In determining the amount of the 10872
assessment, the chief shall consider the seriousness of the 10873
noncompliance, the effect of the noncompliance, and the operator's 10874
history of noncompliance. 10875

(C) Upon issuance of a notice of noncompliance with an order, 10876
the chief shall inform the person to whom the notice of 10877
noncompliance is issued of the amount of any civil penalty to be 10878
assessed and provide an opportunity for an adjudicatory hearing 10879

with the ~~reclamation~~ environmental review appeals commission 10880
pursuant to section ~~1514.09~~ 1513.13 of the Revised Code. The 10881
person charged with the penalty shall have thirty days from 10882
receipt of the assessment to pay the penalty in full or, if the 10883
person wishes to contest the amount of the penalty, file a 10884
petition for review of the assessment with the commission pursuant 10885
to section ~~1514.09~~ 1513.13 of the Revised Code and forward the 10886
amount of the penalty to the secretary of the commission as 10887
required by this division. Failure to forward the money to the 10888
secretary within thirty days after the chief informs the person of 10889
the amount of the penalty shall result in a waiver of all legal 10890
rights to contest the amount of the penalty. 10891

If, after a hearing, the commission affirms or modifies the 10892
amount of the penalty, the person charged with the penalty shall 10893
have thirty days after receipt of the written decision to file an 10894
appeal from the commission's order in accordance with section 10895
~~1514.09~~ 1513.14 of the Revised Code. 10896

At the time that the petition for review of the assessment is 10897
filed with the secretary, the person shall forward the amount of 10898
the penalty to the secretary for placement in the reclamation 10899
penalty fund created in division (F)(3) of section 1513.02 of the 10900
Revised Code. Pursuant to administrative or judicial review of the 10901
penalty, the secretary shall do either of the following: 10902

(1) If it is determined that the amount of the penalty should 10903
be reduced, within thirty days, remit the appropriate amount of 10904
the penalty to the person, with interest, and forward any balance 10905
of the penalty, with interest, to the chief for deposit in the 10906
surface mining fund created in section 1514.06 of the Revised Code 10907
for reclamation of abandoned surface or in-stream mining 10908
operations in the state; 10909

(2) If the penalty was not reduced, forward the entire 10910
penalty, with interest, to the chief for deposit in the surface 10911

mining fund for reclamation of abandoned surface or in-stream 10912
mining operations in the state. 10913

(D) Civil penalties owed under this section may be recovered 10914
in a civil action brought by the attorney general upon the request 10915
of the chief. 10916

Sec. 1514.09. ~~The reclamation~~ In accordance with procedures 10917
established under this chapter and Chapter 1513. of the Revised 10918
Code, the environmental review appeals commission established 10919
~~pursuant to in~~ section 1513.05 3745.02 of the Revised Code shall 10920
~~serve as the reclamation commission pursuant to this chapter.~~ 10921
~~However, whenever the commission is considering any appeal~~ 10922
~~pertaining to surface or in stream mining, as distinguished from~~ 10923
~~coal strip mining, the member representing the coal strip mine~~ 10924
~~operators shall be replaced by a person who, by reason of the~~ 10925
~~person's previous vocation, employment, or affiliations, can be~~ 10926
~~classed as a representative of surface or in stream mine~~ 10927
~~operators, as applicable. The appointment of that person shall be~~ 10928
~~made in accordance with section 1513.05 of the Revised Code, and~~ 10929
~~the person's term shall be concurrent with that of the~~ 10930
~~representative of the coal strip mine operators~~ consider appeals 10931
of actions of the chief of the division of mineral resources 10932
management under this chapter. 10933

No party to an appeal brought under this section shall be 10934
eligible for an award of attorney's fees, costs, or expenses from 10935
the commission or any court. 10936

~~Notwithstanding section 1513.14 of the Revised Code, appeals~~ 10937
~~from an order of the commission pertaining to surface or in stream~~ 10938
~~mining may be taken to the court of common pleas of the county in~~ 10939
~~which the operation is located, or to the court of common pleas of~~ 10940
~~Franklin county.~~ 10941

Sec. 1514.10. No person shall: 10942

(A)(1) Engage in surface mining without a permit; 10943

(2) Engage in in-stream mining or conduct an in-stream mining 10944
operation without an in-stream mining permit issued by the chief 10945
of the division of mineral resources management. A person who, on 10946
~~the effective date of this amendment~~ March 15, 2002, holds a valid 10947
permit to conduct in-stream mining that is issued under section 10 10948
of the "Rivers and Harbors Appropriation Act of 1899," 30 Stat. 10949
1151, 33 U.S.C. 403, as amended, shall not be required to obtain 10950
an in-stream mining permit from the chief under this chapter until 10951
the existing permit expires. 10952

(B) Exceed the limits of a surface or in-stream mining permit 10953
or amendment to a permit by mining land contiguous to an area of 10954
land affected under a permit or amendment, which contiguous land 10955
is not under a permit or amendment; 10956

(C) Purposely misrepresent or omit any material fact in an 10957
application for a surface or in-stream mining permit or amendment, 10958
an annual or final report, or any hearing or investigation 10959
conducted by the chief or the ~~reclamation~~ environmental review 10960
appeals commission; 10961

(D) Fail to perform any measure set forth in the approved 10962
plan of mining and reclamation that is necessary to prevent damage 10963
to adjoining property or to achieve a performance standard 10964
required in division (A)(10) of section 1514.02 of the Revised 10965
Code, or violate any other requirement of this chapter, a rule 10966
adopted thereunder, or an order of the chief; 10967

(E) Conduct surface excavations of minerals within any of the 10968
following: 10969

(1) One hundred twenty feet horizontal distance outward from 10970
the highwater mark on each bank of an area designated as a wild, 10971

scenic, or recreational river area under sections 1517.14 to 10972
1517.18 of the Revised Code or of a portion of a river designated 10973
as a component of the national wild and scenic river system under 10974
the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 10975
1274, as amended; 10976

(2) Seventy-five feet horizontal distance outward from the 10977
highwater mark on each bank of a watercourse that drains a surface 10978
area of more than one hundred square miles; 10979

(3) Fifty feet horizontal distance outward from the highwater 10980
mark on each bank of a watercourse that drains a surface area of 10981
more than twenty-five square miles, but fewer than one hundred 10982
square miles unless a variance is obtained under rules adopted by 10983
the chief. 10984

(F) Conduct any surface mining activity within any of the 10985
following: 10986

(1) Seventy-five feet horizontal distance outward from the 10987
highwater mark on each bank of an area designated as a wild, 10988
scenic, or recreational river area under sections 1517.14 to 10989
1517.18 of the Revised Code or of a portion of a river designated 10990
as a component of the national wild and scenic river system under 10991
the "Wild and Scenic Rivers Act," 82 Stat. 906 (1968), 16 U.S.C. 10992
1274, as amended; 10993

(2) Seventy-five feet horizontal distance outward from the 10994
highwater mark on each bank of a watercourse that drains a surface 10995
area of more than one hundred square miles; 10996

(3) Fifty feet horizontal distance outward from the highwater 10997
mark on each bank of a watercourse that drains a surface area of 10998
more than twenty-five square miles, but fewer than one hundred 10999
square miles unless a variance is obtained under rules adopted by 11000
the chief. 11001

A person who has been issued a surface mining permit prior to 11002

~~the effective date of this amendment~~ March 15, 2002, may continue 11003
to operate under that permit and shall not be subject to the 11004
prohibitions established in divisions (E) and (F) of this section 11005
until the permit is renewed. 11006

The number of square miles of surface area that a watercourse 11007
drains shall be determined by consulting the "gazetteer of Ohio 11008
streams," which is a portion of the Ohio water plan inventory 11009
published in 1960 by the division of water in the department of 11010
natural resources, or its successor, if any. 11011

(G) Engage in any part of a process that is followed in the 11012
production of minerals from the bottom of the channel of a 11013
watercourse in any of the following circumstances or areas: 11014

(1) In an area designated as a wild, scenic, or recreational 11015
river area under sections 1517.14 to 1517.18 of the Revised Code, 11016
in a portion of a river designated as a component of the national 11017
wild and scenic river system under the "Wild and Scenic Rivers 11018
Act," 82 Stat. 906 (1968), 16 U.S.C. 1274, as amended, or within 11019
one-half mile upstream of any portion of such an area or 11020
component; 11021

(2) During periods other than periods of low flow, as 11022
determined by rules adopted under section 1514.08 of the Revised 11023
Code; 11024

(3) During critical fish or mussel spawning seasons as 11025
determined by the chief of the division of wildlife under Chapter 11026
1531. of the Revised Code and rules adopted under it; 11027

(4) In an area known to possess critical spawning habitat for 11028
a species of fish or mussel that is on the federal endangered 11029
species list established in accordance with the "Endangered 11030
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531-1543, as 11031
amended, or the state endangered species list established in rules 11032
adopted under section 1531.25 of the Revised Code. 11033

Division (G) of this section does not apply to the activities 11034
described in divisions (M)(1) and (2) of section 1514.01 of the 11035
Revised Code. 11036

Sec. 1519.05. (A) As used in this section, "local political 11037
subdivision" and "nonprofit organization" have the same meanings 11038
as in section 164.20 of the Revised Code. 11039

(B) There is hereby created in the state treasury the clean 11040
Ohio trail fund. Twelve and one-half per cent of the net proceeds 11041
of obligations issued and sold pursuant to sections 151.01 and 11042
151.09 of the Revised Code shall be deposited into the fund. 11043

Investment earnings of the fund shall be credited to the 11044
fund. ~~For two years after the effective date of this section,~~ 11045
~~investment earnings credited to the fund~~ and may be used to pay 11046
costs incurred by the director of natural resources in 11047
administering this section. 11048

Money in the clean Ohio trail fund shall not be used for the 11049
appropriation of land, rights, rights-of-way, franchises, 11050
easements, or other property through the exercise of the right of 11051
eminent domain. 11052

The director shall use moneys in the fund exclusively to 11053
provide matching grants to nonprofit organizations and to local 11054
political subdivisions for the purposes of purchasing land or 11055
interests in land for recreational trails and for the construction 11056
of such trails. A matching grant may provide up to seventy-five 11057
per cent of the cost of a recreational trail project, and the 11058
recipient of the matching grant shall provide not less than 11059
twenty-five per cent of that cost. 11060

(C) The director shall establish policies for the purposes of 11061
this section. The policies shall establish all of the following: 11062

(1) Procedures for providing matching grants to nonprofit 11063

organizations and local political subdivisions for the purposes of 11064
purchasing land or interests in land for recreational trails and 11065
for the construction of such trails, including, without 11066
limitation, procedures for both of the following: 11067

(a) Developing a grant application form and soliciting, 11068
accepting, and approving grant applications; 11069

(b) Participation by nonprofit organizations and local 11070
political subdivisions in the application process. 11071

(2) A requirement that an application for a matching grant 11072
for a recreational trail project include a copy of a resolution 11073
supporting the project from each county in which the proposed 11074
project is to be conducted and whichever of the following is 11075
applicable: 11076

(a) If the proposed project is to be conducted wholly within 11077
the geographical boundaries of one township, a copy of a 11078
resolution supporting the project from the township; 11079

(b) If the proposed project is to be conducted wholly within 11080
the geographical boundaries of one municipal corporation, a copy 11081
of a resolution supporting the project from the municipal 11082
corporation; 11083

(c) If the proposed project is to be conducted in more than 11084
one, but fewer than five townships or municipal corporations, a 11085
copy of a resolution supporting the project from at least one-half 11086
of the total number of townships and municipal corporations in 11087
which the proposed project is to be conducted; 11088

(d) If the proposed project is to be conducted in five or 11089
more municipal corporations, a copy of a resolution supporting the 11090
project from at least three-fifths of the total number of 11091
townships and municipal corporations in which the proposed project 11092
is to be conducted. 11093

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:	11094 11095 11096
(a) Synchronization with the statewide trail plan;	11097
(b) Complete regional systems and links to the statewide trail system;	11098 11099
(c) A combination of funds from various state agencies;	11100
(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;	11101 11102
(e) The linkage of population centers with public outdoor recreation areas and facilities;	11103 11104
(f) The purchase of rail lines that are linked to the statewide trail plan;	11105 11106
(g) The preservation of natural corridors.	11107
(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient.	11108 11109 11110 11111 11112
Sec. 1521.06. (A) No dam may be constructed for the purpose of storing, conserving, or retarding water, or for any other purpose, nor shall any dike or levee be constructed for the purpose of diverting or retaining flood water, unless the person or governmental agency desiring the construction has a construction permit for the dam, dike, or levee issued by the chief of the division of water.	11113 11114 11115 11116 11117 11118 11119
A construction permit is not required under this section for:	11120
(1) A dam which <u>that</u> is or will be less than ten feet in height and which <u>that</u> has or will have a storage capacity of not	11121 11122

more than fifty acre-feet at the elevation of the top of the dam, 11123
as determined by the chief. For the purposes of this section, the 11124
height of a dam shall be measured from the natural stream bed or 11125
lowest ground elevation at the downstream or outside limit of the 11126
dam to the elevation of the top of the dam. 11127

(2) A dam, regardless of height, ~~which~~ that has or will have 11128
a storage capacity of not more than fifteen acre-feet at the 11129
elevation of the top of the dam, as determined by the chief; 11130

(3) A dam, regardless of storage capacity, ~~which~~ that is or 11131
will be six feet or less in height, as determined by the chief; 11132

(4) A dam, dike, or levee ~~which~~ that belongs to a class 11133
exempted by the chief; 11134

(5) The repair, maintenance, improvement, alteration, or 11135
removal of a dam, dike, or levee ~~which~~ that is subject to section 11136
1521.062 of the Revised Code, unless the construction constitutes 11137
an enlargement of the structure as determined by the chief; 11138

(6) A dam or impoundment constructed under Chapter 1513. of 11139
the Revised Code. 11140

(B) Before a construction permit may be issued, three copies 11141
of the plans and specifications, including a detailed cost 11142
estimate, for the proposed construction, prepared by a registered 11143
professional engineer, together with the filing fee specified by 11144
this section and the bond or other security required by section 11145
1521.061 of the Revised Code, shall be filed with the chief. The 11146
detailed estimate of the cost shall include all costs associated 11147
with the construction of the dam, dike, or levee, including 11148
supervision and inspection of the construction by a registered 11149
professional engineer. ~~Except for a political subdivision, the~~ The 11150
filing fee shall be based on the detailed cost estimate for the 11151
proposed construction as filed with and approved by the chief, and 11152
shall be determined by the following schedule unless otherwise 11153

provided by rules adopted under this section: 11154

(1) For the first one hundred thousand dollars of estimated 11155
cost, a fee of ~~two~~ four per cent; 11156

(2) For the next four hundred thousand dollars of estimated 11157
cost, a fee of ~~one and one-half~~ three per cent; 11158

(3) For the next five hundred thousand dollars of estimated 11159
cost, a fee of ~~one~~ two per cent; 11160

(4) For all costs in excess of one million dollars, a fee of 11161
~~one-quarter~~ one-half of one per cent. 11162

In no case shall the filing fee be less than ~~two hundred~~ one 11163
thousand dollars or more than ~~fifty~~ one hundred thousand dollars. 11164
If the actual cost exceeds the estimated cost by more than fifteen 11165
per cent, an additional filing fee shall be required equal to the 11166
fee determined by the preceding schedule less the original filing 11167
fee. ~~The filing fee for a political subdivision shall be two~~ 11168
~~hundred dollars.~~ All fees collected pursuant to this section, and 11169
all fines collected pursuant to section 1521.99 of the Revised 11170
Code, shall be deposited in the state treasury to the credit of 11171
the dam safety fund, which is hereby created. Expenditures from 11172
the fund shall be made by the chief for the purpose of 11173
administering this section and sections 1521.061 and 1521.062 of 11174
the Revised Code. 11175

(C) The chief shall, within thirty days from the date of the 11176
receipt of the application, fee, and bond or other security, issue 11177
or deny a construction permit for the construction or may issue a 11178
construction permit conditioned upon the making of such changes in 11179
the plans and specifications for the construction as ~~he~~ the chief 11180
considers advisable if ~~he~~ the chief determines that the 11181
construction of the proposed dam, dike, or levee, in accordance 11182
with the plans and specifications filed, would endanger life, 11183
health, or property. 11184

(D) The chief may deny a construction permit ~~if he finds~~ 11185
after finding that a dam, dike, or levee built in accordance with 11186
the plans and specifications would endanger life, health, or 11187
property, because of improper or inadequate design, or for such 11188
other reasons as the chief may determine. 11189

In the event the chief denies a permit for the construction 11190
of the dam, dike, or levee, or issues a permit conditioned upon a 11191
making of changes in the plans or specifications for the 11192
construction, ~~he~~ the chief shall state ~~his~~ the reasons therefor 11193
and so notify, in writing, the person or governmental agency 11194
making the application for a permit. If the permit is denied, the 11195
chief shall return the bond or other security to the person or 11196
governmental agency making application for the permit. 11197

The decision of the chief conditioning or denying a 11198
construction permit is subject to appeal as provided in Chapter 11199
119. of the Revised Code. A dam, dike, or levee built 11200
substantially at variance from the plans and specifications upon 11201
which a construction permit was issued is in violation of this 11202
section. The chief may at any time inspect any dam, dike, or 11203
levee, or site upon which any dam, dike, or levee is to be 11204
constructed, in order to determine whether it complies with this 11205
section. 11206

(E) A registered professional engineer shall inspect the 11207
construction for which the permit was issued during all phases of 11208
construction and shall furnish to the chief such regular reports 11209
of ~~his~~ the engineer's inspections as the chief may require. When 11210
the chief finds that construction has been fully completed in 11211
accordance with the terms of the permit and the plans and 11212
specifications approved by ~~him~~ the chief, ~~he~~ the chief shall 11213
approve the construction. When one year has elapsed after approval 11214
of the completed construction, and the chief finds that within 11215
this period no fact has become apparent to indicate that the 11216

construction was not performed in accordance with the terms of the 11217
permit and the plans and specifications approved by the chief, or 11218
that the construction as performed would endanger life, health, or 11219
property, ~~he~~ the chief shall release the bond or other security. 11220
No bond or other security shall be released until one year after 11221
final approval by the chief, unless the dam, dike, or levee has 11222
been modified so that it will not retain water and has been 11223
approved as nonhazardous after determination by the chief that the 11224
dam, dike, or levee as modified will not endanger life, health, or 11225
property. 11226

(F) When inspections required by this section are not being 11227
performed, the chief shall notify the person or governmental 11228
agency to which the permit has been issued that inspections are 11229
not being performed by the registered professional engineer and 11230
that the chief will inspect the remainder of the construction. 11231
Thereafter, the chief shall inspect the construction and the cost 11232
of inspection shall be charged against the owner. Failure of the 11233
registered professional engineer to submit required inspection 11234
reports shall be deemed notice that ~~his~~ the engineer's inspections 11235
are not being performed. 11236

(G) The chief may order construction to cease on any dam, 11237
dike, or levee ~~which~~ that is being built in violation of ~~the~~ 11238
~~provisions of~~ this section, and may prohibit the retention of 11239
water behind any dam, dike, or levee ~~which~~ that has been built in 11240
violation of ~~the provisions of~~ this section. The attorney general, 11241
upon written request of the chief, may bring an action for an 11242
injunction against any person who violates this section or to 11243
enforce an order or prohibition of the chief made pursuant to this 11244
section. 11245

(H) The chief may adopt rules in accordance with Chapter 119. 11246
of the Revised Code, for the design and construction of dams, 11247
dikes, and levees for which a construction permit is required by 11248

this section or for which periodic inspection is required by 11249
section 1521.062 of the Revised Code, for establishing a filing 11250
fee schedule in lieu of the schedule established under division 11251
(B) of this section, for deposit and forfeiture of bonds and other 11252
securities required by section 1521.061 of the Revised Code, for 11253
the periodic inspection, operation, repair, improvement, 11254
alteration, or removal of all dams, dikes, and levees, as 11255
specified in section 1521.062 of the Revised Code, and for 11256
establishing classes of dams, dikes, or levees ~~which~~ that are 11257
exempt from the requirements of sections 1521.06 and 1521.062 of 11258
the Revised Code as being of a size, purpose, or situation ~~which~~ 11259
that does not present a substantial hazard to life, health, or 11260
property. The chief may, by rule, limit the period during which a 11261
construction permit issued under this section is valid. If a 11262
construction permit expires before construction is completed, the 11263
person or agency shall apply for a new permit, and shall not 11264
continue construction until the new permit is issued. 11265

~~(I) As used in this section and section 1521.063 of the~~ 11266
~~Revised Code, "political subdivision" includes townships,~~ 11267
~~municipal corporations, counties, school districts, municipal~~ 11268
~~universities, park districts, sanitary districts, and conservancy~~ 11269
~~districts and subdivisions thereof.~~ 11270

Sec. 1521.063. (A) Except for a ~~political subdivision~~ the 11271
federal government, the owner of any dam subject to section 11272
1521.062 of the Revised Code shall pay an annual fee, based upon 11273
the height of the dam, to the division of water on or before June 11274
30, 1988, and on or before the thirtieth day of June of each 11275
succeeding year. The annual fee shall be as follows until 11276
otherwise provided by rules adopted under this section: 11277

(1) For any dam classified as a class I dam under rules 11278
adopted by the chief of the division of water under section 11279

1521.06 of the Revised Code, thirty dollars plus ~~three~~ ten dollars 11280
per foot of height of dam; 11281

(2) For any dam classified as a class II dam under those 11282
rules, thirty dollars plus one dollar per foot of height of dam; 11283

(3) For any dam classified as a class III dam under those 11284
rules, thirty dollars. 11285

For purposes of this section, the height of a dam is the 11286
vertical height, to the nearest foot, as determined by the 11287
division under section 1521.062 of the Revised Code. All fees 11288
collected under this section shall be deposited in the dam safety 11289
fund created in section 1521.06 of the Revised Code. Any owner who 11290
fails to pay any annual fee required by this section within sixty 11291
days after the due date shall be assessed a penalty of ten per 11292
cent of the annual fee plus interest at the rate of one-half per 11293
cent per month from the due date until the date of payment. 11294

(B) The chief shall, in accordance with Chapter 119. of the 11295
Revised Code, adopt, and may amend or rescind, rules for the 11296
collection of fees and the administration, implementation, and 11297
enforcement of this section and for the establishment of an annual 11298
fee schedule in lieu of the schedule established under division 11299
(A) of this section. 11300

(C)(1) No person, political subdivision, or state 11301
governmental agency shall violate or fail to comply with this 11302
section or any rule or order adopted or issued under it. 11303

(2) The attorney general, upon written request of the chief, 11304
may commence an action against any such violator. Any action under 11305
division (C)(2) of this section is a civil action. 11306

(D) As used in this section, "political subdivision" includes 11307
townships, municipal corporations, counties, school districts, 11308
municipal universities, park districts, sanitary districts, and 11309
conservancy districts and subdivisions thereof. 11310

Sec. 1531.26. There is hereby created in the state treasury 11311
the nongame and endangered wildlife fund, which shall consist of 11312
moneys paid into it by the tax commissioner under section 5747.113 11313
of the Revised Code, moneys deposited in the fund from the 11314
issuance of wildlife conservation license plates under section 11315
4503.57 of the Revised Code, moneys deposited in the fund from the 11316
issuance of bald eagle license plates under section 4503.572 of 11317
the Revised Code, moneys credited to the fund under section 11318
1533.151 of the Revised Code, and ~~of~~ contributions made directly 11319
to it. Any person may contribute directly to the fund in addition 11320
to or independently of the income tax refund contribution system 11321
established in section 5747.113 of the Revised Code. Moneys in the 11322
fund shall be disbursed pursuant to vouchers approved by the 11323
director of natural resources for use by the division of wildlife 11324
solely for the purchase, management, preservation, propagation, 11325
protection, and stocking of wild animals that are not commonly 11326
taken for sport or commercial purposes, including the acquisition 11327
of title and easements to lands, biological investigations, law 11328
enforcement, production of educational materials, sociological 11329
surveys, habitat development, and personnel and equipment costs; 11330
and for carrying out section 1531.25 of the Revised Code. Moneys 11331
in the fund also may be used to promote and develop nonconsumptive 11332
wildlife recreational opportunities involving wild animals. Moneys 11333
in the fund from the issuance of bald eagle license plates under 11334
section 4503.572 of the Revised Code shall be expended by the 11335
division only to pay the costs of acquiring, developing, and 11336
restoring habitat for bald eagles within this state. Moneys in the 11337
fund from any other source also may be used to pay the costs of 11338
acquiring, developing, and restoring habitat for bald eagles 11339
within this state. 11340

All investment earnings of the fund shall be credited to the 11341
fund. Subject to the approval of the director, the chief of the 11342

division of wildlife may enter into agreements that the chief 11343
considers appropriate to obtain additional moneys for the 11344
protection of nongame native wildlife under the "Endangered 11345
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1541-1543, as 11346
amended, and the "Fish and Wildlife Conservation Act of 1980," 94 11347
Stat. 1322, 16 U.S.C.A. 2901-2911, as amended. Moneys appropriated 11348
from the fund are not intended to replace other moneys 11349
appropriated for these purposes. 11350

Sec. 1533.08. Except as otherwise provided by division rule, 11351
any person desiring to collect wild animals that are protected by 11352
law or their nests or eggs for scientific study, school 11353
instruction, other educational uses, or rehabilitation shall make 11354
application to the chief of the division of wildlife for a wild 11355
animal collecting permit on a form furnished by the chief. Each 11356
applicant for a wild animal collecting permit, other than an 11357
applicant desiring to rehabilitate wild animals, shall pay an 11358
annual fee of ~~ten~~ twenty-five dollars for each permit. No fee 11359
shall be charged to an applicant desiring to rehabilitate wild 11360
animals. When it appears that the application is made in good 11361
faith, the chief shall issue to the applicant a permit to take, 11362
possess, and transport at any time and in any manner specimens of 11363
wild animals protected by law or their nests and eggs for 11364
scientific study, school instruction, other educational uses, or 11365
rehabilitation and under any additional rules recommended by the 11366
wildlife council. Upon the receipt of a permit, the holder may 11367
take, possess, and transport those wild animals in accordance with 11368
the permit. 11369

Each holder of a permit engaged in collecting such wild 11370
animals shall carry the permit at all times and shall exhibit it 11371
upon demand to any wildlife officer, constable, sheriff, deputy 11372
sheriff, or police officer, to the owner or person in lawful 11373
control of the land upon which the permit holder is collecting, or 11374

to any other person. Failure to so carry or exhibit the permit 11375
constitutes an offense under this section. 11376

Each permit holder shall keep a daily record of all specimens 11377
collected under the permit and the disposition of the specimens 11378
and shall exhibit the daily record to any official of the division 11379
upon demand. 11380

Each permit shall remain in effect for one year from the date 11381
of issuance unless it is revoked sooner by the chief. 11382

All moneys received as fees for the issuance of a wild animal 11383
collecting permit shall be transmitted to the director of natural 11384
resources to be paid into the state treasury to the credit of the 11385
fund created by section 1533.15 of the Revised Code. 11386

Sec. 1533.10. Except as provided in this section or division 11387
(A) of section 1533.12 of the Revised Code, no person shall hunt 11388
any wild bird or wild quadruped without a hunting license. Each 11389
day that any person hunts within the state without procuring such 11390
a license constitutes a separate offense. Every Except as 11391
otherwise provided in this section, every applicant for a hunting 11392
license who is a resident of the state and sixteen years of age or 11393
more shall procure a resident hunting license, the fee for which 11394
shall be ~~fourteen~~ eighteen dollars, unless the rules adopted under 11395
division (B) of section 1533.12 of the Revised Code provide for 11396
issuance of a resident hunting license to the applicant free of 11397
charge. Except as provided in rules adopted under division (B)(2) 11398
of that section, each applicant who is a resident of this state 11399
and who at the time of application is sixty-six years of age or 11400
older shall procure a special senior hunting license, the fee for 11401
which shall be one-half of the regular hunting license fee. Every 11402
applicant who is a resident of the state and under the age of 11403
sixteen years shall procure a special youth hunting license, the 11404
fee for which shall be one-half of the regular hunting license 11405

fee. The owner of lands in the state and the owner's children of 11406
any age and grandchildren under eighteen years of age may hunt on 11407
the lands without a hunting license. The tenant ~~or manager~~ and 11408
children of the tenant ~~or manager~~, residing on lands in the state, 11409
may hunt on them without a hunting license. Every applicant for a 11410
hunting license who is a nonresident of the state shall procure a 11411
nonresident hunting license, the fee for which shall be ~~ninety one~~ 11412
hundred twenty-four dollars, unless the applicant is a resident of 11413
a state that is a party to an agreement under section 1533.91 of 11414
the Revised Code, in which case the fee shall be ~~fourteen~~ eighteen 11415
dollars. 11416

The chief of the division of wildlife may issue a ~~tourist's~~ 11417
small game hunting license expiring three days from the effective 11418
date of the license to a nonresident of the state, the fee for 11419
which shall be ~~twenty-four~~ thirty-nine dollars. No person shall 11420
take or possess deer, wild turkeys, fur-bearing animals, ducks, 11421
geese, brant, or any nongame animal while possessing only a 11422
~~tourist's~~ small game hunting license. A ~~tourist's~~ small game 11423
hunting license does not authorize the taking or possessing of 11424
ducks, geese, or brant without having obtained, in addition to the 11425
~~tourist's~~ small game hunting license, a wetlands habitat stamp as 11426
provided in section 1533.112 of the Revised Code. A ~~tourist's~~ 11427
small game hunting license does not authorize the taking or 11428
possessing of deer, wild turkeys, or fur-bearing animals. A 11429
nonresident of the state who wishes to take or possess deer, wild 11430
turkeys, or fur-bearing animals in this state shall procure, 11431
respectively, a special deer or wild turkey permit as provided in 11432
section 1533.11 of the Revised Code or a fur taker permit as 11433
provided in section 1533.111 of the Revised Code in addition to a 11434
nonresident hunting license as provided in this section. 11435

No person shall procure or attempt to procure a hunting 11436
license by fraud, deceit, misrepresentation, or any false 11437

statement. 11438

This section does not authorize the taking and possessing of 11439
deer or wild turkeys without first having obtained, in addition to 11440
the hunting license required by this section, a special deer or 11441
wild turkey permit as provided in section 1533.11 of the Revised 11442
Code or the taking and possessing of ducks, geese, or brant 11443
without first having obtained, in addition to the hunting license 11444
required by this section, a wetlands habitat stamp as provided in 11445
section 1533.112 of the Revised Code. 11446

This section does not authorize the hunting or trapping of 11447
fur-bearing animals without first having obtained, in addition to 11448
a hunting license required by this section, a fur taker permit as 11449
provided in section 1533.111 of the Revised Code. 11450

No hunting license shall be issued unless it is accompanied 11451
by a written explanation of the law in section 1533.17 of the 11452
Revised Code and the penalty for its violation, including a 11453
description of terms of imprisonment and fines that may be 11454
imposed. 11455

No hunting license shall be issued unless the applicant 11456
presents to the agent authorized to issue the license a previously 11457
held hunting license or evidence of having held such a license in 11458
content and manner approved by the chief, a certificate of 11459
completion issued upon completion of a hunter education and 11460
conservation course approved by the chief, or evidence of 11461
equivalent training in content and manner approved by the chief. 11462

No person shall issue a hunting license to any person who 11463
fails to present the evidence required by this section. No person 11464
shall purchase or obtain a hunting license without presenting to 11465
the issuing agent the evidence required by this section. Issuance 11466
of a hunting license in violation of the requirements of this 11467
section is an offense by both the purchaser of the illegally 11468

obtained hunting license and the clerk or agent who issued the 11469
hunting license. Any hunting license issued in violation of this 11470
section is void. 11471

The chief, with approval of the wildlife council, shall adopt 11472
rules prescribing a hunter education and conservation course for 11473
first-time hunting license buyers and for volunteer instructors. 11474
The course shall consist of subjects including, but not limited 11475
to, hunter safety and health, use of hunting implements, hunting 11476
tradition and ethics, the hunter and conservation, the law in 11477
section 1533.17 of the Revised Code along with the penalty for its 11478
violation, including a description of terms of imprisonment and 11479
fines that may be imposed, and other law relating to hunting. 11480
Authorized personnel of the division or volunteer instructors 11481
approved by the chief shall conduct such courses with such 11482
frequency and at such locations throughout the state as to 11483
reasonably meet the needs of license applicants. The chief shall 11484
issue a certificate of completion to each person who successfully 11485
completes the course and passes an examination prescribed by the 11486
chief. 11487

Sec. 1533.101. Any person who has been issued a hunting or 11488
fishing license, a wetlands habitat stamp, a deer or wild turkey 11489
permit, or a fur taker permit for the current license, stamp, or 11490
permit year or for the license, stamp, or permit year next 11491
preceding the current such year pursuant to this chapter, and if 11492
the license, stamp, or permit has been lost, destroyed, or stolen, 11493
may be issued a reissued hunting or fishing license, wetlands 11494
habitat stamp, deer or wild turkey permit, or fur taker permit. 11495
The person shall file with the clerk of the court of common pleas 11496
an application in affidavit form or, if the chief of the division 11497
of wildlife authorizes it, apply for a reissued license, stamp, or 11498
permit to an authorized agent designated by the chief, and pay a 11499
fee for each license, stamp, or permit of ~~two~~ four dollars plus 11500

one dollar to the clerk or agent, who shall issue a reissued 11501
license, stamp, or permit that shall allow the applicant to hunt, 11502
fish, or trap, as the case may be. The clerk or agent shall 11503
administer the oath to the applicant and shall send a copy of the 11504
reissued license, stamp, or permit to the division of wildlife. 11505

All moneys received as fees for the issuance of reissued 11506
licenses, stamps, or permits shall be transmitted to the director 11507
of natural resources to be paid into the state treasury to the 11508
credit of the funds to which the fees for the original licenses, 11509
stamps, and permits were credited. 11510

No person shall knowingly or willfully secure, attempt to 11511
secure, or use a reissued hunting or fishing license, wetlands 11512
habitat stamp, deer or wild turkey permit, or fur taker permit to 11513
which the person is not entitled. No person shall knowingly or 11514
willfully issue a reissued hunting or fishing license, wetlands 11515
habitat stamp, deer or wild turkey permit, or fur taker permit 11516
under this section to any person who is not entitled to receive 11517
and use such a reissued license, stamp, or permit. 11518

Sec. 1533.11. (A) Except as provided in this section, no 11519
person shall hunt deer on lands of another without first obtaining 11520
an annual special deer permit. Except as provided in this section, 11521
no person shall hunt wild turkeys on lands of another without 11522
first obtaining an annual special wild turkey permit. Each 11523
applicant for a special deer or wild turkey permit shall pay an 11524
annual fee of ~~nineteen~~ twenty-three dollars for each permit, 11525
together with the one-dollar ~~as a~~ fee to the clerk or other 11526
issuing agent established in section 1533.13 of the Revised Code, 11527
for the permit unless the rules adopted under division (B) of 11528
section 1533.12 of the Revised Code provide for issuance of a deer 11529
or wild turkey permit to the applicant free of charge. Except as 11530
provided in division (A) of section 1533.12 of the Revised Code, a 11531

deer or wild turkey permit shall run concurrently with the hunting 11532
license. The money received, other than the ~~one-dollar~~ issuing 11533
agent's fee ~~provided for above~~, shall be paid into the state 11534
treasury to the credit of the wildlife fund, created in section 11535
1531.17 of the Revised Code, exclusively for the use of the 11536
division of wildlife in the acquisition and development of land 11537
for deer or wild turkey management, for investigating deer or wild 11538
turkey problems, and for the stocking, management, and protection 11539
of deer or wild turkey. Every person, while hunting deer or wild 11540
turkey on lands of another, shall carry the person's special deer 11541
or wild turkey permit and exhibit it to any enforcement officer so 11542
requesting. Failure to so carry and exhibit such a permit 11543
constitutes an offense under this section. The chief of the 11544
division of wildlife shall adopt any additional rules the chief 11545
considers necessary to carry out this section and section 1533.10 11546
of the Revised Code. 11547

The owner and the children of the owner of lands in this 11548
state may hunt deer or wild turkey thereon without a special deer 11549
or wild turkey permit. The tenant ~~or manager~~ and children of the 11550
tenant ~~or manager~~ may hunt deer or wild turkey on lands where they 11551
reside without a special deer or wild turkey permit. 11552

(B) A special deer or wild turkey permit is not transferable. 11553
No person shall carry a special deer or wild turkey permit issued 11554
in the name of another person. 11555

(C) The wildlife refunds fund is hereby created in the state 11556
treasury. The fund shall consist of money received from 11557
application fees for special deer permits that are not issued. 11558
Money in the fund shall be used to make refunds of such 11559
application fees. 11560

Sec. 1533.111. Except as provided in this section or division 11561
(A) of section 1533.12 of the Revised Code, no person shall hunt 11562

or trap fur-bearing animals on land of another without first 11563
obtaining an annual fur taker permit. Each applicant for a fur 11564
taker permit shall pay an annual fee of ~~ten~~ fourteen dollars, 11565
together with one dollar as a fee to the clerk or other issuing 11566
agent, for the permit, except as otherwise provided in this 11567
section or unless the rules adopted under division (B) of section 11568
1533.12 of the Revised Code provide for issuance of a fur taker 11569
permit to the applicant free of charge. Except as provided in 11570
rules adopted under division (B)(2) of that section, each 11571
applicant who is a resident of this state and who at the time of 11572
application is sixty-six years of age or older shall procure a 11573
special senior fur taker permit, the fee for which shall be 11574
one-half of the regular fur taker permit fee and which shall be 11575
paid together with the one-dollar fee to the clerk or other 11576
issuing agent established in section 1533.13 of the Revised Code. 11577
Each applicant who is a resident of the state and under the age of 11578
sixteen years shall procure a special youth fur taker permit, the 11579
fee for which shall be one-half of the regular fur taker permit 11580
fee and which shall be paid together with the one-dollar as a fee 11581
to the clerk or other issuing agent established in section 1533.13 11582
of the Revised Code. The fur taker permit shall run concurrently 11583
with the hunting license. The money received, other than the ~~one-~~ 11584
~~dollar~~ issuing agent's fee provided for in this section, shall be 11585
paid into the state treasury to the credit of the fund established 11586
in section 1533.15 of the Revised Code. 11587

No fur taker permit shall be issued unless it is accompanied 11588
by a written explanation of the law in section 1533.17 of the 11589
Revised Code and the penalty for its violation, including a 11590
description of terms of imprisonment and fines that may be 11591
imposed. 11592

No fur taker permit shall be issued unless the applicant 11593
presents to the agent authorized to issue a fur taker permit a 11594

previously held hunting license or trapping or fur taker permit or 11595
evidence of having held such a license or permit in content and 11596
manner approved by the chief of the division of wildlife, a 11597
certificate of completion issued upon completion of a trapper 11598
education course approved by the chief, or evidence of equivalent 11599
training in content and manner approved by the chief. 11600

No person shall issue a fur taker permit to any person who 11601
fails to present the evidence required by this section. No person 11602
shall purchase or obtain a fur taker permit without presenting to 11603
the issuing agent the evidence required by this section. Issuance 11604
of a fur taker permit in violation of the requirements of this 11605
section is an offense by both the purchaser of the illegally 11606
obtained permit and the clerk or agent who issued the permit. Any 11607
fur taker permit issued in violation of this section is void. 11608

The chief, with approval of the wildlife council, shall adopt 11609
rules prescribing a trapper education course for first-time fur 11610
taker permit buyers and for volunteer instructors. The course 11611
shall consist of subjects that include, but are not limited to, 11612
trapping techniques, animal habits and identification, trapping 11613
tradition and ethics, the trapper and conservation, the law in 11614
section 1533.17 of the Revised Code along with the penalty for its 11615
violation, including a description of terms of imprisonment and 11616
fines that may be imposed, and other law relating to trapping. 11617
Authorized personnel of the division of wildlife or volunteer 11618
instructors approved by the chief shall conduct the courses with 11619
such frequency and at such locations throughout the state as to 11620
reasonably meet the needs of permit applicants. The chief shall 11621
issue a certificate of completion to each person who successfully 11622
completes the course and passes an examination prescribed by the 11623
chief. 11624

Every person, while hunting or trapping fur-bearing animals 11625
on lands of another, shall carry the person's fur taker permit 11626

affixed to the person's hunting license with the person's 11627
signature written across the face of the permit. Failure to carry 11628
such a signed permit constitutes an offense under this section. 11629
The chief shall adopt any additional rules the chief considers 11630
necessary to carry out this section. 11631

The owner and the children of the owner of lands in this 11632
state may hunt or trap fur-bearing animals thereon without a fur 11633
taker permit. The tenant ~~or manager~~ and children of the tenant ~~or~~ 11634
~~manager~~ may hunt or trap fur-bearing animals on lands where they 11635
reside without a fur taker permit. 11636

A fur taker permit is not transferable. No person shall carry 11637
a fur taker permit issued in the name of another person. 11638

A fur taker permit entitles a nonresident to take from this 11639
state fur-bearing animals taken and possessed by the nonresident 11640
as provided by law or division rule. 11641

Sec. 1533.112. Except as provided in this section or unless 11642
otherwise provided by division rule, no person shall hunt ducks, 11643
geese, or brant on the lands of another without first obtaining an 11644
annual wetlands habitat stamp. The annual fee for the wetlands 11645
habitat stamp shall be ~~ten~~ fourteen dollars for each stamp, 11646
together with the one-dollar ~~as a~~ fee to the clerk or other 11647
issuing agent established in section 1533.13 of the Revised Code, 11648
unless the rules adopted under division (B) of section 1533.12 11649
provide for issuance of a wetlands habitat stamp to the applicant 11650
free of charge. 11651

Moneys received from the stamp fee, other than the ~~one-~~ 11652
~~dollar clerk's~~ issuing agent's fee, shall be paid into the state 11653
treasury to the credit of the wetlands habitat fund, which is 11654
hereby established. Moneys shall be paid from the fund on the 11655
order of the director of natural resources for the following 11656
purposes: 11657

(A) Sixty per cent for projects that the division approves 11658
for the acquisition, development, management, or preservation of 11659
waterfowl areas within the state; 11660

(B) Forty per cent for contribution by the division to an 11661
appropriate nonprofit organization for the acquisition, 11662
development, management, or preservation of lands and waters 11663
within the United States or Canada that provide or will provide 11664
habitat for waterfowl with migration routes that cross this state. 11665

No moneys derived from the issuance of wetlands habitat 11666
stamps shall be spent for purposes other than those specified by 11667
this section. All investment earnings of the fund shall be 11668
credited to the fund. 11669

Wetlands habitat stamps shall be furnished by and in a form 11670
prescribed by the chief of the division of wildlife and issued by 11671
clerks and other agents authorized to issue licenses and permits 11672
under section 1533.13 of the Revised Code. The record of stamps 11673
kept by the clerks and other agents shall be uniform throughout 11674
the state, in such form or manner as the director prescribes, and 11675
open at all reasonable hours to the inspection of any person. 11676
Unless otherwise provided by rule, each stamp shall remain in 11677
force until midnight of the thirty-first day of August next 11678
ensuing. Wetlands habitat stamps may be issued in any manner to 11679
any person on any date, whether or not that date is within the 11680
period in which they are effective. 11681

Every person to whom this section applies, while hunting 11682
ducks, geese, or brant, shall carry an unexpired wetlands habitat 11683
stamp that is validated by the person's signature written on the 11684
stamp in ink and shall exhibit the stamp to any enforcement 11685
officer so requesting. No person shall fail to carry and exhibit 11686
the person's stamp. 11687

A wetlands habitat stamp is not transferable. 11688

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

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

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

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

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

(1) Every resident of this state with a disability that has
been determined by the veterans administration to be permanently
and totally disabling, who receives a pension or compensation from
the veterans administration, and who received an honorable
discharge from the armed forces of the United States, and every
veteran to whom the registrar of motor vehicles has issued a set
of license plates under section 4503.41 of the Revised Code, shall
be issued an annual fishing license, hunting license, fur taker
permit, deer or wild turkey 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.

(2) Every resident of the state who ~~is sixty six years of age
or older~~ was born on or before December 31, 1937, shall be issued
an annual fishing license, hunting license, fur taker permit, deer
or wild turkey 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.

(3) Every resident of state or county institutions,
charitable institutions, and military homes in this state 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.

(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 11751
section 1533.32 of the Revised Code, provided that only one line 11752
is used by both persons. 11753

(5) As used in division (B)(5) of this section, "prisoner of 11754
war" means any regularly appointed, enrolled, enlisted, or 11755
inducted member of the military forces of the United States who 11756
was captured, separated, and incarcerated by an enemy of the 11757
United States. 11758

Any person who has been a prisoner of war, was honorably 11759
discharged from the military forces, and is a resident of this 11760
state shall be issued an annual fishing license, hunting license, 11761
fur taker permit, or wetlands habitat stamp, or any combination of 11762
those licenses, permits, and stamp, free of charge when 11763
application is made to the chief in the manner prescribed by and 11764
on forms provided by the chief. 11765

(C) The chief shall adopt rules pursuant to section 1531.08 11766
of the Revised Code designating not more than two days, which need 11767
not be consecutive, in each year as "free sport fishing days" on 11768
which any resident may exercise the privileges accorded the holder 11769
of a fishing license issued under section 1533.32 of the Revised 11770
Code without procuring such a license, provided that the person is 11771
not otherwise violating any of the fishing laws of this state. 11772

Sec. 1533.13. Hunting and fishing licenses, wetlands habitat 11773
stamps, deer and wild turkey permits, and fur taker permits shall 11774
be issued by the clerk of the court of common pleas, village and 11775
township clerks, and other authorized agents designated by the 11776
chief of the division of wildlife. When required by the chief, a 11777
clerk or agent shall give bond in the manner provided by the 11778
chief. All bonds, reports, except records prescribed by the 11779
auditor of state, and moneys received by those persons shall be 11780
handled under rules adopted by the director of natural resources. 11781

The premium of any bond prescribed by the chief under this 11782
section may be paid by the chief. Any person who is designated and 11783
authorized by the chief to issue licenses, stamps, and permits as 11784
provided in this section, except the clerk of the court of common 11785
pleas and the village and township clerks, shall pay to the chief 11786
a premium in an amount that represents the person's portion of the 11787
premium paid by the chief under this section, which amount shall 11788
be established by the chief and approved by the wildlife council 11789
created under section 1531.03 of the Revised Code. The chief shall 11790
pay all moneys that the chief receives as premiums under this 11791
section into the state treasury to the credit of the wildlife fund 11792
created under section 1531.17 of the Revised Code. 11793

Every authorized agent, for the purpose of issuing hunting 11794
and fishing licenses, deer and wild turkey permits, and fur taker 11795
permits, may administer oaths to and take affidavits from 11796
applicants for the licenses or permits when required. An 11797
authorized agent may appoint deputies to perform any acts that the 11798
agent is authorized to perform, consistent with division rules. 11799

Every applicant for a hunting or fishing license, deer or 11800
wild turkey permit, or fur taker permit, unless otherwise provided 11801
by division rule, shall make and subscribe an affidavit setting 11802
forth the applicant's name, age, weight, height, occupation, place 11803
of residence, personal description, and citizenship. The clerk or 11804
other agent authorized to issue licenses, stamps, and permits 11805
shall charge each applicant a fee of one dollar for taking the 11806
affidavit and issuing the license, stamp, or permit unless a 11807
different fee for the issuance of a fishing license is established 11808
in division rule as authorized by section 1533.32 of the Revised 11809
Code. The application, license, permit, and other blanks required 11810
by this section shall be prepared and furnished by the chief, in 11811
such form as the chief provides, to the clerk or other agent 11812
authorized to issue them. The licenses and permits shall be issued 11813

to applicants by the clerk or other agent. The record of licenses 11814
and permits kept by the clerk and other authorized agents shall be 11815
uniform throughout the state and in such form or manner as the 11816
auditor of state prescribes and shall be open at all reasonable 11817
hours to the inspection of any person. Unless otherwise provided 11818
by division rule, each hunting license, deer or wild turkey 11819
permit, and fur taker permit issued shall remain in force until 11820
midnight of the thirty-first day of August next ensuing. 11821
Application for any such license or permit may be made and a 11822
license or permit issued prior to the date upon which it becomes 11823
effective. 11824

The chief may require an applicant who wishes to purchase a 11825
license, stamp, or permit by mail or telephone to pay a nominal 11826
fee for postage and handling. 11827

The court before whom a violator of any laws or division 11828
rules for the protection of wild animals is tried, as a part of 11829
the punishment, shall revoke the license, stamp, or permit of any 11830
person convicted. The license, stamp, or permit fee paid by that 11831
person shall not be returned to the person. The person shall not 11832
procure or use any other license, stamp, or permit or engage in 11833
hunting wild animals or trapping fur-bearing animals during the 11834
period of revocation as ordered by the court. 11835

No person under sixteen years of age shall engage in hunting 11836
unless accompanied by the person's parent or another adult person. 11837

Sec. 1533.151. The chief of the division of wildlife, with 11838
the approval of the director of natural resources, ~~is hereby~~ 11839
~~authorized to~~ may print and issue stamps portraying wild animals 11840
of the state. This stamp shall be identified as a wildlife 11841
conservation stamp ~~and the~~. The fee for each stamp shall be ~~five~~ 11842
~~dollars~~ not more than the fee for a wetlands habitat stamp issued 11843
under section 1533.112 of the Revised Code together with the 11844

one-dollar fee to the issuing agent established in section 1533.13 11845
of the Revised Code unless otherwise provided by division rule. 11846

The purchase of wildlife conservation stamps shall provide no 11847
privileges to the purchaser, but merely recognizes ~~such~~ the person 11848
as voluntarily contributing to the management, protection, and the 11849
perpetuation of the wildlife resources of the state. All moneys 11850
received from the sale of wildlife conservation stamps shall be 11851
paid into the state treasury to the credit of the nongame and 11852
endangered wildlife fund to be used exclusively by the division of 11853
wildlife for the purposes outlined in section ~~1533.15~~ 1531.26 of 11854
the Revised Code ~~and for the management of all forms of wildlife~~ 11855
~~for its ecological and non-consumptive recreational value.~~ 11856

Sec. 1533.19. Except as otherwise provided by division rule, 11857
recognized field trial clubs may shoot domestically raised quails, 11858
chukar partridges, ducks, pheasants, or other game birds and 11859
common pigeons at any time during the daylight hours from the 11860
first day of September to the thirtieth day of April of the 11861
following year, both dates inclusive. Such domestically raised 11862
quails, chukar partridges, ducks, pheasants, and other game birds 11863
shall be banded prior to release and approved by the division of 11864
wildlife for field trial use, provided that permission for the 11865
holding of such a trial shall be obtained from the division. 11866
Permission shall be requested in writing at least thirty days in 11867
advance of the trial. The request shall contain the name of the 11868
recognized field trial club and the names of its officers, the 11869
date and location of the trial, and the name of the licensed 11870
breeders from whom the quails, chukar partridges, ducks, 11871
pheasants, or other game birds will be obtained. The division may 11872
grant a written permit when it is satisfied that the trial is a 11873
bona fide one conducted by a bona fide club under this section. 11874
When an application is approved, a permit shall be issued after 11875
the payment of a fee of ~~twenty-five~~ fifty dollars for each day 11876

upon which the trials are conducted. Participants in such trials 11877
need not possess a hunter's license while participating in the 11878
trials. The division shall supervise all such trials and shall 11879
enforce all laws and division rules governing them. If unbanded 11880
quails, chukar partridges, ducks, pheasants, or other game birds 11881
are accidentally shot during such trials, they immediately shall 11882
be replaced by the club by the releasing of an equal number of 11883
live quails, chukar partridges, ducks, pheasants, or other game 11884
birds under the supervision of the division. 11885

Sec. 1533.23. No person shall deal in or buy green or dried 11886
furs, skins, or parts thereof, taken from fur-bearing animals of 11887
the state, except domesticated rabbits, without a fur dealer's 11888
permit. Every applicant for a fur dealer's permit shall make and 11889
subscribe a statement setting forth ~~his~~ the applicant's name, 11890
place of residence, and whom ~~he~~ the applicant represents. Every 11891
applicant for a dealer's permit who is a nonresident of the state, 11892
or who is a resident of the state and is an agent or 11893
representative of a nonresident person, firm, or corporation, 11894
shall pay an annual fee of two hundred dollars to the chief of the 11895
division of wildlife issuing such permit, and every applicant for 11896
a dealer's permit who is a resident of the state shall pay an 11897
annual fee of ~~fifty~~ seventy-five dollars to the chief ~~of the~~ 11898
~~division of wildlife~~ issuing such permit, ~~and every.~~ Every fur 11899
dealer shall operate under such additional ~~regulations~~ rules as 11900
are provided by the chief ~~of the division of wildlife~~. The chief 11901
shall pay ~~such~~ the fees into the state treasury to the credit of 11902
the fund created by section 1533.15 of the Revised Code for the 11903
use of the division of wildlife in the purchase, preservation, 11904
protection, and stocking of fur-bearing animals and for the 11905
necessary clerical help and forms required by this section and 11906
section 1533.24 of the Revised Code. 11907

All permits shall be procured from the chief and the 11908

application, license, and other blanks required by this section 11909
and section 1533.24 of the Revised Code shall be in such form as 11910
the chief prescribes. Each such permit shall expire on the 11911
thirtieth day of April next after its issuance. 11912

Sec. 1533.301. Any person may apply for a permit to transport 11913
fish that are for sale, sold, or purchased. The chief of the 11914
division of wildlife shall issue an annual permit granting the 11915
applicant the privilege to transport such fish, upon filing of an 11916
application on a form prescribed by the chief and payment of a fee 11917
of ~~fifty~~ sixty-five dollars. No person shall transport any fish or 11918
part thereof that is for sale, sold, or purchased, whether 11919
acquired in or outside this state, unless the consignor has a 11920
permit ~~issued to him~~ for the calendar year in which the fish is 11921
transported, except that no such permit is required for any of the 11922
following: 11923

(A) Fish transported from a point outside this state to 11924
another point outside this state if the fish are not unloaded in 11925
this state. A fish is not to be considered unloaded for purposes 11926
of this section if it remains under the control of a common 11927
carrier. 11928

(B) Fish being transported by a person holding a valid 11929
license under section 1533.34 of the Revised Code from the place 11930
of taking to ~~his~~ the person's usual place of processing or 11931
temporary storage as designated by ~~him~~ the person in the 11932
application for the license under that section; 11933

(C) Fish being transported from a premises designated in a 11934
valid permit issued under section 1533.631 of the Revised Code to 11935
a premises where fish are to be sold at retail, sold for immediate 11936
consumption, or consumed if inspection of the designated premises 11937
as required by that section has not been denied during the 11938
preceding thirty days; 11939

(D) Any quantity of fish the total weight of which does not 11940
exceed five hundred pounds in one vehicle; 11941

(E) Minnows for which a permit is required under section 11942
1533.40 of the Revised Code. 11943

If a fish for which a permit is required under this section 11944
is transported in this state from a consignor who does not have a 11945
valid permit at the time of transportation, or if such a fish is 11946
transported in this state from a consignor who has a valid permit 11947
at the time of transportation, but the fish is part of the 11948
contents of a box, package, or receptacle that was or could be the 11949
basis for conviction of a violation of this chapter or a division 11950
rule, the fish may be seized by any law enforcement officer 11951
authorized by section 1531.13 of the Revised Code to enforce laws 11952
and division rules, and the fish shall escheat to the state unless 11953
a court of this state makes a specific finding that the consignor 11954
at the time of seizure had a valid permit under this section 11955
~~1533.301 of the Revised Code~~ and that the fish are lawful under 11956
the requirements of this chapter or a division rule relating 11957
thereto. 11958

A fish for which a permit is required under this section may 11959
be transported only if each box, package, or other receptacle 11960
bears a label showing the total weight in pounds, the species of 11961
the fish, the name of the consignor and consignee, the initial 11962
point of billing, the destination, and a statement that each 11963
species of fish by weight in the box, package, or other receptacle 11964
that are undersized under ~~the provisions of~~ section 1533.63 of the 11965
Revised Code or division rule is ten per cent or less or is in 11966
excess of ten per cent, whichever the fact may be. If fish are not 11967
boxed or packaged, each compartment of a tank or other receptacle 11968
shall be considered a separate receptacle, but in lieu of a label 11969
on the compartment or tank a written statement containing the same 11970
information required to be contained on a label, and clearly 11971

identifying the tank or receptacle concerned, may be carried in 11972
the vehicle. Species may be designated in any manner, but the 11973
label also shall bear either the common name indicated in section 11974
1533.63 of the Revised Code or the scientific name contained in 11975
section 1531.01 of the Revised Code. The consignor shall ascertain 11976
that labels are attached or statements carried as required herein 11977
and that the facts stated thereon are true. 11978

The permit required by this section may be suspended by the 11979
chief for a period not to exceed five days upon conviction of the 11980
permittee of a violation of this chapter or Chapter 1531. of the 11981
Revised Code or a division rule if the permittee has been 11982
convicted of another such violation during the preceding 11983
twelve-month period. If the permittee has had two or more such 11984
convictions during the twelve-month period preceding such a 11985
conviction, ~~his~~ the permittee's permit may be suspended as 11986
provided herein for a period not to exceed twenty days. A permit 11987
is invalid during the period of suspension, but in no case is a 11988
permit invalid until fifteen days after mailing by certified mail 11989
a notice of the rule of suspension by the chief. 11990

The chief may not suspend more than one permit of the same 11991
permittee, or suspend a permit of the same permittee more than 11992
once, for convictions resulting from violations that occur in a 11993
load in one vehicle. 11994

A driver or other person in charge of a vehicle transporting 11995
fish that are for sale, sold, or purchased, upon demand by any law 11996
enforcement officer authorized by section 1531.13 of the Revised 11997
Code to enforce laws and division rules, shall stop and open the 11998
vehicle and allow inspection of the load, and any box, package, or 11999
receptacle, and the contents thereof, for the purpose of 12000
determining whether this chapter or a division rule is being 12001
violated. 12002

The word "fish" in the English language, at least eight 12003

inches high and maintained in a clear, conspicuous, and legible 12004
condition at all times, shall appear on both sides of the vehicle 12005
body of all vehicles transporting fresh water fish in this state 12006
when the fish are for sale or sold, except those fish exempt from 12007
a transportation permit in divisions (A), (B), and (E) of this 12008
section. 12009

The chief may refuse to issue a permit to any person whose 12010
purpose in applying for the permit is to allow it to be used by 12011
another person to whom a permit has been refused or revoked. The 12012
chief also may revoke a person's permit when it is used for that 12013
purpose. 12014

No civil action may be brought in any court in the state for 12015
the value or agreed price of fish that have escheated to the state 12016
under this section. 12017

No person shall fail to comply with any provision of this 12018
section or a division rule adopted pursuant thereto. 12019

In addition to other penalties provided in the Revised Code, 12020
the permit of any person who is convicted of two violations of 12021
this section that occurred within a twelve-month period is 12022
suspended upon the second such conviction by operation of law for 12023
a period of five fishing season days immediately following that 12024
conviction. 12025

In addition to other penalties provided in the Revised Code, 12026
the permit of any person who is convicted of three or more 12027
violations of this section that occurred within a twelve-month 12028
period is suspended upon the third or subsequent conviction by 12029
operation of law for a period of twenty fishing season days 12030
immediately following that conviction. 12031

During any period of suspension, no person shall use or 12032
engage in hauling or transporting fish with equipment owned, used, 12033
or controlled at the time of conviction by the permittee whose 12034

permit has been suspended. 12035

Sec. 1533.32. Except as provided in this section or division 12036
(A) or (C) of section 1533.12 of the Revised Code, no person, 12037
including nonresidents, shall take or catch any fish by angling in 12038
any of the waters in the state or engage in fishing in those 12039
waters without a license. No person shall take or catch frogs or 12040
turtles without a valid fishing license, except as provided in 12041
this section. Persons fishing in privately owned ponds, lakes, or 12042
reservoirs to or from which fish are not accustomed to migrate are 12043
exempt from the license requirements set forth in this section. 12044
Persons fishing in privately owned ponds, lakes, or reservoirs 12045
that are open to public fishing through an agreement or lease with 12046
the division of wildlife shall comply with the license 12047
requirements set forth in this section. 12048

The fee for an annual license shall be ~~twenty-three~~ 12049
thirty-nine dollars, unless otherwise provided by division rule, 12050
for a resident of a state that is not a party to an agreement 12051
under section 1533.91 of the Revised Code. The fee for an annual 12052
license shall be ~~fourteen~~ eighteen dollars, unless otherwise 12053
provided by division rule, for a resident of a state that is a 12054
party to such an agreement. The fee for an annual license for 12055
residents of this state shall be ~~fourteen~~ eighteen dollars unless 12056
otherwise provided by division rule or unless the rules adopted 12057
under division (B) of section 1533.12 of the Revised Code provide 12058
for issuance of a resident fishing license to the applicant free 12059
of charge. 12060

Any person under the age of sixteen years may take or catch 12061
frogs and turtles and take or catch fish by angling without a 12062
license. ~~Any~~ Except as provided in rules adopted under division 12063
(B)(2) of section 1533.12 of the Revised Code, each applicant who 12064
is a resident of this state and who at the time of application is 12065

sixty-six years of age or older ~~may take or catch frogs and~~ 12066
~~turtles without~~ shall procure a special senior fishing license, 12067
the fee for which shall be one-half of the annual resident fishing 12068
license fee. 12069

The chief of the division of wildlife may issue a tourist's 12070
license expiring three days from the effective date of the license 12071
to a resident of a state that is not a party to an agreement under 12072
section 1533.91 of the Revised Code. The fee for a tourist's 12073
license shall be ~~fourteen~~ eighteen dollars unless otherwise 12074
provided by division rule. 12075

The chief shall adopt rules under section 1531.10 of the 12076
Revised Code providing for the issuance of a one-day fishing 12077
license to a resident of this state or of any other state. The fee 12078
for such a license shall be ~~forty~~ fifty-five per cent of the 12079
amount established under this section for a tourist's license, 12080
rounded up to the nearest whole dollar. A one-day fishing license 12081
shall allow the holder to take or catch fish by angling in the 12082
waters in the state, engage in fishing in those waters, or take or 12083
catch frogs or turtles in those waters for one day without 12084
obtaining an annual license or a tourist's license under this 12085
section. At the request of a holder of a one-day fishing license 12086
who wishes to obtain an annual license, a clerk or agent 12087
authorized to issue licenses under section 1533.13 of the Revised 12088
Code, not later than the last day on which the one-day license 12089
would be valid if it were an annual license, shall credit the 12090
amount of the fee paid for the one-day license toward the fee 12091
charged for the annual license if so authorized by the chief. The 12092
clerk or agent shall issue the annual license upon presentation of 12093
the one-day license and payment of a fee in an amount equal to the 12094
difference between the fee for the annual license and the fee for 12095
the one-day license. 12096

A fee of one dollar for each license issued under this 12097

section shall be paid to the issuing clerk or agent in accordance 12098
with section 1533.13 of the Revised Code unless otherwise provided 12099
by division rule. 12100

Unless otherwise provided by division rule, each annual 12101
license shall begin on the first day of March of the current year 12102
and expire on the last day of February of the following year. 12103

No person shall alter a fishing license or possess a fishing 12104
license that has been altered. 12105

No person shall procure or attempt to procure a fishing 12106
license by fraud, deceit, misrepresentation, or any false 12107
statement. 12108

Owners of land over, through, upon, or along which any water 12109
flows or stands, except where the land is in or borders on state 12110
parks or state-owned lakes, together with the members of the 12111
immediate families of such owners, may take frogs and turtles and 12112
may take or catch fish of the kind permitted to be taken or caught 12113
therefrom without procuring a license provided for in this 12114
section. This exemption extends to tenants actually residing upon 12115
such lands and to the members of the immediate families of the 12116
tenants. Residents of state or county institutions, charitable 12117
institutions, and military homes in this state may take frogs and 12118
turtles without procuring the required license, provided that a 12119
member of the institution or home has an identification card, 12120
which shall be carried on that person when fishing. 12121

Every fisher required to be licensed, while fishing or taking 12122
or attempting to take frogs or turtles, shall carry the license 12123
and exhibit it to any person. Failure to so carry and exhibit the 12124
license constitutes an offense under this section. 12125

Sec. 1533.35. (A) Commercial fishing devices shall be 12126
annually licensed as follows: 12127

(1) Trap and fyke nets, for the first twenty nets or any portion thereof, eight hundred dollars; and for each additional group of ten such nets or any portion thereof, four hundred dollars;	12128 12129 12130 12131
(2) For each seine of one hundred fifty rods or less in length other than an inland fishing district seine, four hundred dollars;	12132 12133 12134
(3) For each seine over one hundred fifty rods in length other than an inland fishing district seine, six hundred dollars;	12135 12136
(4) For each inland fishing district seine, one hundred dollars;	12137 12138
(5) For each carp apron, one hundred dollars;	12139
(6) For one trotline with seventy hooks or less attached thereto, twenty dollars;	12140 12141
(7) For each trotline, or trotlines, with a total of more than seventy hooks attached thereto, one hundred dollars;	12142 12143
(8) For each dip net, one hundred dollars.	12144
The license fee for other commercial fishing gear not mentioned in this section, as approved by the chief of the division of wildlife, shall be set by the chief with approval of the wildlife council.	12145 12146 12147 12148
Commercial fishing gear owned or used by a nonresident may be licensed in this state only if a reciprocal agreement is in effect as provided for in section 1533.352 of the Revised Code.	12149 12150 12151
All commercial license fees shall be paid upon application or shall be paid one-fourth upon application with the balance due and owing within ninety days of the date of application, except that those license fees of one hundred dollars or less shall be paid in full at the time of application.	12152 12153 12154 12155 12156

(B) Royalty fees are hereby established ~~as set forth~~ on the 12157
following species of fish when taken commercially: catfish, white 12158
bass, and yellow perch. 12159

The amount of the royalty fees shall be as follows: on the 12160
species taken for which an allowable catch or quota has been 12161
established by division rule, ~~two~~ five cents per pound. On the 12162
species taken for which an allowable catch or quota has not been 12163
established by division rule, ~~one cent~~ two cents per pound ~~on that~~ 12164
~~portion taken that exceeds one half of the previous year's taking~~ 12165
~~of the species.~~ 12166

~~For the purpose of this section, the previous year's taking~~ 12167
~~shall be the amount reported for that previous year by the license~~ 12168
~~holder to the division pursuant to reporting procedures set forth~~ 12169
~~in this chapter and Chapter 1531. of the Revised Code.~~ 12170

All royalty fees established or provided for in this section 12171
shall be paid by the license holder to the division. No person may 12172
be issued a commercial fishing license until all royalty fees due 12173
from that person for the preceding fishing season have been paid 12174
in full. The chief may request the attorney general to recover any 12175
royalty fee or amount thereof that is not paid by the opening date 12176
of the next fishing season, and the attorney general shall 12177
commence appropriate legal proceedings to recover the unpaid fee 12178
or amount. 12179

All commercial fishing license moneys and all other fees 12180
collected from commercial ~~fishermen~~ fishers shall be deposited in 12181
the state treasury in accordance with section 1533.33 of the 12182
Revised Code. 12183

No person shall fail to comply with any provision of this 12184
section or a division rule adopted pursuant to it. 12185

In addition to other penalties provided in the Revised Code, 12186
the license of any person who is convicted of one or more 12187

violations of this section shall be suspended upon the conviction 12188
by operation of law for a period of eighteen fishing season months 12189
immediately following the conviction. 12190

During any period of suspension, no person shall use or 12191
engage in fishing with commercial gear owned, used, or controlled 12192
at the time of conviction by the licensee whose license has been 12193
suspended. 12194

Sec. 1533.40. Each person, firm, partnership, association, or 12195
corporation ~~which~~ that buys, sells, or deals in minnows, crayfish, 12196
or hellgrammites or collects the listed species for sale shall 12197
obtain, annually, from the chief of the division of wildlife a 12198
permit and shall operate under such rules as the chief ~~of the~~ 12199
~~division of wildlife prescribes~~ adopts. ~~Such~~ A permit shall be 12200
issued upon application and the payment of a fee of ~~twenty-five~~ 12201
forty dollars. This permit expires at midnight, on the 12202
thirty-first day of December ~~31~~. Nonresidents engaging in the 12203
collecting, seining, or picking of minnows, crayfish, or 12204
hellgrammites for bait shall have a nonresident fishing license as 12205
prescribed in section 1533.32 of the Revised Code. 12206

Sec. 1533.54. No person shall draw, set, place, locate, 12207
maintain, or possess a pound net, crib net, trammel net, fyke net, 12208
set net, seine, bar net, or fish trap, or any part thereof, or 12209
throw or hand line, with more than three hooks attached thereto, 12210
or any other device for catching fish, except a line with not more 12211
than three hooks attached thereto or lure with not more than three 12212
sets of three hooks each, in the inland fishing district of this 12213
state, except for taking carp, mullet, sheepshead, and grass pike 12214
as provided in section 1533.62 of the Revised Code, and except as 12215
provided in section 1533.60 of the Revised Code, or as otherwise 12216
provided for by division rule. No person shall catch or kill a 12217
fish in that fishing district with what are known as bob lines, 12218

trotlines, or float lines, or by grabbing with the hands, or by 12219
spearing or shooting, or with any other device other than by 12220
angling. In the waters of the inland fishing district, except 12221
those lakes, harbors, and reservoirs controlled by the state, a 12222
trotline may be used with not more than fifty hooks, and no two 12223
hooks less than three feet apart, by the owner or person having 12224
the owner's consent in that part of the stream bordering on or 12225
running through that owner's lands. 12226

Notwithstanding this section, any resident who is licensed to 12227
fish with nets in the Ohio river may possess fish nets for the 12228
sole purpose of storage, repair, drying, and tarring in the area 12229
between United States route fifty and the Ohio river from the 12230
Indiana state line to Cincinnati, Ohio, and in the area between 12231
United States route fifty-two and the Ohio river from Cincinnati, 12232
Ohio, to Chesapeake, Ohio, and in the area between state route 12233
seven and the Ohio river from Chesapeake, Ohio, to East Liverpool, 12234
Ohio. 12235

Any person possessing a net in this reserve district shall 12236
have an Ohio permit for each net in ~~his~~ the person's possession. 12237
The permit shall be issued annually by the chief of the division 12238
of wildlife upon application of the owner of the net and 12239
submission of evidence by ~~him~~ the owner of ~~his~~ possession of a 12240
valid fishing license permitting ~~him~~ the owner to fish with nets 12241
in the Ohio river, and the payment of ~~ten~~ fifty dollars for each 12242
net for which an application is made and a permit is issued. The 12243
permit shall expire at twelve midnight on the fifteenth day of 12244
March of each year. 12245

Sec. 1533.631. Any person may apply for a permit to handle 12246
commercial fish, or other fish that may be bought or sold under 12247
the Revised Code or division rule, at wholesale. The chief of the 12248
division of wildlife shall issue an annual permit granting the 12249

applicant the privilege to handle such fish at wholesale at one or 12250
more designated premises upon filing of an application on a form 12251
prescribed by the chief and payment of a fee of ~~fifty~~ sixty-five 12252
dollars. No person or ~~his~~ a person's agent shall handle at 12253
wholesale any fresh water fish or part thereof unless a permit has 12254
been issued for the calendar year in which the fish is handled at 12255
wholesale for the premises at which the fish is handled. 12256

A fish is handled at wholesale for purposes of this section 12257
when it is on a premises within the state and is being held, 12258
stored, handled, or processed for the purpose of sale to a person 12259
who ordinarily resells the fish. 12260

The permit required by this section shall be issued subject 12261
to the right of entry and inspection of the designated premises of 12262
the permittee by any law enforcement officer authorized by section 12263
1531.13 of the Revised Code to enforce the laws and rules of the 12264
division of wildlife. Such an officer may enter and inspect the 12265
designated premises and any box, package, or receptacle, and the 12266
contents thereof, for the purpose of determining whether any 12267
provision of this chapter or Chapter 1531. of the Revised Code or 12268
division rule is being violated. 12269

No person holding a permit under this section shall remove a 12270
label required by section 1533.301 of the Revised Code unless the 12271
box, package, or receptacle bearing the label has been opened or 12272
unless the label is replaced with another label that meets the 12273
requirements of that section. 12274

No person shall fail to comply with any provision of this 12275
section or division rule adopted pursuant to it. 12276

In addition to other penalties provided in the Revised Code, 12277
the permit of any person who is convicted of two violations of 12278
this section that occurred within a twelve-month period is 12279
suspended upon the second such conviction by operation of law for 12280

a period of five fishing season days immediately following that conviction. 12281
12282

In addition to other penalties provided in the Revised Code, 12283
the permit of any person who is convicted of three or more 12284
violations of this section that occurred within a twelve-month 12285
period is suspended upon the third or subsequent such conviction 12286
by operation of law for a period of twenty fishing season days 12287
immediately following that conviction. 12288

During any period of suspension, no person shall use or 12289
engage in handling commercial fish at wholesale with equipment or 12290
facilities owned, used, or controlled at the time of conviction by 12291
the permittee whose permit has been suspended. 12292

Sec. 1533.632. (A) As used in this section: 12293

(1) "Aquaculture" means a form of agriculture that involves 12294
the propagation and rearing of aquatic species in controlled 12295
environments under private control, including, but not limited to, 12296
for the purpose of sale for consumption as food. 12297

(2) "Aquaculture species" means any aquatic species that may 12298
be raised through aquaculture that is either a class A aquaculture 12299
species or a class B aquaculture species. 12300

(3) "Class A aquaculture species" includes all of the 12301
following: 12302

(a) Trout and salmon (*Onchorhynchus* sp., *Salmo* sp., 12303
Salvelinus sp.); 12304

(b) Walleye (*Stizostedion vitreum*); 12305

(c) Sauger (*Stizostedion canadense*); 12306

(d) Bluegill (*Lepomis macrochirus*); 12307

(e) Redear sunfish (*Lepomis microlophus*); 12308

(f) Green sunfish (*Lepomis cyanellus*); 12309

(g) White crappie (*Pomoxis annularis*); 12310

(h) Black crappie (*Pomoxis nigromaculatus*); 12311

(i) Blue catfish (*Ictalurus furcatus*); 12312

(j) Any species added by rule under division (B) of this 12313
section or listed as commercial fish under section 1531.01 of the 12314
Revised Code except white perch (*Morone americana*). 12315

(4) "Class B aquaculture species" includes any species, 12316
except for class A aquaculture species, designated as such by the 12317
chief of the division of wildlife. 12318

(5) "Aquaculture production facility" means a facility used 12319
for aquaculture. 12320

(B) The chief, in accordance with Chapter 119. of the Revised 12321
Code, shall adopt rules for the regulation of aquaculture and may 12322
issue permits to persons wishing to engage in aquaculture for the 12323
production of aquaculture species. Rules adopted under this 12324
section shall ensure the protection and preservation of the 12325
wildlife and natural resources of this state. The legal length and 12326
weight limitations established under section 1533.63 of the 12327
Revised Code do not apply to class A or class B aquaculture 12328
species. 12329

A permit may be issued upon application to any person who 12330
satisfies the chief that the person has suitable equipment, of 12331
which ~~he~~ the person is the owner or lessee, to engage in 12332
aquaculture for a given aquaculture species or group of 12333
aquaculture species. Each permit shall be in such form as the 12334
chief prescribes. The permits shall be classified as either class 12335
A or class B. A class A permit shall be required for all class A 12336
aquaculture species that are specified in this section or 12337
designated by rule as a class A aquaculture species. Class B 12338
permits shall be issued on a case-by-case basis. In determining 12339

whether to issue a class B permit, the chief shall take into 12340
account the species for which the class B permit is requested, the 12341
location of the aquaculture production facility, and any other 12342
information determined by the chief to be necessary to protect the 12343
wildlife and natural resources of this state. The annual fee for a 12344
class A permit shall be fifty dollars unless otherwise provided by 12345
rule by the chief. The annual fee for a class B permit shall be 12346
set by the chief at a level between one hundred and five hundred 12347
dollars. In determining the fee to be charged for a class B 12348
permit, the chief shall take into account the additional costs to 12349
the division for the inspection of aquaculture facilities used to 12350
raise a given class B aquaculture species. 12351

The chief may revoke a permit upon a determination that the 12352
person to whom the permit was issued has violated any rule adopted 12353
under this section. The permit shall be reissued upon a showing by 12354
the person that ~~he~~ the person is in compliance with the rules 12355
adopted under this section. A holder of an aquaculture permit may 12356
receive a permit issued under section 1533.301, ~~1533.39~~, or 12357
1533.40 of the Revised Code without payment of the fee for that 12358
permit if the conditions for the issuance of the permit have been 12359
met. 12360

(C) No person shall knowingly sell any aquatic species under 12361
an aquaculture permit issued under this section that was not 12362
raised in an aquaculture production facility. In addition to any 12363
other penalties prescribed for violation of this division, the 12364
chief may revoke the permit of any person convicted of a violation 12365
of this division for any period of time ~~he~~ the chief considers 12366
necessary. 12367

(D) No person who does not hold a current valid aquaculture 12368
permit shall knowingly sell an aquaculture species while claiming 12369
to possess an aquaculture permit. 12370

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

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

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

(B) "Noncommercial propagating license" permitting the licensee to propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals and to hold the animals in captivity. Game birds, game quadrupeds, reptiles, amphibians, and fur-bearing animals propagated or held in captivity by authority of a noncommercial propagating license are for the licensee's own use and shall not be sold. The fee for such a license is ~~ten~~ twenty-five dollars per annum.

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

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

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

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

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

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

(2) Game or nonnative wildlife, without first obtaining a wild animal hunting preserve license issued under section 1533.721 of the Revised Code.

Sec. 1533.82. (A) On receipt of a notice pursuant to section 3123.43 of the Revised Code, the chief of the division of wildlife shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the

Revised Code with respect to a license, permit, or certificate 12432
issued pursuant to section 1533.23, 1533.34, 1533.342, ~~1533.39,~~ 12433
1533.40, 1533.51, 1533.631, 1533.71, 1533.72, 1533.81, 1533.88, or 12434
1533.881 of the Revised Code. 12435

(B) On receipt of a notice pursuant to section 3123.62 of the 12436
Revised Code, the chief shall comply with that section and any 12437
applicable rules adopted under section 3123.63 of the Revised Code 12438
with respect to a license, permit, or stamp issued pursuant to 12439
section 1533.10, 1533.11, 1533.111, 1533.112, or 1533.32 of the 12440
Revised Code. 12441

Sec. 1561.31. Each As used in this section, "mineral" means 12442
"minerals" as defined in section 1514.01 of the Revised Code. 12443

Each deputy mine inspector shall inspect each mine in the 12444
inspector's district, the owner, lessee, agent, or operator of 12445
which is an employer as defined in section 4123.01 of the Revised 12446
Code, or any other mine at which three or more persons work, ~~at~~ 12447
~~intervals not exceeding three months between inspections. The~~ 12448
inspector shall inspect each underground coal or mineral mine not 12449
less than four times per calendar year, each surface coal or 12450
mineral mine not less than two times per calendar year, and all 12451
other mines in the inspector's district as often as practical, ~~7~~ 12452
~~noting particularly. During each inspection, the inspector shall~~ 12453
provide to the superintendent of the mine information concerning 12454
the health and safety conditions of the mine operation and shall 12455
determine whether the mine operation complies with applicable 12456
health and safety standards and with any citation, order, or 12457
decision issued under this chapter or Chapter 1509., 1563., 1565., 12458
or 1567. of the Revised Code. The inspector shall examine the 12459
location and condition of buildings, the condition of the ~~boiler,~~ 12460
machinery, the workings of the mine, the roof control measures, 12461
the traveling ways and haulageways, the circulation and condition 12462

of the air and drainage, and the condition of electrical circuits 12463
and appliances, as applicable. The inspector shall make tests for 12464
poisonous, explosive, and noxious gases, and shall specifically 12465
order compliance with any section of this chapter and Chapters 12466
1563., 1565., and 1567. and sections 1509.09, 1509.12, 1509.13, 12467
1509.14, 1509.15, 1509.17, and 1509.18 of the Revised Code that 12468
the inspector finds is being violated. 12469

Upon completion of the inspection of a mine, the inspector 12470
shall fill out a report of the conditions found during inspections 12471
on a form provided by the chief of the division of mineral 12472
resources management, which form shall provide for statements as 12473
to whether the laws are being observed or violated, and if 12474
violated, the nature and extent thereof, the date of the 12475
inspection, the number of persons employed in and about the mine, 12476
whether or not a certificate of compliance issued pursuant to 12477
section 4123.35 of the Revised Code is posted and the date of 12478
expiration thereof, and matters, things, and practices that 12479
specifically are covered by law, order of the chief, or previous 12480
order of the inspector. The inspector shall make this report in 12481
quadruplicate or quintuplicate, and send the original to the 12482
chief, post a copy at the mine, give a copy to the mine 12483
superintendent, and retain a copy for the inspector's files. Where 12484
the miners of a mine have a mine safety committee, the inspector 12485
shall post one additional copy of the report of that mine at that 12486
mine for the use and possession of the committee. The report 12487
required by this section shall be known as the inspector's routine 12488
report. 12489

If an inspector orders compliance with this chapter and 12490
Chapters 1563., 1565., and 1567. and sections 1509.09, 1509.12, 12491
1509.13, 1509.14, 1509.15, 1509.17, and 1509.18 of the Revised 12492
Code, and is assured by the superintendent of the mine to which 12493
the order applies that the order will be complied with, the 12494

inspector shall revisit the mine within a reasonable period of 12495
time and ascertain whether or not the order has been complied 12496
with. The inspector shall report the inspector's findings to the 12497
chief on a form to be provided by the chief, and take action to 12498
enforce compliance. 12499

Sec. 1561.35. If the deputy mine inspector finds that any 12500
matter, thing, or practice connected with any mine and not 12501
prohibited specifically by law is dangerous or hazardous, or that 12502
from a rigid enforcement of this chapter and Chapters 1509., 12503
1563., 1565., and 1567. of the Revised Code, the matter, thing, or 12504
practice would become dangerous and hazardous so as to tend to the 12505
bodily injury of any person, the deputy mine inspector forthwith 12506
shall give notice in writing to the owner, lessee, or agent of the 12507
mine of the particulars in which the deputy mine inspector 12508
considers the mine or any matter, thing, or practice connected 12509
therewith is dangerous or hazardous and recommend changes that the 12510
conditions require, and forthwith shall mail a copy of the report 12511
and the deputy mine inspector's recommendations to the chief of 12512
the division of mineral resources management. Upon receipt of the 12513
report and recommendations, the chief forthwith shall make a 12514
finding thereon and mail a copy to the owner, operator, lessee, or 12515
agent of the mine, and to the deputy mine inspector; a copy of the 12516
finding of the chief shall be posted upon the bulletin board of 12517
the mine. Where the miners have a mine safety committee, one 12518
additional copy shall be posted on the bulletin board for the use 12519
and possession of the committee. 12520

The owner, operator, lessee, or agent of the mine, or the 12521
authorized representative of the workers of the mine, within ten 12522
days may appeal to the ~~reclamation~~ environmental review appeals 12523
commission created in section 3745.02 of the Revised Code for a 12524
review and redetermination of the finding of the chief in the 12525
matter in accordance with section 1513.13 of the Revised Code, 12526

notwithstanding division (A)(1) of that section, which provides 12527
for appeals within thirty days. A copy of the decision of the 12528
commission shall be mailed as required by this section for the 12529
mailing of the finding by the chief on the deputy mine inspector's 12530
report. 12531

Sec. 1561.351. A deputy mine inspector who makes a finding 12532
concerning a violation of this chapter or Chapter 1563., 1565., or 12533
1567. or section 1509.09, 1509.12, 1509.13, 1509.14, 1509.15, 12534
1509.17, or 1509.18 of the Revised Code that involves mining 12535
safety shall notify the owner, operator, lessee, agent, and 12536
representative of the miners of the mine involved of the finding. 12537
The owner, operator, lessee, or agent of the mine involved may 12538
request a review of the inspector's finding by the chief of the 12539
division of mineral resources management. Upon receipt of such a 12540
request, the chief shall review the inspector's finding, make a 12541
written determination regarding it, and provide a copy of the 12542
written determination to the owner, operator, lessee, or agent of 12543
the mine involved. The chief shall provide a copy of the written 12544
determination to any other interested party upon request. 12545

A person, such as an owner, operator, lessee, or agent of the 12546
mine or the authorized representative of the miners of the mine, 12547
who has an interest that is or may be adversely affected by the 12548
chief's determination may appeal the determination, not later than 12549
ten days after receiving notice of the determination, to the 12550
~~reclamation~~ environmental review appeals commission created in 12551
section 3745.02 of the Revised Code by filing a copy of the 12552
chief's written determination with the commission, notwithstanding 12553
division (A)(1) of section 1513.13 of the Revised Code, which 12554
provides for appeals within thirty days. The commission shall hear 12555
the appeal in accordance with section 1513.13 of the Revised Code. 12556

Sec. 1561.51. When written charges of neglect of duty, 12557

incompetency, or malfeasance in office against the deputy mine 12558
inspector are filed with the chief of the division of mineral 12559
resources management, signed by not less than fifteen employees, 12560
or otherwise as provided in section 1561.50 of the Revised Code, 12561
or the owner, lessee, or agent of a mine, and the signers of the 12562
charges are dissatisfied with the result of the investigation made 12563
by the chief, they may appeal to the ~~reclamation~~ environmental 12564
review appeals commission created in section 3745.02 of the 12565
Revised Code by filing the same charges against the deputy mine 12566
inspector and a copy of the report of the investigation made by 12567
the chief in the matter with the commission, and the commission 12568
shall hear the appeal in accordance with section 1513.13 of the 12569
Revised Code. The commission shall mail a copy of its decision to 12570
the complainant whose name appears first in the charges. 12571

Sec. 1563.13. When a deputy mine inspector considers that the 12572
ways and means of egress in any underground mine from the interior 12573
working places to the surface are inadequate as a safe and ready 12574
means of escape in case of emergency, from danger of fire at any 12575
point, or any other cause that may result in the entombment of 12576
persons working in the mine, the deputy mine inspector shall give 12577
notice in writing to the owner, lessee, or agent of the mine of 12578
the particular in which the deputy mine inspector considers the 12579
conditions dangerous, recommending any changes that the conditions 12580
require, and forthwith shall mail a copy of the deputy mine 12581
inspector's recommendations to the chief of the division of 12582
mineral resources management. Upon receipt of the recommendations, 12583
the chief forthwith shall make a finding concerning them and mail 12584
a copy to the operator of the mine and to the deputy mine 12585
inspector. A copy of the finding of the chief shall be posted upon 12586
the bulletin board at the time. 12587

The operator of the mine, or the authorized representative of 12588
the workers of the mine, within ten days may appeal to the 12589

reclamation environmental review appeals commission created in 12590
section 3745.02 of the Revised Code for a review and 12591
redetermination of the finding of the chief in the matter in 12592
accordance with section 1513.13 of the Revised Code, 12593
notwithstanding division (A)(1) of that section, which provides 12594
for appeals within thirty days. A copy of the decision of the 12595
commission shall be mailed as required by this section for the 12596
mailing of the finding by the chief on the deputy mine inspector's 12597
report. 12598

No operator of a mine shall refuse or neglect to comply with 12599
this section. 12600

Sec. 1563.42. The operator of a mine, before the pillars are 12601
drawn previous to the abandonment of any part of the mine, shall 12602
have a correct map of such part of the mine made, showing its area 12603
and workings to the day of the abandonment and the pillars drawn 12604
previous to abandonment, and file such map within ninety days 12605
after the abandonment of such mine, in the office of the county 12606
recorder of the county where such mine is located, and with the 12607
chief of the division of mineral resources management. Such map 12608
shall have attached the usual certificate of the mining engineer 12609
making it, and the mine foreperson in charge of the underground 12610
workings of the mine, and such operator shall pay to the recorder 12611
for filing such map, a base fee of five dollars for services and a 12612
housing trust fee of five dollars pursuant to section 317.36 of 12613
the Revised Code. 12614

No operator of a mine shall refuse or neglect to comply with 12615
this section. 12616

Sec. 1702.59. (A) Every nonprofit corporation, incorporated 12617
under the general corporation laws of this state, or previous 12618
laws, or under special provisions of the Revised Code, or created 12619

before September 1, 1851, which corporation has expressly or 12620
impliedly elected to be governed by the laws passed since that 12621
date, and whose articles or other documents are filed with the 12622
secretary of state, shall file with the secretary of state a 12623
verified statement of continued existence, signed by a director, 12624
officer, or three members in good standing, setting forth the 12625
corporate name, the place where the principal office of the 12626
corporation is located, the date of incorporation, the fact that 12627
the corporation is still actively engaged in exercising its 12628
corporate privileges, and the name and address of its agent 12629
appointed pursuant to section 1702.06 of the Revised Code. 12630

(B) Each corporation required to file a statement of 12631
continued existence shall file it with the secretary of state 12632
within each five years after the date of incorporation or of the 12633
last corporate filing. 12634

(C) Corporations specifically exempted by division (N) of 12635
section 1702.06 of the Revised Code, or whose activities are 12636
regulated or supervised by another state official, agency, bureau, 12637
department, or commission are exempted from this section. 12638

(D) The secretary of state shall give notice in writing and 12639
provide a form for compliance with this section to each 12640
corporation required by this section to file the statement of 12641
continued existence, such notice and form to be mailed to the last 12642
known address of the corporation as it appears on the records of 12643
the secretary of state or which the secretary of state may 12644
ascertain upon a reasonable search. 12645

(E) If any nonprofit corporation required by this section to 12646
file a statement of continued existence fails to file the 12647
statement required every fifth year, then the secretary of state 12648
shall cancel the articles of such corporation, make a notation of 12649
the cancellation on the records, and mail to the corporation a 12650
certificate of the action so taken. 12651

(F) A corporation whose articles have been canceled may be reinstated by filing an application for reinstatement and paying to the secretary of state the fee specified in division (Q) of section 111.16 of the Revised Code. The name of a corporation whose articles have been canceled shall be reserved for a period of one year after the date of cancellation. If the reinstatement is not made within one year from the date of the cancellation of its articles of incorporation and it appears that a corporate name, limited liability company name, limited liability partnership name, limited partnership name, or trade name has been filed, the name of which is not distinguishable upon the record as provided in section 1702.06 of the Revised Code, the applicant for reinstatement shall be required by the secretary of state, as a condition prerequisite to such reinstatement, to amend its articles by changing its name. A certificate of reinstatement may be filed in the recorder's office of any county in the state, for which the recorder shall charge and collect a base fee of one dollar for services and a housing trust fund fee of one dollar pursuant to section 317.36 of the Revised Code. The rights, privileges, and franchises of a corporation whose articles have been reinstated are subject to section 1702.60 of the Revised Code.

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

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

- (1) Account, in addition to advertising charges \$12.00
- Waivers and proof of notice of hearing on account, per

page, minimum one dollar	\$ 1.00	12683
(2) Account of distribution, in addition to advertising charges	\$ 7.00	12685
(3) Adoption of child, petition for	\$50.00	12686
(4) Alter or cancel contract for sale or purchase of real estate, petition to	\$20.00	12688
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	\$ 5.00	12691
(6) Appropriation suit, per day, hearing in	\$20.00	12692
(7) Birth, application for registration of	\$ 7.00	12693
(8) Birth record, application to correct	\$ 5.00	12694
(9) Bond, application for new or additional	\$ 5.00	12695
(10) Bond, application for release of surety or reduction of	\$ 5.00	12697
(11) Bond, receipt for securities deposited in lieu of	\$ 5.00	12698
(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	\$ 1.00	12700
(13) Citation and issuing citation, application for	\$ 5.00	12701
(14) Change of name, petition for	\$20.00	12702
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	\$10.00	12704
(16) Claim, application to compromise or settle	\$10.00	12705
(17) Claim, authority to present	\$10.00	12706
(18) Commissioner, appointment of	\$ 5.00	12707
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	\$ 5.00	12709
(20) Competency, application to procure adjudication of ...	\$20.00	12710
(21) Complete contract, application to	\$10.00	12711
(22) Concealment of assets, citation for	\$10.00	12712
(23) Construction of will, petition for	\$20.00	12713
(24) Continue decedent's business, application to	\$10.00	12714
Monthly reports of operation	\$ 5.00	12715

(25) Declaratory judgment, petition for	\$20.00	12716
(26) Deposit of will	\$ 5.00	12717
(27) Designation of heir	\$20.00	12718
(28) Distribution in kind, application, assent, and order for	\$ 5.00	12719 12720
(29) Distribution under section 2109.36 of the Revised Code, application for an order of	\$ 7.00	12721 12722
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	\$15.00	12723 12724 12725
(31) Exceptions to any proceeding named in this section, contest of appointment or	\$10.00	12726 12727
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	\$10.00	12728 12729
(33) Election of surviving spouse under will	\$ 5.00	12730
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	\$35.00	12731 12732 12733
(35) Foreign will, application to record	\$10.00	12734
Record of foreign will, additional, per page	\$ 1.00	12735
(36) Forms when supplied by the probate court, not to exceed	\$10.00	12736 12737
(37) Heirship, petition to determine	\$20.00	12738
(38) Injunction proceedings	\$20.00	12739
(39) Improve real estate, petition to	\$20.00	12740
(40) Inventory with appraisalment	\$10.00	12741
(41) Inventory without appraisalment	\$ 7.00	12742
(42) Investment or expenditure of funds, application for ..	\$10.00	12743
(43) Invest in real estate, application to	\$10.00	12744
(44) Lease for oil, gas, coal, or other mineral, petition to	\$20.00	12745 12746
(45) Lease or lease and improve real estate, petition to ..	\$20.00	12747
(46) Marriage license	\$10.00	12748

Certified abstract of each marriage	\$ 2.00	12749
(47) Minor or mentally ill person, etc., disposal of estate under ten thousand dollars of	\$10.00	12750 12751
(48) Mortgage or mortgage and repair or improve real estate, petition to	\$20.00	12752 12753
(49) Newly discovered assets, report of	\$ 7.00	12754
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	\$20.00	12755 12756
(51) Power of attorney or revocation of power, bonding company	\$10.00	12757 12758
(52) Presumption of death, petition to establish	\$20.00	12759
(53) Probating will	\$15.00	12760
Proof of notice to beneficiaries	\$ 5.00	12761
(54) Purchase personal property, application of surviving spouse to	\$10.00	12762 12763
(55) Purchase real estate at appraised value, petition of surviving spouse to	\$20.00	12764 12765
(56) Receipts in addition to advertising charges, application and order to record	\$ 5.00	12766 12767
Record of those receipts, additional, per page	\$ 1.00	12768
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	\$ 1.00	12769 12770
(58) Release of estate by mortgagee or other lienholder ...	\$ 5.00	12771
(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	12772 12773 12774 12775
(60) Removal of fiduciary, application for	\$10.00	12776
(61) Requalification of executor or administrator	\$10.00	12777
(62) Resignation of fiduciary	\$ 5.00	12778
(63) Sale bill, public sale of personal property	\$10.00	12779
(64) Sale of personal property and report, application for	\$10.00	12780 12781

(65) Sale of real estate, petition for	\$25.00	12782
(66) Terminate guardianship, petition to	\$10.00	12783
(67) Transfer of real estate, application, entry, and certificate for	\$ 7.00	12784 12785
(68) Unclaimed money, application to invest	\$ 7.00	12786
(69) Vacate approval of account or order of distribution, motion to	\$10.00	12787 12788
(70) Writ of execution	\$ 5.00	12789
(71) Writ of possession	\$ 5.00	12790
(72) Wrongful death, application and settlement of claim for	\$20.00	12791 12792
(73) Year's allowance, petition to review	\$ 7.00	12793
(74) Guardian's report, filing and review of	\$ 5.00	12794

(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.

(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.

(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 the Revised Code.

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

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

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

(G)(1) Thirty dollars of the fifty-dollar fee collected pursuant to division (A)(3) of this section shall be deposited

into the "putative father registry fund," which is hereby created 12845
in the state treasury. The department of job and family services 12846
shall use the money in the fund to fund the department's costs of 12847
performing its duties related to the putative father registry 12848
established under section 3107.062 of the Revised Code. 12849

(2) If the department determines that money in the putative 12850
father registry fund is more than is needed for its duties related 12851
to the putative father registry, the department may use the 12852
surplus moneys in the fund as permitted in division (C) of section 12853
2151.3529, division (B) of section 2151.3530, or section 5103.155 12854
of the Revised Code. 12855

Sec. 2113.041. (A) The administrator of the estate recovery 12856
program established pursuant to section 5111.11 of the Revised 12857
Code may present an affidavit to a financial institution 12858
requesting that the financial institution release account proceeds 12859
to recover the cost of services correctly provided to a medicaid 12860
recipient. The affidavit shall include all of the following 12861
information: 12862

(1) The name of the decedent; 12863

(2) The name of any person who gave notice that the decedent 12864
was a medicaid recipient and that person's relationship to the 12865
decedent; 12866

(3) The name of the financial institution; 12867

(4) The account number; 12868

(5) A description of the claim for estate recovery; 12869

(6) The amount of funds to be recovered. 12870

(B) A financial institution may release account proceeds to 12871
the administrator of the estate recovery program if all of the 12872
following apply: 12873

<u>(1) The decedent held an account at the financial institution</u>	12874
<u>that was in the decedent's name only.</u>	12875
<u>(2) No estate has been, and it is reasonable to assume that</u>	12876
<u>no estate will be, opened for the decedent.</u>	12877
<u>(3) The decedent has no outstanding debts known to the</u>	12878
<u>administrator of the estate recovery program.</u>	12879
<u>(4) The financial institution has received no objections or</u>	12880
<u>has determined that no valid objections to release of proceeds</u>	12881
<u>have been received.</u>	12882
<u>(C) If proceeds have been released pursuant to division (B)</u>	12883
<u>of this section and the department of job and family services</u>	12884
<u>receives notice of a valid claim to the proceeds that has a higher</u>	12885
<u>priority under section 2117.25 of the Revised Code than the claim</u>	12886
<u>of the estate recovery program, the department may refund the</u>	12887
<u>proceeds to the financial institution or pay them to the person or</u>	12888
<u>government entity with the claim.</u>	12889
Sec. 2117.06. (A) All creditors having claims against an	12890
estate, including claims arising out of contract, out of tort, on	12891
cognovit notes, or on judgments, whether due or not due, secured	12892
or unsecured, liquidated or unliquidated, shall present their	12893
claims in one of the following manners:	12894
(1) To the executor or administrator in a writing;	12895
(2) To the executor or administrator in a writing, and to the	12896
probate court by filing a copy of the writing with it;	12897
(3) In a writing that is sent by ordinary mail addressed to	12898
the decedent and that is actually received by the executor or	12899
administrator within the appropriate time specified in division	12900
(B) of this section. For purposes of this division, if an executor	12901
or administrator is not a natural person, the writing shall be	12902
considered as being actually received by the executor or	12903

administrator only if the person charged with the primary 12904
responsibility of administering the estate of the decedent 12905
actually receives the writing within the appropriate time 12906
specified in division (B) of this section. 12907

(B) ~~All~~ Except as provided in section 2117.061 of the Revised 12908
Code, all claims shall be presented within one year after the 12909
death of the decedent, whether or not the estate is released from 12910
administration or an executor or administrator is appointed during 12911
that one-year period. Every claim presented shall set forth the 12912
claimant's address. 12913

(C) ~~A~~ Except as provided in section 2117.061 of the Revised 12914
Code, a claim that is not presented within one year after the 12915
death of the decedent shall be forever barred as to all parties, 12916
including, but not limited to, devisees, legatees, and 12917
distributees. No payment shall be made on the claim and no action 12918
shall be maintained on the claim, except as otherwise provided in 12919
sections 2117.37 to 2117.42 of the Revised Code with reference to 12920
contingent claims. 12921

(D) In the absence of any prior demand for allowance, the 12922
executor or administrator shall allow or reject all claims, except 12923
tax assessment claims, within thirty days after their 12924
presentation, provided that failure of the executor or 12925
administrator to allow or reject within that time shall not 12926
prevent the executor or administrator from doing so after that 12927
time and shall not prejudice the rights of any claimant. Upon the 12928
allowance of a claim, the executor or the administrator, on demand 12929
of the creditor, shall furnish the creditor with a written 12930
statement or memorandum of the fact and date of the allowance. 12931

(E) If the executor or administrator has actual knowledge of 12932
a pending action commenced against the decedent prior to the 12933
decedent's death in a court of record in this state, the executor 12934
or administrator shall file a notice of the appointment of the 12935

executor or administrator in the pending action within ten days 12936
after acquiring that knowledge. If the administrator or executor 12937
is not a natural person, actual knowledge of a pending suit 12938
against the decedent shall be limited to the actual knowledge of 12939
the person charged with the primary responsibility of 12940
administering the estate of the decedent. Failure to file the 12941
notice within the ten-day period does not extend the claim period 12942
established by this section. 12943

(F) This section applies to any person who is required to 12944
give written notice to the executor or administrator of a motion 12945
or application to revive an action pending against the decedent at 12946
the date of the death of the decedent. 12947

(G) Nothing in this section or in section 2117.07 of the 12948
Revised Code shall be construed to reduce the time mentioned in 12949
section 2125.02, 2305.09, 2305.10, 2305.11, 2305.113, or 2305.12 12950
of the Revised Code, provided that no portion of any recovery on a 12951
claim brought pursuant to any of those sections shall come from 12952
the assets of an estate unless the claim has been presented 12953
against the estate in accordance with Chapter 2117. of the Revised 12954
Code. 12955

(H) Any person whose claim has been presented and has not 12956
been rejected after presentment is a creditor as that term is used 12957
in Chapters 2113. to 2125. of the Revised Code. Claims that are 12958
contingent need not be presented except as provided in sections 12959
2117.37 to 2117.42 of the Revised Code, but, whether presented 12960
pursuant to those sections or this section, contingent claims may 12961
be presented in any of the manners described in division (A) of 12962
this section. 12963

(I) If a creditor presents a claim against an estate in 12964
accordance with division (A)(2) of this section, the probate court 12965
shall not close the administration of the estate until that claim 12966
is allowed or rejected. 12967

(J) The probate court shall not require an executor or administrator to make and return into the court a schedule of claims against the estate. 12968
12969
12970

(K) If the executor or administrator makes a distribution of the assets of the estate prior to the expiration of the time for the filing of claims as set forth in this section, the executor or administrator shall provide notice on the account delivered to each distributee that the distributee may be liable to the estate up to the value of the distribution and may be required to return all or any part of the value of the distribution if a valid claim is subsequently made against the estate within the time permitted under this section. 12971
12972
12973
12974
12975
12976
12977
12978
12979

Sec. 2117.061. (A) As used in this section, "person responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate. 12980
12981
12982
12983

(B) If the decedent was fifty-five years of age or older at the time of death, the person responsible for an estate shall determine whether the decedent was a recipient of medical assistance under Chapter 5111. of the Revised Code. If the decedent was a recipient, the person responsible for the estate shall give written notice to that effect to the administrator of the estate recovery program instituted under section 5111.11 of the Revised Code not later than thirty days after the occurrence of any of the following: 12984
12985
12986
12987
12988
12989
12990
12991
12992

(1) The granting of letters testamentary; 12993

(2) The administration of the estate; 12994

(3) The filing of an application for release from administration or summary release from administration. 12995
12996

(C) The estate recovery program administrator shall present a 12997

claim for estate recovery to the person responsible for the estate 12998
or the person's legal representative not later than ninety days 12999
after the date on which notice is received under division (B) of 13000
this section or one year after the decedent's death, whichever is 13001
later. 13002

Sec. 2117.25. (A) Every executor or administrator shall 13003
proceed with diligence to pay the debts of the decedent and shall 13004
apply the assets in the following order: 13005

(1) Costs and expenses of administration; 13006

(2) An amount, not exceeding two thousand dollars, for 13007
funeral expenses that are included in the bill of a funeral 13008
director, funeral expenses other than those in the bill of a 13009
funeral director that are approved by the probate court, and an 13010
amount, not exceeding two thousand dollars, for burial and 13011
cemetery expenses, including that portion of the funeral 13012
director's bill allocated to cemetery expenses that have been paid 13013
to the cemetery by the funeral director. 13014

For purposes of this division, burial and cemetery expenses 13015
shall be limited to the following: 13016

(a) The purchase of a place of interment; 13017

(b) Monuments or other markers; 13018

(c) The outer burial container; 13019

(d) The cost of opening and closing the place of interment; 13020

(e) The urn. 13021

(3) The allowance for support made to the surviving spouse, 13022
minor children, or both under section 2106.13 of the Revised Code; 13023

(4) Debts entitled to a preference under the laws of the 13024
United States; 13025

(5) Expenses of the last sickness of the decedent; 13026

(6) If the total bill of a funeral director for funeral expenses exceeds two thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding one thousand dollars, for funeral expenses that are included in the bill and that exceed two thousand dollars;

(7) Personal property taxes, claims made under the estate recovery program instituted pursuant to section 5111.11 of the Revised Code, and obligations for which the decedent was personally liable to the state or any of its subdivisions;

(8) Debts for manual labor performed for the decedent within twelve months preceding the decedent's death, not exceeding three hundred dollars to any one person;

(9) Other debts for which claims have been presented and finally allowed.

(B) The part of the bill of a funeral director that exceeds the total of three thousand dollars as described in divisions (A)(2) and (6) of this section, and the part of a claim included in division (A)(8) of this section that exceeds three hundred dollars shall be included as a debt under division (A)(9) of this section, depending upon the time when the claim for the additional amount is presented.

(C) Any natural person or fiduciary who pays a claim of any creditor described in division (A) of this section shall be subrogated to the rights of that creditor proportionate to the amount of the payment and shall be entitled to reimbursement for that amount in accordance with the priority of payments set forth in that division.

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating to the manner in which and the time within which claims shall be presented, shall apply to claims set forth in divisions (A)(2), (6), and (8) of this section. Claims for an expense of

administration or for the allowance for support need not be 13058
presented. The executor or administrator shall pay debts included 13059
in divisions (A)(4) and (7) of this section, of which the executor 13060
or administrator has knowledge, regardless of presentation. 13061

(2) The giving of written notice to an executor or 13062
administrator of a motion or application to revive an action 13063
pending against the decedent at the date of death shall be 13064
equivalent to the presentation of a claim to the executor or 13065
administrator for the purpose of determining the order of payment 13066
of any judgment rendered or decree entered in such an action. 13067

(E) No payments shall be made to creditors of one class until 13068
all those of the preceding class are fully paid or provided for. 13069
If the assets are insufficient to pay all the claims of one class, 13070
the creditors of that class shall be paid ratably. 13071

(F) If it appears at any time that the assets have been 13072
exhausted in paying prior or preferred charges, allowances, or 13073
claims, those payments shall be a bar to an action on any claim 13074
not entitled to that priority or preference. 13075

Sec. 2151.3529. (A) The director of job and family services 13076
shall promulgate forms designed to gather pertinent medical 13077
information concerning a deserted child and the child's parents. 13078
The forms shall clearly and unambiguously state on each page that 13079
the information requested is to facilitate medical care for the 13080
child, that the forms may be fully or partially completed or left 13081
blank, that completing the forms or parts of the forms is 13082
completely voluntary, and that no adverse legal consequence will 13083
result from failure to complete any part of the forms. 13084

(B) The director shall promulgate written materials to be 13085
given to the parents of a child delivered pursuant to section 13086
2151.3516 of the Revised Code. The materials shall describe 13087
services available to assist parents and newborns and shall 13088

include information directly relevant to situations that might 13089
cause parents to desert a child and information on the procedures 13090
for a person to follow in order to reunite with a child the person 13091
delivered under section 2151.3516 of the Revised Code, including 13092
notice that the person will be required to submit to a DNA test, 13093
at that person's expense, to prove that the person is the parent 13094
of the child. 13095

(C) If the department of job and family services determines 13096
that money in the putative father registry fund created under 13097
section 2101.16 of the Revised Code is more than is needed for its 13098
duties related to the putative father registry, the department may 13099
use surplus moneys in the fund for costs related to the 13100
development and publication of forms and materials promulgated 13101
pursuant to divisions (A) and (B) of this section. 13102

Sec. 2151.3530. (A) The director of job and family services 13103
shall distribute the medical information forms and written 13104
materials promulgated under section 2151.3529 of the Revised Code 13105
to entities permitted to receive a deserted child, to public 13106
children services agencies, and to other public or private 13107
agencies that, in the discretion of the director, are best able to 13108
disseminate the forms and materials to the persons who are most in 13109
need of the forms and materials. 13110

(B) If the department of job and family services determines 13111
that money in the putative father registry fund created under 13112
section 2101.16 of the Revised Code is more than is needed to 13113
perform its duties related to the putative father registry, the 13114
department may use surplus moneys in the fund for costs related to 13115
the distribution of forms and materials pursuant to this section. 13116

Sec. 2151.83. (A) A public children services agency or 13117
private child placing agency, on the request of a young adult, 13118

shall enter into a jointly prepared written agreement with the 13119
young adult that obligates the agency to ensure that independent 13120
living services are provided to the young adult and sets forth the 13121
responsibilities of the young adult regarding the services. The 13122
agreement shall be developed based on the young adult's strengths, 13123
needs, and circumstances ~~and the availability of funds provided~~ 13124
~~pursuant to section 2151.84 of the Revised Code.~~ The agreement 13125
shall be designed to promote the young adult's successful 13126
transition to independent adult living and emotional and economic 13127
self-sufficiency. 13128

(B) If the young adult appears to be eligible for services 13129
from one or more of the following entities, the agency must 13130
contact the appropriate entity to determine eligibility: 13131

(1) An entity, other than the agency, that is represented on 13132
a county family and children first council established pursuant to 13133
section 121.37 of the Revised Code. If the entity is a board of 13134
alcohol, drug addiction, and mental health services, an alcohol 13135
and drug addiction services board, or a community mental health 13136
board, the agency shall contact the provider of alcohol, drug 13137
addiction, or mental health services that has been designated by 13138
the board to determine the young adult's eligibility for services. 13139

(2) The rehabilitation services commission; 13140

(3) A metropolitan housing authority established pursuant to 13141
section 3735.27 of the Revised Code. 13142

If an entity described in this division determines that the 13143
young adult qualifies for services from the entity, that entity, 13144
the young adult, and the agency to which the young adult made the 13145
request for independent living services shall enter into a written 13146
addendum to the jointly prepared agreement entered into under 13147
division (A) of this section. The addendum shall indicate how 13148
services under the agreement and addendum are to be coordinated 13149

and allocate the service responsibilities among the entities and 13150
agency that signed the addendum. 13151

Sec. 2151.84. The department of job and family services shall 13152
establish model agreements that may be used by public children 13153
services agencies and private child placing agencies required to 13154
provide services under an agreement with a young adult pursuant to 13155
section 2151.83 of the Revised Code. The model agreements shall 13156
include provisions describing the specific independent living 13157
services to be provided ~~to the extent funds are provided pursuant~~ 13158
~~to this section~~, the duration of the services and the agreement, 13159
the duties and responsibilities of each party under the agreement, 13160
and grievance procedures regarding disputes that arise regarding 13161
the agreement or services provided under it. 13162

~~To facilitate the provision of independent living services,~~ 13163
~~the department shall provide funds to meet the requirement of~~ 13164
~~state matching funds needed to qualify for federal funds under the~~ 13165
~~"Foster Care Independence Act of 1999," 113 Stat. 1822 (1999), 42~~ 13166
~~U.S.C. 677, as amended. The department shall seek controlling~~ 13167
~~board approval of any fund transfers necessary to meet this~~ 13168
~~requirement.~~ 13169

Sec. 2305.234. (A) As used in this section: 13170

(1) "Chiropractic claim," "medical claim," and "optometric 13171
claim" have the same meanings as in section 2305.11 of the Revised 13172
Code. 13173

(2) "Dental claim" has the same meaning as in section 2305.11 13174
of the Revised Code, except that it does not include any claim 13175
arising out of a dental operation or any derivative claim for 13176
relief that arises out of a dental operation. 13177

(3) "Governmental health care program" has the same meaning 13178
as in section 4731.65 of the Revised Code. 13179

(4) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	13180
	13181
	13182
(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	13183
	13184
	13185
(b) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	13186
	13187
(c) Physician assistants authorized to practice under Chapter 4730. of the Revised Code;	13188
	13189
(d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	13190
	13191
(e) Physical therapists licensed under Chapter 4755. of the Revised Code;	13192
	13193
(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	13194
	13195
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	13196
	13197
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	13198
	13199
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	13200
	13201
(j) Pharmacists licensed under Chapter 4729. of the Revised Code.	13202
	13203
(5) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants,	13204
	13205
	13206
	13207
	13208

dental assistants, orderlies, aides, and individuals acting in 13209
similar capacities. 13210

(6) "Indigent and uninsured person" means a person who meets 13211
all of the following requirements: 13212

(a) The person's income is not greater than one hundred fifty 13213
per cent of the current poverty line as defined by the United 13214
States office of management and budget and revised in accordance 13215
with section 673(2) of the "Omnibus Budget Reconciliation Act of 13216
1981," 95 Stat. 511, 42 U.S.C. 9902, as amended. 13217

(b) The person is not eligible to receive medical assistance 13218
under Chapter 5111., disability ~~assistance~~ medical assistance 13219
under Chapter 5115. of the Revised Code, or assistance under any 13220
other governmental health care program. 13221

(c) Either of the following applies: 13222

(i) The person is not a policyholder, certificate holder, 13223
insured, contract holder, subscriber, enrollee, member, 13224
beneficiary, or other covered individual under a health insurance 13225
or health care policy, contract, or plan. 13226

(ii) The person is a policyholder, certificate holder, 13227
insured, contract holder, subscriber, enrollee, member, 13228
beneficiary, or other covered individual under a health insurance 13229
or health care policy, contract, or plan, but the insurer, policy, 13230
contract, or plan denies coverage or is the subject of insolvency 13231
or bankruptcy proceedings in any jurisdiction. 13232

(7) "Operation" means any procedure that involves cutting or 13233
otherwise infiltrating human tissue by mechanical means, including 13234
surgery, laser surgery, ionizing radiation, therapeutic 13235
ultrasound, or the removal of intraocular foreign bodies. 13236
"Operation" does not include the administration of medication by 13237
injection, unless the injection is administered in conjunction 13238
with a procedure infiltrating human tissue by mechanical means 13239

other than the administration of medicine by injection. 13240

(8) "Nonprofit shelter or health care facility" means a 13241
charitable nonprofit corporation organized and operated pursuant 13242
to Chapter 1702. of the Revised Code, or any charitable 13243
organization not organized and not operated for profit, that 13244
provides shelter, health care services, or shelter and health care 13245
services to indigent and uninsured persons, except that "shelter 13246
or health care facility" does not include a hospital as defined in 13247
section 3727.01 of the Revised Code, a facility licensed under 13248
Chapter 3721. of the Revised Code, or a medical facility that is 13249
operated for profit. 13250

(9) "Tort action" means a civil action for damages for 13251
injury, death, or loss to person or property other than a civil 13252
action for damages for a breach of contract or another agreement 13253
between persons or government entities. 13254

(10) "Volunteer" means an individual who provides any 13255
medical, dental, or other health-care related diagnosis, care, or 13256
treatment without the expectation of receiving and without receipt 13257
of any compensation or other form of remuneration from an indigent 13258
and uninsured person, another person on behalf of an indigent and 13259
uninsured person, any shelter or health care facility, or any 13260
other person or government entity. 13261

(B)(1) Subject to divisions (E) and (F)(3) of this section, a 13262
health care professional who is a volunteer and complies with 13263
division (B)(2) of this section is not liable in damages to any 13264
person or government entity in a tort or other civil action, 13265
including an action on a medical, dental, chiropractic, 13266
optometric, or other health-related claim, for injury, death, or 13267
loss to person or property that allegedly arises from an action or 13268
omission of the volunteer in the provision at a nonprofit shelter 13269
or health care facility to an indigent and uninsured person of 13270
medical, dental, or other health-related diagnosis, care, or 13271

treatment, including the provision of samples of medicine and 13272
other medical products, unless the action or omission constitutes 13273
willful or wanton misconduct. 13274

(2) To qualify for the immunity described in division (B)(1) 13275
of this section, a health care professional shall do all of the 13276
following prior to providing diagnosis, care, or treatment: 13277

(a) Determine, in good faith, that the indigent and uninsured 13278
person is mentally capable of giving informed consent to the 13279
provision of the diagnosis, care, or treatment and is not subject 13280
to duress or under undue influence; 13281

(b) Inform the person of the provisions of this section; 13282

(c) Obtain the informed consent of the person and a written 13283
waiver, signed by the person or by another individual on behalf of 13284
and in the presence of the person, that states that the person is 13285
mentally competent to give informed consent and, without being 13286
subject to duress or under undue influence, gives informed consent 13287
to the provision of the diagnosis, care, or treatment subject to 13288
the provisions of this section. 13289

(3) A physician or podiatrist who is not covered by medical 13290
malpractice insurance, but complies with division (B)(2) of this 13291
section, is not required to comply with division (A) of section 13292
4731.143 of the Revised Code. 13293

(C) Subject to divisions (E) and (F)(3) of this section, 13294
health care workers who are volunteers are not liable in damages 13295
to any person or government entity in a tort or other civil 13296
action, including an action upon a medical, dental, chiropractic, 13297
optometric, or other health-related claim, for injury, death, or 13298
loss to person or property that allegedly arises from an action or 13299
omission of the health care worker in the provision at a nonprofit 13300
shelter or health care facility to an indigent and uninsured 13301
person of medical, dental, or other health-related diagnosis, 13302

care, or treatment, unless the action or omission constitutes 13303
willful or wanton misconduct. 13304

(D) Subject to divisions (E) and (F)(3) of this section and 13305
section 3701.071 of the Revised Code, a nonprofit shelter or 13306
health care facility associated with a health care professional 13307
described in division (B)(1) of this section or a health care 13308
worker described in division (C) of this section is not liable in 13309
damages to any person or government entity in a tort or other 13310
civil action, including an action on a medical, dental, 13311
chiropractic, optometric, or other health-related claim, for 13312
injury, death, or loss to person or property that allegedly arises 13313
from an action or omission of the health care professional or 13314
worker in providing for the shelter or facility medical, dental, 13315
or other health-related diagnosis, care, or treatment to an 13316
indigent and uninsured person, unless the action or omission 13317
constitutes willful or wanton misconduct. 13318

(E)(1) Except as provided in division (E)(2) of this section, 13319
the immunities provided by divisions (B), (C), and (D) of this 13320
section are not available to an individual or to a nonprofit 13321
shelter or health care facility if, at the time of an alleged 13322
injury, death, or loss to person or property, the individuals 13323
involved are providing one of the following: 13324

(a) Any medical, dental, or other health-related diagnosis, 13325
care, or treatment pursuant to a community service work order 13326
entered by a court under division (F) of section 2951.02 of the 13327
Revised Code as a condition of probation or other suspension of a 13328
term of imprisonment or imposed by a court as a community control 13329
sanction pursuant to sections 2929.15 and 2929.17 of the Revised 13330
Code. 13331

(b) Performance of an operation. 13332

(c) Delivery of a baby. 13333

(2) Division (E)(1) of this section does not apply to an individual who provides, or a nonprofit shelter or health care facility at which the individual provides, diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.

(F)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, or nonprofit shelter or health care facility.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which an individual or a nonprofit shelter or health care facility may be entitled in connection with the provision of emergency or other diagnosis, care, or treatment.

(3) This section does not grant an immunity from tort or other civil liability to an individual or a nonprofit shelter or health care facility for actions that are outside the scope of authority of health care professionals or health care workers.

(4) This section does not affect any legal responsibility of a health care professional or health care worker to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a nonprofit shelter or health care facility to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

Sec. 2329.66. (A) Every person who is domiciled in this state may hold property exempt from execution, garnishment, attachment,

or sale to satisfy a judgment or order, as follows: 13364

(1)(a) In the case of a judgment or order regarding money 13365
owed for health care services rendered or health care supplies 13366
provided to the person or a dependent of the person, one parcel or 13367
item of real or personal property that the person or a dependent 13368
of the person uses as a residence. Division (A)(1)(a) of this 13369
section does not preclude, affect, or invalidate the creation 13370
under this chapter of a judgment lien upon the exempted property 13371
but only delays the enforcement of the lien until the property is 13372
sold or otherwise transferred by the owner or in accordance with 13373
other applicable laws to a person or entity other than the 13374
surviving spouse or surviving minor children of the judgment 13375
debtor. Every person who is domiciled in this state may hold 13376
exempt from a judgment lien created pursuant to division (A)(1)(a) 13377
of this section the person's interest, not to exceed five thousand 13378
dollars, in the exempted property. 13379

(b) In the case of all other judgments and orders, the 13380
person's interest, not to exceed five thousand dollars, in one 13381
parcel or item of real or personal property that the person or a 13382
dependent of the person uses as a residence. 13383

(2) The person's interest, not to exceed one thousand 13384
dollars, in one motor vehicle; 13385

(3) The person's interest, not to exceed two hundred dollars 13386
in any particular item, in wearing apparel, beds, and bedding, and 13387
the person's interest, not to exceed three hundred dollars in each 13388
item, in one cooking unit and one refrigerator or other food 13389
preservation unit; 13390

(4)(a) The person's interest, not to exceed four hundred 13391
dollars, in cash on hand, money due and payable, money to become 13392
due within ninety days, tax refunds, and money on deposit with a 13393
bank, savings and loan association, credit union, public utility, 13394

landlord, or other person. Division (A)(4)(a) of this section 13395
applies only in bankruptcy proceedings. This exemption may include 13396
the portion of personal earnings that is not exempt under division 13397
(A)(13) of this section. 13398

(b) Subject to division (A)(4)(d) of this section, the 13399
person's interest, not to exceed two hundred dollars in any 13400
particular item, in household furnishings, household goods, 13401
appliances, books, animals, crops, musical instruments, firearms, 13402
and hunting and fishing equipment, that are held primarily for the 13403
personal, family, or household use of the person; 13404

(c) Subject to division (A)(4)(d) of this section, the 13405
person's interest in one or more items of jewelry, not to exceed 13406
four hundred dollars in one item of jewelry and not to exceed two 13407
hundred dollars in every other item of jewelry; 13408

(d) Divisions (A)(4)(b) and (c) of this section do not 13409
include items of personal property listed in division (A)(3) of 13410
this section. 13411

If the person does not claim an exemption under division 13412
(A)(1) of this section, the total exemption claimed under division 13413
(A)(4)(b) of this section shall be added to the total exemption 13414
claimed under division (A)(4)(c) of this section, and the total 13415
shall not exceed two thousand dollars. If the person claims an 13416
exemption under division (A)(1) of this section, the total 13417
exemption claimed under division (A)(4)(b) of this section shall 13418
be added to the total exemption claimed under division (A)(4)(c) 13419
of this section, and the total shall not exceed one thousand five 13420
hundred dollars. 13421

(5) The person's interest, not to exceed an aggregate of 13422
seven hundred fifty dollars, in all implements, professional 13423
books, or tools of the person's profession, trade, or business, 13424
including agriculture; 13425

(6)(a) The person's interest in a beneficiary fund set apart, appropriated, or paid by a benevolent association or society, as exempted by section 2329.63 of the Revised Code;	13426 13427 13428
(b) The person's interest in contracts of life or endowment insurance or annuities, as exempted by section 3911.10 of the Revised Code;	13429 13430 13431
(c) The person's interest in a policy of group insurance or the proceeds of a policy of group insurance, as exempted by section 3917.05 of the Revised Code;	13432 13433 13434
(d) The person's interest in money, benefits, charity, relief, or aid to be paid, provided, or rendered by a fraternal benefit society, as exempted by section 3921.18 of the Revised Code;	13435 13436 13437 13438
(e) The person's interest in the portion of benefits under policies of sickness and accident insurance and in lump sum payments for dismemberment and other losses insured under those policies, as exempted by section 3923.19 of the Revised Code.	13439 13440 13441 13442
(7) The person's professionally prescribed or medically necessary health aids;	13443 13444
(8) The person's interest in a burial lot, including, but not limited to, exemptions under section 517.09 or 1721.07 of the Revised Code;	13445 13446 13447
(9) The person's interest in the following:	13448
(a) Moneys paid or payable for living maintenance or rights, as exempted by section 3304.19 of the Revised Code;	13449 13450
(b) Workers' compensation, as exempted by section 4123.67 of the Revised Code;	13451 13452
(c) Unemployment compensation benefits, as exempted by section 4141.32 of the Revised Code;	13453 13454

(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code; 13455
13456

(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code; 13457
13458
13459

(f) Disability financial assistance payments, as exempted by section ~~5115.07~~ 5115.06 of the Revised Code. 13460
13461

(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund; 13462
13463
13464
13465
13466
13467
13468
13469
13470
13471
13472
13473
13474
13475
13476
13477
13478

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or profit-sharing plan or a payment included in division (A)(6)(b) or (10)(a) of this section, on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for 13479
13480
13481
13482
13483
13484
13485

the support of the person and any of the person's dependents, 13486
except if all the following apply: 13487

(i) The plan or contract was established by or under the 13488
auspices of an insider that employed the person at the time the 13489
person's rights under the plan or contract arose. 13490

(ii) The payment is on account of age or length of service. 13491

(iii) The plan or contract is not qualified under the 13492
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 13493
amended. 13494

(c) Except for any portion of the assets that were deposited 13495
for the purpose of evading the payment of any debt and except as 13496
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13497
3123.06 of the Revised Code, the person's right in the assets held 13498
in, or to receive any payment under, any individual retirement 13499
account, individual retirement annuity, "Roth IRA," or education 13500
individual retirement account that provides benefits by reason of 13501
illness, disability, death, or age, to the extent that the assets, 13502
payments, or benefits described in division (A)(10)(c) of this 13503
section are attributable to any of the following: 13504

(i) Contributions of the person that were less than or equal 13505
to the applicable limits on deductible contributions to an 13506
individual retirement account or individual retirement annuity in 13507
the year that the contributions were made, whether or not the 13508
person was eligible to deduct the contributions on the person's 13509
federal tax return for the year in which the contributions were 13510
made; 13511

(ii) Contributions of the person that were less than or equal 13512
to the applicable limits on contributions to a Roth IRA or 13513
education individual retirement account in the year that the 13514
contributions were made; 13515

(iii) Contributions of the person that are within the 13516

applicable limits on rollover contributions under subsections 219, 13517
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 13518
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 13519
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 13520

(d) Except for any portion of the assets that were deposited 13521
for the purpose of evading the payment of any debt and except as 13522
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 13523
3123.06 of the Revised Code, the person's right in the assets held 13524
in, or to receive any payment under, any Keogh or "H.R. 10" plan 13525
that provides benefits by reason of illness, disability, death, or 13526
age, to the extent reasonably necessary for the support of the 13527
person and any of the person's dependents. 13528

(11) The person's right to receive spousal support, child 13529
support, an allowance, or other maintenance to the extent 13530
reasonably necessary for the support of the person and any of the 13531
person's dependents; 13532

(12) The person's right to receive, or moneys received during 13533
the preceding twelve calendar months from, any of the following: 13534

(a) An award of reparations under sections 2743.51 to 2743.72 13535
of the Revised Code, to the extent exempted by division (D) of 13536
section 2743.66 of the Revised Code; 13537

(b) A payment on account of the wrongful death of an 13538
individual of whom the person was a dependent on the date of the 13539
individual's death, to the extent reasonably necessary for the 13540
support of the person and any of the person's dependents; 13541

(c) Except in cases in which the person who receives the 13542
payment is an inmate, as defined in section 2969.21 of the Revised 13543
Code, and in which the payment resulted from a civil action or 13544
appeal against a government entity or employee, as defined in 13545
section 2969.21 of the Revised Code, a payment, not to exceed five 13546
thousand dollars, on account of personal bodily injury, not 13547

including pain and suffering or compensation for actual pecuniary 13548
loss, of the person or an individual for whom the person is a 13549
dependent; 13550

(d) A payment in compensation for loss of future earnings of 13551
the person or an individual of whom the person is or was a 13552
dependent, to the extent reasonably necessary for the support of 13553
the debtor and any of the debtor's dependents. 13554

(13) Except as provided in sections 3119.80, 3119.81, 13555
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 13556
earnings of the person owed to the person for services in an 13557
amount equal to the greater of the following amounts: 13558

(a) If paid weekly, thirty times the current federal minimum 13559
hourly wage; if paid biweekly, sixty times the current federal 13560
minimum hourly wage; if paid semimonthly, sixty-five times the 13561
current federal minimum hourly wage; or if paid monthly, one 13562
hundred thirty times the current federal minimum hourly wage that 13563
is in effect at the time the earnings are payable, as prescribed 13564
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 13565
U.S.C. 206(a)(1), as amended; 13566

(b) Seventy-five per cent of the disposable earnings owed to 13567
the person. 13568

(14) The person's right in specific partnership property, as 13569
exempted by division (B)(3) of section 1775.24 of the Revised 13570
Code; 13571

(15) A seal and official register of a notary public, as 13572
exempted by section 147.04 of the Revised Code; 13573

(16) The person's interest in a tuition credit or a payment 13574
under section 3334.09 of the Revised Code pursuant to a tuition 13575
credit contract, as exempted by section 3334.15 of the Revised 13576
Code; 13577

(17) Any other property that is specifically exempted from 13578
execution, attachment, garnishment, or sale by federal statutes 13579
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 13580
U.S.C.A. 101, as amended; 13581

(18) The person's interest, not to exceed four hundred 13582
dollars, in any property, except that division (A)(18) of this 13583
section applies only in bankruptcy proceedings. 13584

(B) As used in this section: 13585

(1) "Disposable earnings" means net earnings after the 13586
garnishee has made deductions required by law, excluding the 13587
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 13588
3121.03, or 3123.06 of the Revised Code. 13589

(2) "Insider" means: 13590

(a) If the person who claims an exemption is an individual, a 13591
relative of the individual, a relative of a general partner of the 13592
individual, a partnership in which the individual is a general 13593
partner, a general partner of the individual, or a corporation of 13594
which the individual is a director, officer, or in control; 13595

(b) If the person who claims an exemption is a corporation, a 13596
director or officer of the corporation; a person in control of the 13597
corporation; a partnership in which the corporation is a general 13598
partner; a general partner of the corporation; or a relative of a 13599
general partner, director, officer, or person in control of the 13600
corporation; 13601

(c) If the person who claims an exemption is a partnership, a 13602
general partner in the partnership; a general partner of the 13603
partnership; a person in control of the partnership; a partnership 13604
in which the partnership is a general partner; or a relative in, a 13605
general partner of, or a person in control of the partnership; 13606

(d) An entity or person to which or whom any of the following 13607

applies: 13608

(i) The entity directly or indirectly owns, controls, or 13609
holds with power to vote, twenty per cent or more of the 13610
outstanding voting securities of the person who claims an 13611
exemption, unless the entity holds the securities in a fiduciary 13612
or agency capacity without sole discretionary power to vote the 13613
securities or holds the securities solely to secure to debt and 13614
the entity has not in fact exercised the power to vote. 13615

(ii) The entity is a corporation, twenty per cent or more of 13616
whose outstanding voting securities are directly or indirectly 13617
owned, controlled, or held with power to vote, by the person who 13618
claims an exemption or by an entity to which division (B)(2)(d)(i) 13619
of this section applies. 13620

(iii) A person whose business is operated under a lease or 13621
operating agreement by the person who claims an exemption, or a 13622
person substantially all of whose business is operated under an 13623
operating agreement with the person who claims an exemption. 13624

(iv) The entity operates the business or all or substantially 13625
all of the property of the person who claims an exemption under a 13626
lease or operating agreement. 13627

(e) An insider, as otherwise defined in this section, of a 13628
person or entity to which division (B)(2)(d)(i), (ii), (iii), or 13629
(iv) of this section applies, as if the person or entity were a 13630
person who claims an exemption; 13631

(f) A managing agent of the person who claims an exemption. 13632

(3) "Participant account" has the same meaning as in section 13633
148.01 of the Revised Code. 13634

(4) "Government unit" has the same meaning as in section 13635
148.06 of the Revised Code. 13636

(C) For purposes of this section, "interest" shall be 13637

determined as follows: 13638

(1) In bankruptcy proceedings, as of the date a petition is 13639
filed with the bankruptcy court commencing a case under Title 11 13640
of the United States Code; 13641

(2) In all cases other than bankruptcy proceedings, as of the 13642
date of an appraisal, if necessary under section 2329.68 of the 13643
Revised Code, or the issuance of a writ of execution. 13644

An interest, as determined under division (C)(1) or (2) of 13645
this section, shall not include the amount of any lien otherwise 13646
valid pursuant to section 2329.661 of the Revised Code. 13647

Sec. 2505.13. If a supersedeas bond has been executed and 13648
filed and the surety is one other than a surety company, the clerk 13649
of the court with which the bond has been filed, upon request, 13650
shall issue a certificate that sets forth the fact that the bond 13651
has been filed and that states the style and number of the appeal, 13652
the amount of the bond, and the sureties on it. Such a certificate 13653
may be filed in the office of the county recorder of any county in 13654
which the sureties may own land, and, when filed, the bond shall 13655
be a lien upon the land of the sureties in such county. The lien 13656
shall be extinguished upon the satisfaction, reversal, or vacation 13657
of the final order, judgment, or decree involved, or by an order 13658
of the court that entered the final order, judgment, or decree, 13659
that releases the lien or releases certain land from the operation 13660
of the lien. 13661

The clerk, upon request, shall issue a notice of discharge of 13662
such a lien, which may be filed in the office of any recorder in 13663
whose office the certificate of lien was filed. Such notice shall 13664
state that the final order, judgment, or decree involved is 13665
satisfied, reversed, or vacated, or that an order has been entered 13666
that releases the lien or certain land from the operation of the 13667
lien. Such recorder shall properly keep and file such certificates 13668

and notices as are filed with ~~him~~ the recorder and shall index 13669
them in the book or record provided for in section 2937.27 of the 13670
Revised Code. 13671

The fee for issuing such a certificate or notice shall be as 13672
provided by law, and shall be taxed as part of the costs of the 13673
appeal. A county recorder shall receive a base fee of fifty cents 13674
for filing and indexing such a certificate, which fee shall cover 13675
the filing and the entering on the index of ~~such a~~ the notice and 13676
a housing trust fund fee of fifty cents pursuant to section 317.36 13677
of the Revised Code. 13678

Sec. 2715.041. (A) Upon the filing of a motion for an order 13679
of attachment pursuant to section 2715.03 of the Revised Code, the 13680
plaintiff shall file with the clerk of the court a praecipe 13681
instructing the clerk to issue to the defendant against whom the 13682
motion was filed a notice of the proceeding. Upon receipt of the 13683
praecipe, the clerk shall issue the notice which shall be in 13684
substantially the following form: 13685

"(Name and Address of Court) 13686

Case No..... 13687

(Case Caption) 13688

NOTICE 13689

You are hereby notified that (name and address of plaintiff), 13690
the plaintiff in this proceeding, has applied to this court for 13691
the attachment of property in your possession. The basis for this 13692
application is indicated in the documents that are enclosed with 13693
this notice. 13694

The law of Ohio and the United States provides that certain 13695
benefit payments cannot be taken from you to pay a debt. Typical 13696
among the benefits that cannot be attached or executed on by a 13697
creditor are: 13698

(1) Workers' compensation benefits;	13699
(2) Unemployment compensation payments;	13700
(3) Cash assistance payments under the Ohio works first program;	13701 13702
(4) Benefits and services under the prevention, retention, and contingency program;	13703 13704
(5) Disability <u>financial</u> assistance administered by the Ohio department of job and family services;	13705 13706
(6) Social security benefits;	13707
(7) Supplemental security income (S.S.I.);	13708
(8) Veteran's benefits;	13709
(9) Black lung benefits;	13710
(10) Certain pensions.	13711
Additionally, your wages never can be taken to pay a debt	13712
until a judgment has been obtained against you. There may be other	13713
benefits not included in this list that apply in your case.	13714
If you dispute the plaintiff's claim and believe that you are	13715
entitled to retain possession of the property because it is exempt	13716
or for any other reason, you may request a hearing before this	13717
court by disputing the claim in the request for hearing form	13718
appearing below, or in a substantially similar form, and	13719
delivering the request for the hearing to this court, at the	13720
office of the clerk of this court, not later than the end of the	13721
fifth business day after you receive this notice. You may state	13722
your reasons for disputing the claim in the space provided on the	13723
form, but you are not required to do so. If you do state your	13724
reasons for disputing the claim in the space provided on the form,	13725
you are not prohibited from stating any other reasons at the	13726
hearing, and if you do not state your reasons, it will not be held	13727

against you by the court and you can state your reasons at the hearing. 13728
13729

If you request a hearing, it will be conducted in 13730
..... courtroom, (address of court), at 13731
.....m. on, 13732

You may avoid having a hearing but retain possession of the 13733
property until the entry of final judgment in the action by filing 13734
with the court, at the office of the clerk of this court, not 13735
later than the end of the fifth business day after you receive 13736
this notice, a bond executed by an acceptable surety in the amount 13737
of \$..... 13738

If you do not request a hearing or file a bond on or before 13739
the end of the fifth business day after you receive this notice, 13740
the court, without further notice to you, may order a law 13741
enforcement officer or bailiff to take possession of the property. 13742
Notice of the dates, times, places, and purposes of any subsequent 13743
hearings and of the date, time, and place of the trial of the 13744
action will be sent to you. 13745

..... 13746

Clerk of Court 13747

Date:....." 13748

(B) Along with the notice required by division (A) of this 13749
section, the clerk of the court also shall deliver to the 13750
defendant, in accordance with division (C) of this section, a 13751
request for hearing form together with a postage-paid, 13752
self-addressed envelope or a request for hearing form on a 13753
postage-paid, self-addressed postcard. The request for hearing 13754
shall be in substantially the following form: 13755

"(Name and Address of Court) 13756

Case Number Date 13757

REQUEST FOR HEARING 13758

I dispute the claim for the attachment of property in the 13759
above case and request that a hearing in this matter be held at 13760
the time and place set forth in the notice that I previously 13761
received. 13762

I dispute the claim for the following reasons: 13763

..... 13764

(Optional) 13765

..... 13766

..... 13767

..... 13768

(Name of Defendant) 13769

..... 13770

(Signature) 13771

..... 13772

(Date) 13773

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 13774
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 13775
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 13776
YOU WAIVE YOUR RIGHT TO A HEARING AT THIS TIME AND YOU MAY BE 13777
REQUIRED TO GIVE UP THE PROPERTY SOUGHT WITHOUT A HEARING." 13778

(C) The notice required by division (A) of this section shall 13779
be served on the defendant in duplicate not less than seven 13780
business days prior to the date on which the hearing is scheduled, 13781
together with a copy of the complaint and summons, if not 13782
previously served, and a copy of the motion for the attachment of 13783
property and the affidavit attached to the motion, in the same 13784
manner as provided in the Rules of Civil Procedure for the service 13785
of process. Service may be effected by publication as provided in 13786
the Rules of Civil Procedure except that the number of weeks for 13787
publication may be reduced by the court to the extent appropriate. 13788

Sec. 2715.045. (A) Upon the filing of a motion for attachment, a court may issue an order of attachment without issuing notice to the defendant against whom the motion was filed and without conducting a hearing if the court finds that there is probable cause to support the motion and that the plaintiff that filed the motion for attachment will suffer irreparable injury if the order is delayed until the defendant against whom the motion has been filed has been given the opportunity for a hearing. The court's findings shall be based upon the motion and affidavit filed pursuant to section 2715.03 of the Revised Code and any other relevant evidence that it may wish to consider.

(B) A finding by the court that the plaintiff will suffer irreparable injury may be made only if the court finds the existence of either of the following circumstances:

(1) There is present danger that the property will be immediately disposed of, concealed, or placed beyond the jurisdiction of the court.

(2) The value of the property will be impaired substantially if the issuance of an order of attachment is delayed.

(C)(1) Upon the issuance by a court of an order of attachment without notice and hearing pursuant to this section, the plaintiff shall file the order with the clerk of the court, together with a praecipe instructing the clerk to issue to the defendant against whom the order was issued a copy of the motion, affidavit, and order of attachment, and a notice that an order of attachment was issued and that the defendant has a right to a hearing on the matter. The clerk then immediately shall serve upon the defendant, in the manner provided by the Rules of Civil Procedure for service of process, a copy of the complaint and summons, if not previously served, a copy of the motion, affidavit, and order of attachment, and the following notice:

"(Name and Address of the Court)	13820
(Case Caption) Case No.	13821
NOTICE	13822
You are hereby notified that this court has issued an order	13823
in the above case in favor of (name and address of plaintiff), the	13824
plaintiff in this proceeding, directing that property now in your	13825
possession, be taken from you. This order was issued on the basis	13826
of the plaintiff's claim against you as indicated in the documents	13827
that are enclosed with this notice.	13828
The law of Ohio and the United States provides that certain	13829
benefit payments cannot be taken from you to pay a debt. Typical	13830
among the benefits that cannot be attached or executed on by a	13831
creditor are:	13832
(1) Workers' compensation benefits;	13833
(2) Unemployment compensation payments;	13834
(3) Cash assistance payments under the Ohio works first	13835
program;	13836
(4) Benefits and services under the prevention, retention,	13837
and contingency program;	13838
(5) Disability <u>financial</u> assistance administered by the Ohio	13839
department of job and family services;	13840
(6) Social security benefits;	13841
(7) Supplemental security income (S.S.I.);	13842
(8) Veteran's benefits;	13843
(9) Black lung benefits;	13844
(10) Certain pensions.	13845
Additionally, your wages never can be taken to pay a debt	13846
until a judgment has been obtained against you. There may be other	13847
benefits not included in this list that apply in your case.	13848

If you dispute the plaintiff's claim and believe that you are 13849
entitled to possession of the property because it is exempt or for 13850
any other reason, you may request a hearing before this court by 13851
disputing the claim in the request for hearing form, appearing 13852
below, or in a substantially similar form, and delivering the 13853
request for hearing to this court at the above address, at the 13854
office of the clerk of this court, no later than the end of the 13855
fifth business day after you receive this notice. You may state 13856
your reasons for disputing the claim in the space provided on the 13857
form; however, you are not required to do so. If you do state your 13858
reasons for disputing the claim, you are not prohibited from 13859
stating any other reasons at the hearing, and if you do not state 13860
your reasons, it will not be held against you by the court and you 13861
can state your reasons at the hearing. If you request a hearing, 13862
it will be held within three business days after delivery of your 13863
request for hearing and notice of the date, time, and place of the 13864
hearing will be sent to you. 13865

You may avoid a hearing but recover and retain possession of 13866
the property until the entry of final judgment in the action by 13867
filing with the court, at the office of the clerk of this court, 13868
not later than the end of the fifth business day after you receive 13869
this notice, a bond executed by an acceptable surety in the amount 13870
of \$..... 13871

If you do not request a hearing or file a bond before the end 13872
of the fifth business day after you receive this notice, 13873
possession of the property will be withheld from you during the 13874
pendency of the action. Notice of the dates, times, places, and 13875
purposes of any subsequent hearings and of the date, time, and 13876
place of the trial of the action will be sent to you. 13877

..... 13878
Clerk of the Court 13879
..... 13880

Date" 13881

(2) Along with the notice required by division (C)(1) of this 13882
section, the clerk of the court also shall deliver to the 13883
defendant a request for hearing form together with a postage-paid, 13884
self-addressed envelope or a request for hearing form on a 13885
postage-paid, self-addressed postcard. The request for hearing 13886
shall be in substantially the following form: 13887

"(Name and Address of Court) 13888

Case Number Date 13889

REQUEST FOR HEARING 13890

I dispute the claim for possession of property in the above 13891
case and request that a hearing in this matter be held within 13892
three business days after delivery of this request to the court. 13893

I dispute the claim for the following reasons: 13894

..... 13895

(Optional) 13896

..... 13897

..... 13898

..... 13899

(Name of Defendant) 13900

..... 13901

(Signature) 13902

..... 13903

(Date) 13904

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 13905
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 13906
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 13907
YOU WAIVE YOUR RIGHT TO A HEARING AND POSSESSION OF THE PROPERTY 13908
WILL BE WITHHELD FROM YOU DURING THE PENDENCY OF THE ACTION." 13909

(D) The defendant may receive a hearing in accordance with 13910

section 2715.043 of the Revised Code by delivering a written 13911
request for hearing to the court within five business days after 13912
receipt of the notice provided pursuant to division (C) of this 13913
section. The request may set forth the defendant's reasons for 13914
disputing the plaintiff's claim for possession of property. 13915
However, neither the defendant's inclusion of nor failure to 13916
include such reasons upon the request constitutes a waiver of any 13917
defense of the defendant or affects the defendant's right to 13918
produce evidence at any hearing or at the trial of the action. If 13919
the request is made by the defendant, the court shall schedule a 13920
hearing within three business days after the request is made, send 13921
notice to the parties of the date, time, and place of the hearing, 13922
and hold the hearing accordingly. 13923

(E) If, after hearing, the court finds that there is not 13924
probable cause to support the motion, it shall order that the 13925
property be redelivered to the defendant without the condition of 13926
bond. 13927

Sec. 2716.13. (A) Upon the filing of a proceeding in 13928
garnishment of property, other than personal earnings, under 13929
section 2716.11 of the Revised Code, the court shall cause the 13930
matter to be set for hearing within twelve days after that filing. 13931

(B) Upon the scheduling of a hearing relative to a proceeding 13932
in garnishment of property, other than personal earnings, under 13933
division (A) of this section, the clerk of the court immediately 13934
shall issue to the garnishee three copies of the order of 13935
garnishment of property, other than personal earnings, and of a 13936
written notice that the garnishee answer as provided in section 13937
2716.21 of the Revised Code and the garnishee's fee required by 13938
section 2716.12 of the Revised Code. The copies of the order and 13939
of the notice shall be served upon the garnishee in the same 13940
manner as a summons is served. The copies of the order and of the 13941

notice shall not be served later than seven days prior to the date 13942
on which the hearing is scheduled. The order shall bind the 13943
property, other than personal earnings, of the judgment debtor in 13944
the possession of the garnishee at the time of service. 13945

The order of garnishment of property, other than personal 13946
earnings, and notice to answer shall be in substantially the 13947
following form: 13948

"ORDER AND NOTICE OF GARNISHMENT 13949
OF PROPERTY OTHER THAN PERSONAL EARNINGS 13950
AND ANSWER OF GARNISHEE 13951

Docket No. 13952
Case No. 13953
In the Court 13954
....., Ohio 13955

The State of Ohio 13956
County of, ss 13957

....., Judgment Creditor 13958

vs. 13959

....., Judgment Debtor 13960

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 13961

To:, Garnishee 13962

The judgment creditor in the above case has filed an 13963
affidavit, satisfactory to the undersigned, in this Court stating 13964
that you have money, property, or credits, other than personal 13965
earnings, in your hands or under your control that belong to the 13966
judgment debtor, and that some of the money, property, or credits 13967
may not be exempt from garnishment under the laws of the State of 13968
Ohio or the laws of the United States. 13969

You are therefore ordered to complete the "ANSWER OF 13970
GARNISHEE" in section (B) of this form. Return one completed and 13971

signed copy of this form to the clerk of this court together with 13972
the amount determined in accordance with the "ANSWER OF GARNISHEE" 13973
by the following date on which a hearing is tentatively scheduled 13974
relative to this order of garnishment: Deliver one 13975
completed and signed copy of this form to the judgment debtor 13976
prior to that date. Keep the other completed and signed copy of 13977
this form for your files. 13978

The total probable amount now due on this judgment is 13979
\$..... The total probable amount now due includes the unpaid 13980
portion of the judgment in favor of the judgment creditor, which 13981
is \$.....; interest on that judgment and, if applicable, 13982
prejudgment interest relative to that judgment at the rate of 13983
.....% per annum payable until that judgment is satisfied in full; 13984
and court costs in the amount of \$..... 13985

You also are ordered to hold safely anything of value that 13986
belongs to the judgment debtor and that has to be paid to the 13987
court, as determined under the "ANSWER OF GARNISHEE" in section 13988
(B) of this form, but that is of such a nature that it cannot be 13989
so delivered, until further order of the court. 13990

Witness my hand and the seal of this court this 13991
day of, 13992

..... 13993

Judge 13994

SECTION B. ANSWER OF GARNISHEE 13995

Now comes the garnishee, who says: 13996

1. That the garnishee has money, property, or credits, other 13997
than personal earnings, of the judgment debtor under the 13998
garnishee's control and in the garnishee's possession. 13999

..... 14000

yes no if yes, amount 14001

2. That property is described as: 14002

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay the amount of line 1 to the clerk of this court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due on the judgment, as indicated in section (A) of this form, sign and return this form and pay that probable amount now due to the clerk of this court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.

I certify that the statements above are true.

.....

(Print Name of Garnishee)

.....

(Print Name and Title of

Person Who Completed Form)

Signed.....

(Signature of Person Completing Form)

Dated this day of,"

Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and

signed copy of the form to the judgment debtor. 14033

If several affidavits seeking orders of garnishment of 14034
property, other than personal earnings, are filed against the same 14035
judgment debtor in accordance with section 2716.11 of the Revised 14036
Code, the court involved shall issue the requested orders in the 14037
same order in which the clerk received the associated affidavits. 14038

(C)(1) At the time of the filing of a proceeding in 14039
garnishment of property, other than personal earnings, under 14040
section 2716.11 of the Revised Code, the judgment creditor also 14041
shall file with the clerk of the court a praecipe instructing the 14042
clerk to issue to the judgment debtor a notice to the judgment 14043
debtor form and a request for hearing form. Upon receipt of the 14044
praecipe and the scheduling of a hearing relative to an action in 14045
garnishment of property, other than personal earnings, under 14046
division (A) of this section, the clerk of the court immediately 14047
shall serve upon the judgment debtor, in accordance with division 14048
(D) of this section, two copies of the notice to the judgment 14049
debtor form and of the request for hearing form. The copies of the 14050
notice to the judgment debtor form and of the request for hearing 14051
form shall not be served later than seven days prior to the date 14052
on which the hearing is scheduled. 14053

(a) The notice to the judgment debtor that must be served 14054
upon the judgment debtor shall be in substantially the following 14055
form: 14056

"(Name and Address of the Court) 14057

(Case Caption) Case No. 14058

NOTICE TO THE JUDGMENT DEBTOR 14059

You are hereby notified that this court has issued an order 14060
in the above case in favor of (name and address of judgment 14061
creditor), the judgment creditor in this proceeding, directing 14062
that some of your money, property, or credits, other than personal 14063

earnings, now in the possession of (name and address of 14064
garnishee), the garnishee in this proceeding, be used to satisfy 14065
your debt to the judgment creditor. This order was issued on the 14066
basis of the judgment creditor's judgment against you that was 14067
obtained in (name of court) in (case number) on (date). Upon your 14068
receipt of this notice, you are prohibited from removing or 14069
attempting to remove the money, property, or credits until 14070
expressly permitted by the court. Any violation of this 14071
prohibition subjects you to punishment for contempt of court. 14072

The law of Ohio and the United States provides that certain 14073
benefit payments cannot be taken from you to pay a debt. Typical 14074
among the benefits that cannot be attached or executed upon by a 14075
creditor are the following: 14076

(1) Workers' compensation benefits; 14077

(2) Unemployment compensation payments; 14078

(3) Cash assistance payments under the Ohio works first 14079
program; 14080

(4) Benefits and services under the prevention, retention, 14081
and contingency program; 14082

(5) Disability financial assistance administered by the Ohio 14083
department of job and family services; 14084

(6) Social security benefits; 14085

(7) Supplemental security income (S.S.I.); 14086

(8) Veteran's benefits; 14087

(9) Black lung benefits; 14088

(10) Certain pensions. 14089

There may be other benefits not included in the above list 14090
that apply in your case. 14091

If you dispute the judgment creditor's right to garnish your 14092

property and believe that the judgment creditor should not be 14093
given your money, property, or credits, other than personal 14094
earnings, now in the possession of the garnishee because they are 14095
exempt or if you feel that this order is improper for any other 14096
reason, you may request a hearing before this court by disputing 14097
the claim in the request for hearing form, appearing below, or in 14098
a substantially similar form, and delivering the request for 14099
hearing to this court at the above address, at the office of the 14100
clerk of this court no later than the end of the fifth business 14101
day after you receive this notice. You may state your reasons for 14102
disputing the judgment creditor's right to garnish your property 14103
in the space provided on the form; however, you are not required 14104
to do so. If you do state your reasons for disputing the judgment 14105
creditor's right, you are not prohibited from stating any other 14106
reason at the hearing. If you do not state your reasons, it will 14107
not be held against you by the court, and you can state your 14108
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 14109
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 14110
the hearing will be limited to a consideration of the amount of 14111
your money, property, or credits, other than personal earnings, in 14112
the possession or control of the garnishee, if any, that can be 14113
used to satisfy all or part of the judgment you owe to the 14114
judgment creditor. 14115

If you request a hearing by delivering your request for 14116
hearing no later than the end of the fifth business day after you 14117
receive this notice, it will be conducted in courtroom 14118
....., (address of court), at m. on, 14119
..... You may request the court to conduct the hearing before 14120
this date by indicating your request in the space provided on the 14121
form; the court then will send you notice of any change in the 14122
date, time, or place of the hearing. If you do not request a 14123
hearing by delivering your request for a hearing no later than the 14124
end of the fifth business day after you receive this notice, some 14125

of your money, property, or credits, other than personal earnings, 14126
will be paid to the judgment creditor. 14127

If you have any questions concerning this matter, you may 14128
contact the office of the clerk of this court. If you want legal 14129
representation, you should contact your lawyer immediately. If you 14130
need the name of a lawyer, contact the local bar association. 14131

..... 14132
Clerk of the Court 14133
..... 14134
Date" 14135

(b) The request for hearing form that must be served upon the 14136
judgment debtor shall have attached to it a postage-paid, 14137
self-addressed envelope or shall be on a postage-paid 14138
self-addressed postcard, and shall be in substantially the 14139
following form: 14140

"(Name and Address of Court) 14141

Case Number Date 14142

REQUEST FOR HEARING 14143

I dispute the judgment creditor's right to garnish my money, 14144
property, or credits, other than personal earnings, in the above 14145
case and request that a hearing in this matter be held 14146

..... 14147

(Insert "on" or "earlier than") 14148

the date and time set forth in the document entitled "NOTICE TO 14149
THE JUDGMENT DEBTOR" that I received with this request form. 14150

I dispute the judgment creditor's right to garnish my 14151
property for the following reasons: 14152

..... 14153

(Optional) 14154

..... 14155

.....	14156
I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL	14157
BE HEARD OR CONSIDERED AT THE HEARING.	14158
.....	14159
(Name of Judgment Debtor)	14160
.....	14161
(Signature)	14162
.....	14163
(Date)	14164
WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A	14165
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK	14166
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT,	14167
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY,	14168
PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE	14169
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT	14170
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT	14171
CREDITOR'S NAME)."	14172
(2) The judgment debtor may receive a hearing in accordance	14173
with this division by delivering a written request for hearing to	14174
the court within five business days after receipt of the notice	14175
provided pursuant to division (C)(1) of this section. The request	14176
may set forth the judgment debtor's reasons for disputing the	14177
judgment creditor's right to garnish the money, property, or	14178
credits, other than personal earnings; however, neither the	14179
judgment debtor's inclusion of nor failure to include those	14180
reasons upon the request constitutes a waiver of any defense of	14181
the judgment debtor or affects the judgment debtor's right to	14182
produce evidence at the hearing. If the request is made by the	14183
judgment debtor within the prescribed time, the hearing shall be	14184
limited to a consideration of the amount of money, property, or	14185
credits, other than personal earnings, of the judgment debtor in	14186
the hands of the garnishee, if any, that can be used to satisfy	14187

all or part of the debt owed by the judgment debtor to the 14188
judgment creditor. If a request for a hearing is not received by 14189
the court within the prescribed time, the hearing scheduled 14190
pursuant to division (A) of this section shall be canceled unless 14191
the court grants the judgment debtor a continuance in accordance 14192
with division (C)(3) of this section. 14193

(3) If the judgment debtor does not request a hearing in the 14194
action within the prescribed time pursuant to division (C)(2) of 14195
this section, the court nevertheless may grant a continuance of 14196
the scheduled hearing if the judgment debtor, prior to the time at 14197
which the hearing was scheduled, as indicated on the notice to the 14198
judgment debtor required by division (C)(1) of this section, 14199
establishes a reasonable justification for failure to request the 14200
hearing within the prescribed time. If the court grants a 14201
continuance of the hearing, it shall cause the matter to be set 14202
for hearing as soon as practicable thereafter. The continued 14203
hearing shall be conducted in accordance with division (C)(2) of 14204
this section. 14205

(4) The court may conduct the hearing on the matter prior to 14206
the time at which the hearing was scheduled, as indicated on the 14207
notice to the judgment debtor required by division (C)(1) of this 14208
section, upon the request of the judgment debtor. The parties 14209
shall be sent notice, by the clerk of the court, by regular mail, 14210
of any change in the date, time, or place of the hearing. 14211

(5) If the scheduled hearing is canceled and no continuance 14212
is granted, the court shall issue an order to the garnishee to pay 14213
all or some of the money, property, or credits, other than 14214
personal earnings, of the judgment debtor in the possession of the 14215
garnishee at the time of service of the notice and order into 14216
court if they have not already been paid to the court. This order 14217
shall be based on the answer of the garnishee filed pursuant to 14218
this section. If the scheduled hearing is conducted or if it is 14219

continued and conducted, the court shall determine at the hearing 14220
the amount of the money, property, or credits, other than personal 14221
earnings, of the judgment debtor in the possession of the 14222
garnishee at the time of service of the notice and order, if any, 14223
that can be used to satisfy all or part of the debt owed by the 14224
judgment debtor to the judgment creditor, and issue an order, 14225
accordingly, to the garnishee to pay that amount into court if it 14226
has not already been paid to the court. 14227

(D) The notice to the judgment debtor form and the request 14228
for hearing form described in division (C) of this section shall 14229
be sent by the clerk by ordinary or regular mail service unless 14230
the judgment creditor requests that service be made in accordance 14231
with the Rules of Civil Procedure, in which case the forms shall 14232
be served in accordance with the Rules of Civil Procedure. Any 14233
court of common pleas that issues an order of garnishment of 14234
property, other than personal earnings, under this section has 14235
jurisdiction to serve process pursuant to this section upon a 14236
garnishee who does not reside within the jurisdiction of the 14237
court. Any county court or municipal court that issues an order of 14238
garnishment of property, other than personal earnings, under this 14239
section has jurisdiction to serve process pursuant to this section 14240
upon a garnishee who does not reside within the jurisdiction of 14241
the court. 14242

Sec. 2743.02. (A)(1) The state hereby waives its immunity 14243
from liability and, subject to division (H) of this section, 14244
consents to be sued, and have its liability determined, in the 14245
court of claims created in this chapter in accordance with the 14246
same rules of law applicable to suits between private parties, 14247
except that the determination of liability is subject to the 14248
limitations set forth in this chapter and, in the case of state 14249
universities or colleges, in section 3345.40 of the Revised Code, 14250
and except as provided in division (A)(2) of this section. To the 14251

extent that the state has previously consented to be sued, this 14252
chapter has no applicability. 14253

Except in the case of a civil action filed by the state, 14254
filing a civil action in the court of claims results in a complete 14255
waiver of any cause of action, based on the same act or omission, 14256
which the filing party has against any officer or employee, as 14257
defined in section 109.36 of the Revised Code. The waiver shall be 14258
void if the court determines that the act or omission was 14259
manifestly outside the scope of the officer's or employee's office 14260
or employment or that the officer or employee acted with malicious 14261
purpose, in bad faith, or in a wanton or reckless manner. 14262

(2) If a claimant proves in the court of claims that an 14263
officer or employee, as defined in section 109.36 of the Revised 14264
Code, would have personal liability for ~~his~~ the officer's or 14265
employee's acts or omissions but for the fact that the officer or 14266
employee has personal immunity under section 9.86 of the Revised 14267
Code, the state shall be held liable in the court of claims in any 14268
action that is timely filed pursuant to section 2743.16 of the 14269
Revised Code and that is based upon the acts or omissions. 14270

(B) The state hereby waives the immunity from liability of 14271
all hospitals owned or operated by one or more political 14272
subdivisions and consents for them to be sued, and to have their 14273
liability determined, in the court of common pleas, in accordance 14274
with the same rules of law applicable to suits between private 14275
parties, subject to the limitations set forth in this chapter. 14276
This division is also applicable to hospitals owned or operated by 14277
political subdivisions which have been determined by the supreme 14278
court to be subject to suit prior to July 28, 1975. 14279

(C) Any hospital, as defined under section 2305.11 of the 14280
Revised Code, may purchase liability insurance covering its 14281
operations and activities and its agents, employees, nurses, 14282
interns, residents, staff, and members of the governing board and 14283

committees, and, whether or not such insurance is purchased, may, 14284
to such extent as its governing board considers appropriate, 14285
indemnify or agree to indemnify and hold harmless any such person 14286
against expense, including attorney's fees, damage, loss, or other 14287
liability arising out of, or claimed to have arisen out of, the 14288
death, disease, or injury of any person as a result of the 14289
negligence, malpractice, or other action or inaction of the 14290
indemnified person while acting within the scope of ~~his~~ the 14291
indemnified person's duties or engaged in activities at the 14292
request or direction, or for the benefit, of the hospital. Any 14293
hospital electing to indemnify such persons, or to agree to so 14294
indemnify, shall reserve such funds as are necessary, in the 14295
exercise of sound and prudent actuarial judgment, to cover the 14296
potential expense, fees, damage, loss, or other liability. The 14297
superintendent of insurance may recommend, or, if such hospital 14298
requests ~~him~~ the superintendent to do so, the superintendent shall 14299
recommend, a specific amount for any period that, in ~~his~~ the 14300
superintendent's opinion, represents such a judgment. This 14301
authority is in addition to any authorization otherwise provided 14302
or permitted by law. 14303

(D) Recoveries against the state shall be reduced by the 14304
aggregate of insurance proceeds, disability award, or other 14305
collateral recovery received by the claimant. This division does 14306
not apply to civil actions in the court of claims against a state 14307
university or college under the circumstances described in section 14308
3345.40 of the Revised Code. The collateral benefits provisions of 14309
division (B)(2) of that section apply under those circumstances. 14310

(E) The only defendant in original actions in the court of 14311
claims is the state. The state may file a third-party complaint or 14312
counterclaim in any civil action, except a civil action for two 14313
thousand five hundred dollars or less, that is filed in the court 14314
of claims. 14315

(F) A civil action against an officer or employee, as defined 14316
in section 109.36 of the Revised Code, that alleges that the 14317
officer's or employee's conduct was manifestly outside the scope 14318
of ~~his~~ the officer's or employee's employment or official 14319
responsibilities, or that the officer or employee acted with 14320
malicious purpose, in bad faith, or in a wanton or reckless manner 14321
shall first be filed against the state in the court of claims, 14322
which has exclusive, original jurisdiction to determine, 14323
initially, whether the officer or employee is entitled to personal 14324
immunity under section 9.86 of the Revised Code and whether the 14325
courts of common pleas have jurisdiction over the civil action. 14326

The filing of a claim against an officer or employee under 14327
this division tolls the running of the applicable statute of 14328
limitations until the court of claims determines whether the 14329
officer or employee is entitled to personal immunity under section 14330
9.86 of the Revised Code. 14331

(G) Whenever a claim lies against an officer or employee who 14332
is a member of the Ohio national guard, and the officer or 14333
employee was, at the time of the act or omission complained of, 14334
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 14335
U.S.C. 2671, et seq., then the Federal Tort Claims Act is the 14336
exclusive remedy of the claimant and the state has no liability 14337
under this section. 14338

(H) If an inmate of a state correctional institution has a 14339
claim against the state for the loss of or damage to property and 14340
the amount claimed does not exceed three hundred dollars, before 14341
commencing an action against the state in the court of claims, the 14342
inmate shall file a claim for the loss or damage under the rules 14343
adopted by the director of rehabilitation and correction pursuant 14344
to this division. The inmate shall file the claim within the time 14345
allowed for commencement of a civil action under section 2743.16 14346
of the Revised Code. If the state admits or compromises the claim, 14347

the director shall make payment from a fund designated by the 14348
director for that purpose. If the state denies the claim or does 14349
not compromise the claim at least sixty days prior to expiration 14350
of the time allowed for commencement of a civil action based upon 14351
the loss or damage under section 2743.16 of the Revised Code, the 14352
inmate may commence an action in the court of claims under this 14353
chapter to recover damages for the loss or damage. 14354

The director of rehabilitation and correction shall adopt 14355
rules pursuant to Chapter 119. of the Revised Code to implement 14356
this division. 14357

Sec. 2915.01. As used in this chapter: 14358

(A) "Bookmaking" means the business of receiving or paying 14359
off bets. 14360

(B) "Bet" means the hazarding of anything of value upon the 14361
result of an event, undertaking, or contingency, but does not 14362
include a bona fide business risk. 14363

(C) "Scheme of chance" means a slot machine, lottery, numbers 14364
game, pool, or other scheme in which a participant gives a 14365
valuable consideration for a chance to win a prize, but does not 14366
include bingo. 14367

(D) "Game of chance" means poker, craps, roulette, or other 14368
game in which a player gives anything of value in the hope of 14369
gain, the outcome of which is determined largely by chance, but 14370
does not include bingo. 14371

(E) "Game of chance conducted for profit" means any game of 14372
chance designed to produce income for the person who conducts or 14373
operates the game of chance, but does not include bingo. 14374

(F) "Gambling device" means any of the following: 14375

(1) A book, totalizer, or other equipment for recording bets; 14376

(2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;	14377 14378
(3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;	14379 14380 14381
(4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;	14382 14383
(5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.	14384 14385
(G) "Gambling offense" means any of the following:	14386
(1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05, 2915.07, 2915.08, 2915.081, 2915.082, 2915.09, 2915.091, 2915.092, 2915.10, or 2915.11 of the Revised Code;	14387 14388 14389
(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division (G)(1) of this section or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;	14390 14391 14392 14393 14394
(3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;	14395 14396 14397
(4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.	14398 14399 14400
(H) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has	14401 14402 14403 14404 14405 14406

received from the internal revenue service a determination letter 14407
that currently is in effect stating that the organization is, 14408
exempt from federal income taxation under subsection 501(a) and 14409
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 14410
501(c)(10), or 501(c)(19) of the Internal Revenue Code. To qualify 14411
as a charitable organization, an organization, except a volunteer 14412
rescue service or volunteer fire fighter's organization, shall 14413
have been in continuous existence as such in this state for a 14414
period of two years immediately preceding either the making of an 14415
application for a bingo license under section 2915.08 of the 14416
Revised Code or the conducting of any scheme of chance or game of 14417
chance as provided in division (C) of section 2915.02 of the 14418
Revised Code. A charitable organization that is exempt from 14419
federal income taxation under subsection 501(a) and described in 14420
subsection 501(c)(3) of the Internal Revenue Code and that is 14421
created by a veteran's organization or a fraternal organization 14422
does not have to have been in continuous existence as such in this 14423
state for a period of two years immediately preceding either the 14424
making of an application for a bingo license under section 2915.08 14425
of the Revised Code or the conducting of any scheme of chance or 14426
game of chance as provided in division (D) of section 2915.02 of 14427
the Revised Code. 14428

(I) "Religious organization" means any church, body of 14429
communicants, or group that is not organized or operated for 14430
profit and that gathers in common membership for regular worship 14431
and religious observances. 14432

(J) "Educational organization" means any organization within 14433
this state that is not organized for profit, the exclusive purpose 14434
of which is to educate and develop the capabilities of individuals 14435
through instruction, and that operates or contributes to the 14436
support of a school, academy, college, or university. 14437

(K) "Veteran's organization" means any individual post of a 14438

national veteran's association or an auxiliary unit of any 14439
individual post of a national veteran's association, which post or 14440
auxiliary unit has been incorporated as a nonprofit corporation 14441
for at least two years and has received a letter from the state 14442
headquarters of the national veteran's association indicating that 14443
the individual post or auxiliary unit is in good standing with the 14444
national veteran's association. As used in this division, 14445
"national veteran's association" means any veteran's association 14446
that has been in continuous existence as such for a period of at 14447
least five years and either is incorporated by an act of the 14448
United States congress or has a national dues-paying membership of 14449
at least five thousand persons. 14450

(L) "Volunteer firefighter's organization" means any 14451
organization of volunteer firefighters, as defined in section 14452
146.01 of the Revised Code, that is organized and operated 14453
exclusively to provide financial support for a volunteer fire 14454
department or a volunteer fire company and that is recognized or 14455
ratified by a county, municipal corporation, or township. 14456

(M) "Fraternal organization" means any society, order, or 14457
association within this state, except a college or high school 14458
fraternity, that is not organized for profit, that is a branch, 14459
lodge, or chapter of a national or state organization, that exists 14460
exclusively for the common business or sodality of its members, 14461
and that has been in continuous existence in this state for a 14462
period of five years. 14463

(N) "Volunteer rescue service organization" means any 14464
organization of volunteers organized to function as an emergency 14465
medical service organization, as defined in section 4765.01 of the 14466
Revised Code. 14467

(O) "Service organization" means any organization, not 14468
organized for profit, that is organized and operated exclusively 14469
to provide, or to contribute to the support of organizations or 14470

institutions organized and operated exclusively to provide, 14471
medical and therapeutic services for persons who are crippled, 14472
born with birth defects, or have any other mental or physical 14473
defect or those organized and operated exclusively to protect, or 14474
to contribute to the support of organizations or institutions 14475
organized and operated exclusively to protect, animals from 14476
inhumane treatment. 14477

(P) "Nonprofit medical organization" means any organization 14478
that has been incorporated as a nonprofit corporation for at least 14479
five years and that has continuously operated and will be operated 14480
exclusively to provide, or to contribute to the support of 14481
organizations or institutions organized and operated exclusively 14482
to provide, hospital, medical, research, or therapeutic services 14483
for the public. 14484

(Q) "Senior citizen's organization" means any private 14485
organization, not organized for profit, that is organized and 14486
operated exclusively to provide recreational or social services 14487
for persons who are fifty-five years of age or older and that is 14488
described and qualified under subsection 501(c)(3) of the Internal 14489
Revenue Code. 14490

(R) "Charitable bingo game" means any bingo game described in 14491
division (S)(1) or (2) of this section that is conducted by a 14492
charitable organization that has obtained a license pursuant to 14493
section 2915.08 of the Revised Code and the proceeds of which are 14494
used for a charitable purpose. 14495

(S) "Bingo" means either of the following: 14496

(1) A game with all of the following characteristics: 14497

(a) The participants use bingo cards or sheets, including 14498
paper formats and electronic representation or image formats, that 14499
are divided into twenty-five spaces arranged in five horizontal 14500
and five vertical rows of spaces, with each space, except the 14501

central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.

(b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

(c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.

(d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (S)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.

(2) Instant bingo, punch boards, and raffles.

(T) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

(U) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and

numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.

(V) "Participant" means any person who plays bingo.

(W) "Bingo session" means a period that includes both of the following:

(1) Not to exceed five continuous hours for the conduct of one or more games described in division (S)(1) of this section, instant bingo, and seal cards;

(2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in division (W)(1) of this section.

(X) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

(1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.

(2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.

(3) The food and beverages are sold at customary and reasonable prices.

(Y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.

(Z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:

(1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)~~(12)~~(11) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)~~(12)~~(11) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to

schools, youth groups, or other bona fide nonprofit organizations, 14595
promotion of patriotism, or disaster relief; 14596

(3) A fraternal organization that has been in continuous 14597
existence in this state for fifteen years and that uses the net 14598
profit exclusively for religious, charitable, scientific, 14599
literary, or educational purposes, or for the prevention of 14600
cruelty to children or animals, if contributions for such use 14601
would qualify as a deductible charitable contribution under 14602
subsection 170 of the Internal Revenue Code; 14603

(4) A volunteer firefighter's organization that uses the net 14604
profit for the purposes set forth in division (L) of this section. 14605

(AA) "Internal Revenue Code" means the "Internal Revenue Code 14606
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 14607
amended. 14608

(BB) "Youth athletic organization" means any organization, 14609
not organized for profit, that is organized and operated 14610
exclusively to provide financial support to, or to operate, 14611
athletic activities for persons who are twenty-one years of age or 14612
younger by means of sponsoring, organizing, operating, or 14613
contributing to the support of an athletic team, club, league, or 14614
association. 14615

(CC) "Youth athletic park organization" means any 14616
organization, not organized for profit, that satisfies both of the 14617
following: 14618

(1) It owns, operates, and maintains playing fields that 14619
satisfy both of the following: 14620

(a) The playing fields are used at least one hundred days per 14621
year for athletic activities by one or more organizations, not 14622
organized for profit, each of which is organized and operated 14623
exclusively to provide financial support to, or to operate, 14624
athletic activities for persons who are eighteen years of age or 14625

younger by means of sponsoring, organizing, operating, or 14626
contributing to the support of an athletic team, club, league, or 14627
association. 14628

(b) The playing fields are not used for any profit-making 14629
activity at any time during the year. 14630

(2) It uses the proceeds of bingo it conducts exclusively for 14631
the operation, maintenance, and improvement of its playing fields 14632
of the type described in division (CC)(1) of this section. 14633

(DD) "Amateur athletic organization" means any organization, 14634
not organized for profit, that is organized and operated 14635
exclusively to provide financial support to, or to operate, 14636
athletic activities for persons who are training for amateur 14637
athletic competition that is sanctioned by a national governing 14638
body as defined in the "Amateur Sports Act of 1978," 90 Stat. 14639
3045, 36 U.S.C.A. 373. 14640

(EE) "Bingo supplies" means bingo cards or sheets; instant 14641
bingo tickets or cards; electronic bingo aids; raffle tickets; 14642
punch boards; seal cards; instant bingo ticket dispensers; and 14643
devices for selecting or displaying the combination of bingo 14644
letters and numbers or raffle tickets. Items that are "bingo 14645
supplies" are not gambling devices if sold or otherwise provided, 14646
and used, in accordance with this chapter. For purposes of this 14647
chapter, "bingo supplies" are not to be considered equipment used 14648
to conduct a bingo game. 14649

(FF) "Instant bingo" means a form of bingo that uses folded 14650
or banded tickets or paper cards with perforated break-open tabs, 14651
a face of which is covered or otherwise hidden from view to 14652
conceal a number, letter, or symbol, or set of numbers, letters, 14653
or symbols, some of which have been designated in advance as prize 14654
winners. "Instant bingo" includes seal cards. "Instant bingo" does 14655
not include any device that is activated by the insertion of a 14656

coin, currency, token, or an equivalent, and that contains as one 14657
of its components a video display monitor that is capable of 14658
displaying numbers, letters, symbols, or characters in winning or 14659
losing combinations. 14660

(GG) "Seal card" means a form of instant bingo that uses 14661
instant bingo tickets in conjunction with a board or placard that 14662
contains one or more seals that, when removed or opened, reveal 14663
predesignated winning numbers, letters, or symbols. 14664

(HH) "Raffle" means a form of bingo in which the one or more 14665
prizes are won by one or more persons who have purchased a raffle 14666
ticket. The one or more winners of the raffle are determined by 14667
drawing a ticket stub or other detachable section from a 14668
receptacle containing ticket stubs or detachable sections 14669
corresponding to all tickets sold for the raffle. 14670

(II) "Punch board" means a board containing a number of holes 14671
or receptacles of uniform size in which are placed, mechanically 14672
and randomly, serially numbered slips of paper that may be punched 14673
or drawn from the hole or receptacle when used in conjunction with 14674
instant bingo. A player may punch or draw the numbered slips of 14675
paper from the holes or receptacles and obtain the prize 14676
established for the game if the number drawn corresponds to a 14677
winning number or, if the punch board includes the use of a seal 14678
card, a potential winning number. 14679

(JJ) "Gross profit" means gross receipts minus the amount 14680
actually expended for the payment of prize awards. 14681

(KK) "Net profit" means gross profit minus expenses. 14682

(LL) "Expenses" means the reasonable amount of gross profit 14683
actually expended for all of the following: 14684

(1) The purchase or lease of bingo supplies; 14685

(2) The annual license fee required under section 2915.08 of 14686

the Revised Code;	14687
(3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;	14688 14689
(4) Audits and accounting services;	14690
(5) Safes;	14691
(6) Cash registers;	14692
(7) Hiring security personnel;	14693
(8) Advertising bingo;	14694
(9) Renting premises in which to conduct bingo;	14695
(10) Tables and chairs;	14696
(11) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (B)(1) of section 2915.08 of the Revised Code.	14697 14698 14699 14700
(MM) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.	14701 14702 14703
(NN) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	14704 14705 14706 14707
(OO) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.	14708 14709 14710 14711
(PP) "Distributor" means any person who purchases or obtains bingo supplies and who sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state.	14712 14713 14714 14715

(QQ) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(RR) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (S)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (S)(2) of this section.

(SS) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:

(1) It is activated upon the insertion of United States currency.

(2) It performs no gaming functions.

(3) It does not contain a video display monitor or generate noise.

(4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.

(5) It does not simulate or display rolling or spinning reels.

(6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.

(7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.

(8) It is not part of an electronic network and is not interactive.

(TT)(1) "Electronic bingo aid" means an electronic device 14745
used by a participant to monitor bingo cards or sheets purchased 14746
at the time and place of a bingo session and that does all of the 14747
following: 14748

(a) It provides a means for a participant to input numbers 14749
and letters announced by a bingo caller. 14750

(b) It compares the numbers and letters entered by the 14751
participant to the bingo faces previously stored in the memory of 14752
the device. 14753

(c) It identifies a winning bingo pattern. 14754

(2) "Electronic bingo aid" does not include any device into 14755
which a coin, currency, token, or an equivalent is inserted to 14756
activate play. 14757

(UU) "Deal of instant bingo tickets" means a single game of 14758
instant bingo tickets all with the same serial number. 14759

(VV) "Slot_ machine means either of the following: 14760

(1) Any mechanical, electronic, video, or digital device that 14761
is capable of accepting anything of value, directly or indirectly, 14762
from or on behalf of a player who gives the thing of value in the 14763
hope of gain, the outcome of which is determined largely or wholly 14764
by chance; 14765

(2) Any mechanical, electronic, video, or digital device that 14766
is capable of accepting anything of value, directly or indirectly, 14767
from or on behalf of a player to conduct or dispense bingo or a 14768
scheme or game of chance. 14769

(WW) "Net profit from the proceeds of the sale of instant 14770
bingo" means gross profit minus the ordinary, necessary, and 14771
reasonable expense expended for the purchase of instant bingo 14772
supplies. 14773

(XX) "Charitable instant bingo organization" means an 14774

organization that is exempt from federal income taxation under 14775
subsection 501(a) and described in subsection 501(c)(3) of the 14776
Internal Revenue Code and is a charitable organization as defined 14777
in this section. A "charitable instant bingo organization" does 14778
not include a charitable organization that is exempt from federal 14779
income taxation under subsection 501(a) and described in 14780
subsection 501(c)(3) of the Internal Revenue Code and that is 14781
created by a veteran's organization or a fraternal organization in 14782
regards to bingo conducted or assisted by a veteran's organization 14783
or a fraternal organization pursuant to section 2915.13 of the 14784
Revised Code. 14785

Sec. 2921.13. (A) No person shall knowingly make a false 14786
statement, or knowingly swear or affirm the truth of a false 14787
statement previously made, when any of the following applies: 14788

(1) The statement is made in any official proceeding. 14789

(2) The statement is made with purpose to incriminate 14790
another. 14791

(3) The statement is made with purpose to mislead a public 14792
official in performing the public official's official function. 14793

(4) The statement is made with purpose to secure the payment 14794
of unemployment compensation; Ohio works first; prevention, 14795
retention, and contingency benefits and services; disability 14796
financial assistance; retirement benefits; economic development 14797
assistance, as defined in section 9.66 of the Revised Code; or 14798
other benefits administered by a governmental agency or paid out 14799
of a public treasury. 14800

(5) The statement is made with purpose to secure the issuance 14801
by a governmental agency of a license, permit, authorization, 14802
certificate, registration, release, or provider agreement. 14803

(6) The statement is sworn or affirmed before a notary public 14804

or another person empowered to administer oaths. 14805

(7) The statement is in writing on or in connection with a 14806
report or return that is required or authorized by law. 14807

(8) The statement is in writing and is made with purpose to 14808
induce another to extend credit to or employ the offender, to 14809
confer any degree, diploma, certificate of attainment, award of 14810
excellence, or honor on the offender, or to extend to or bestow 14811
upon the offender any other valuable benefit or distinction, when 14812
the person to whom the statement is directed relies upon it to 14813
that person's detriment. 14814

(9) The statement is made with purpose to commit or 14815
facilitate the commission of a theft offense. 14816

(10) The statement is knowingly made to a probate court in 14817
connection with any action, proceeding, or other matter within its 14818
jurisdiction, either orally or in a written document, including, 14819
but not limited to, an application, petition, complaint, or other 14820
pleading, or an inventory, account, or report. 14821

(11) The statement is made on an account, form, record, 14822
stamp, label, or other writing that is required by law. 14823

(12) The statement is made in connection with the purchase of 14824
a firearm, as defined in section 2923.11 of the Revised Code, and 14825
in conjunction with the furnishing to the seller of the firearm of 14826
a fictitious or altered driver's or commercial driver's license or 14827
permit, a fictitious or altered identification card, or any other 14828
document that contains false information about the purchaser's 14829
identity. 14830

(13) The statement is made in a document or instrument of 14831
writing that purports to be a judgment, lien, or claim of 14832
indebtedness and is filed or recorded with the secretary of state, 14833
a county recorder, or the clerk of a court of record. 14834

(B) No person, in connection with the purchase of a firearm, 14835
as defined in section 2923.11 of the Revised Code, shall knowingly 14836
furnish to the seller of the firearm a fictitious or altered 14837
driver's or commercial driver's license or permit, a fictitious or 14838
altered identification card, or any other document that contains 14839
false information about the purchaser's identity. 14840

(C) It is no defense to a charge under division (A)(4) of 14841
this section that the oath or affirmation was administered or 14842
taken in an irregular manner. 14843

(D) If contradictory statements relating to the same fact are 14844
made by the offender within the period of the statute of 14845
limitations for falsification, it is not necessary for the 14846
prosecution to prove which statement was false but only that one 14847
or the other was false. 14848

(E)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 14849
(6), (7), (8), (10), (11), or (13) of this section is guilty of 14850
falsification, a misdemeanor of the first degree. 14851

(2) Whoever violates division (A)(9) of this section is 14852
guilty of falsification in a theft offense. Except as otherwise 14853
provided in this division, falsification in a theft offense is a 14854
misdemeanor of the first degree. If the value of the property or 14855
services stolen is five hundred dollars or more and is less than 14856
five thousand dollars, falsification in a theft offense is a 14857
felony of the fifth degree. If the value of the property or 14858
services stolen is five thousand dollars or more and is less than 14859
one hundred thousand dollars, falsification in a theft offense is 14860
a felony of the fourth degree. If the value of the property or 14861
services stolen is one hundred thousand dollars or more, 14862
falsification in a theft offense is a felony of the third degree. 14863

(3) Whoever violates division (A)(12) or (B) of this section 14864
is guilty of falsification to purchase a firearm, a felony of the 14865

fifth degree. 14866

(F) A person who violates this section is liable in a civil 14867
action to any person harmed by the violation for injury, death, or 14868
loss to person or property incurred as a result of the commission 14869
of the offense and for reasonable attorney's fees, court costs, 14870
and other expenses incurred as a result of prosecuting the civil 14871
action commenced under this division. A civil action under this 14872
division is not the exclusive remedy of a person who incurs 14873
injury, death, or loss to person or property as a result of a 14874
violation of this section. 14875

Sec. 2925.44. (A) If property is seized pursuant to section 14876
2925.42 or 2925.43 of the Revised Code, it is deemed to be in the 14877
custody of the head of the law enforcement agency that seized it, 14878
and the head of that agency may do any of the following with 14879
respect to that property prior to its disposition in accordance 14880
with division (A)(4) or (B) of this section: 14881

(1) Place the property under seal; 14882

(2) Remove the property to a place that the head of that 14883
agency designates; 14884

(3) Request the issuance of a court order that requires any 14885
other appropriate municipal corporation, county, township, park 14886
district created pursuant to section 511.18 or 1545.01 of the 14887
Revised Code, or state law enforcement officer or other officer to 14888
take custody of the property and, if practicable, remove it to an 14889
appropriate location for eventual disposition in accordance with 14890
division (B) of this section; 14891

(4)(a) Seek forfeiture of the property pursuant to federal 14892
law. If the head of that agency seeks its forfeiture pursuant to 14893
federal law, the law enforcement agency shall deposit, use, and 14894
account for proceeds from a sale of the property upon its 14895

forfeiture, proceeds from another disposition of the property upon 14896
its forfeiture, or forfeited moneys it receives, in accordance 14897
with the applicable federal law and otherwise shall comply with 14898
that law. 14899

(b) If the state highway patrol seized the property and if 14900
the superintendent of the state highway patrol seeks its 14901
forfeiture pursuant to federal law, the appropriate governmental 14902
officials shall deposit into the state highway patrol contraband, 14903
forfeiture, and other fund all interest or other earnings derived 14904
from the investment of the proceeds from a sale of the property 14905
upon its forfeiture, the proceeds from another disposition of the 14906
property upon its forfeiture, or the forfeited moneys. The state 14907
highway patrol shall use and account for that interest or other 14908
earnings in accordance with the applicable federal law. 14909

(c) If the investigative unit of the department of public 14910
safety seized the property and if the director of public safety 14911
seeks its forfeiture pursuant to federal law, the appropriate 14912
governmental officials shall deposit into the department of public 14913
safety investigative unit contraband, forfeiture, and other fund 14914
all interest or other earnings derived from the investment of the 14915
proceeds from a sale of the property upon its forfeiture, the 14916
proceeds from another disposition of the property upon its 14917
forfeiture, or the forfeited moneys. The department shall use and 14918
account for that interest or other earnings in accordance with the 14919
applicable federal law. 14920

(d) If the enforcement division of the department of taxation 14921
seized the property and if the tax commissioner seeks its 14922
forfeiture pursuant to federal law, the appropriate governmental 14923
officials shall deposit into the department of taxation 14924
enforcement fund all interest or other earnings derived from the 14925
investment of the proceeds from a sale of the property upon its 14926
forfeiture, the proceeds from another disposition of the property 14927

upon its forfeiture, or the forfeited moneys. The department shall 14928
use and account for that interest or other earnings in accordance 14929
with the applicable federal law. 14930

(e) Division (B) of this section and divisions (D)(1) to (3) 14931
of section 2933.43 of the Revised Code do not apply to proceeds or 14932
forfeited moneys received pursuant to federal law or to the 14933
interest or other earnings that are derived from the investment of 14934
proceeds or forfeited moneys received pursuant to federal law and 14935
that are described in division (A)(4)(b) of this section. 14936

(B) In addition to complying with any requirements imposed by 14937
a court pursuant to section 2925.42 or 2925.43 of the Revised 14938
Code, and the requirements imposed by those sections, in relation 14939
to the disposition of property forfeited to the state under either 14940
of those sections, the prosecuting attorney who is responsible for 14941
its disposition shall dispose of the property as follows: 14942

(1) Any vehicle, as defined in section 4501.01 of the Revised 14943
Code, that was used in a felony drug abuse offense or in an act 14944
that, if committed by an adult, would be a felony drug abuse 14945
offense shall be given to the law enforcement agency of the 14946
municipal corporation or county in which the offense occurred if 14947
that agency desires to have the vehicle, except that, if the 14948
offense occurred in a township or in a park district created 14949
pursuant to section 511.18 or 1545.01 of the Revised Code and a 14950
law enforcement officer employed by the township or the park 14951
district was involved in the seizure of the vehicle, the vehicle 14952
may be given to the law enforcement agency of that township or 14953
park district if that agency desires to have the vehicle, and 14954
except that, if the state highway patrol made the seizure of the 14955
vehicle, the vehicle may be given to the state highway patrol if 14956
it desires to have the vehicle. 14957

(2) Any drug paraphernalia that was used, possessed, sold, or 14958
manufactured in a violation of section 2925.14 of the Revised Code 14959

that would be a felony drug abuse offense or in a violation of 14960
that section committed by a juvenile that, if committed by an 14961
adult, would be a felony drug abuse offense, may be given to the 14962
law enforcement agency of the municipal corporation or county in 14963
which the offense occurred if that agency desires to have and can 14964
use the drug paraphernalia, except that, if the offense occurred 14965
in a township or in a park district created pursuant to section 14966
511.18 or 1545.01 of the Revised Code and a law enforcement 14967
officer employed by the township or the park district was involved 14968
in the seizure of the drug paraphernalia, the drug paraphernalia 14969
may be given to the law enforcement agency of that township or 14970
park district if that agency desires to have and can use the drug 14971
paraphernalia. If the drug paraphernalia is not so given, it shall 14972
be disposed of by sale pursuant to division (B)(8) of this section 14973
or disposed of in another manner that the court that issued the 14974
order of forfeiture considers proper under the circumstances. 14975

(3) Drugs shall be disposed of pursuant to section 3719.11 of 14976
the Revised Code or placed in the custody of the secretary of the 14977
treasury of the United States for disposal or use for medical or 14978
scientific purposes under applicable federal law. 14979

(4) Firearms and dangerous ordnance suitable for police work 14980
may be given to a law enforcement agency for that purpose. 14981
Firearms suitable for sporting use, or as museum pieces or 14982
collectors' items, may be disposed of by sale pursuant to division 14983
(B)(8) of this section. Other firearms and dangerous ordnance 14984
shall be destroyed by a law enforcement agency or shall be sent to 14985
the bureau of criminal identification and investigation for 14986
destruction by it. As used in this division, "firearms" and 14987
"dangerous ordnance" have the same meanings as in section 2923.11 14988
of the Revised Code. 14989

(5) Computers, computer networks, computer systems, and 14990
computer software suitable for police work may be given to a law 14991

enforcement agency for that purpose. Other computers, computer 14992
networks, computer systems, and computer software shall be 14993
disposed of by sale pursuant to division (B)(8) of this section or 14994
disposed of in another manner that the court that issued the order 14995
of forfeiture considers proper under the circumstances. As used in 14996
this division, "computers," "computer networks," "computer 14997
systems," and "computer software" have the same meanings as in 14998
section 2913.01 of the Revised Code. 14999

(6) Obscene materials shall be destroyed. 15000

(7) Beer, intoxicating liquor, and alcohol shall be disposed 15001
of in accordance with division (D)(4) of section 2933.41 of the 15002
Revised Code. 15003

(8) In the case of property not described in divisions (B)(1) 15004
to (7) of this section and of property described in those 15005
divisions but not disposed of pursuant to them, the property shall 15006
be sold in accordance with division (B)(8) of this section or, in 15007
the case of forfeited moneys, disposed of in accordance with 15008
division (B)(8) of this section. If the property is to be sold, 15009
the prosecuting attorney shall cause a notice of the proposed sale 15010
of the property to be given in accordance with law, and the 15011
property shall be sold, without appraisal, at a public auction to 15012
the highest bidder for cash. The proceeds of a sale and forfeited 15013
moneys shall be applied in the following order: 15014

(a) First, to the payment of the costs incurred in connection 15015
with the seizure of, storage of, maintenance of, and provision of 15016
security for the property, the forfeiture proceeding or civil 15017
action, and, if any, the sale; 15018

(b) Second, the remaining proceeds or forfeited moneys after 15019
compliance with division (B)(8)(a) of this section, to the payment 15020
of the value of any legal right, title, or interest in the 15021
property that is possessed by a person who, pursuant to division 15022

(F) of section 2925.42 of the Revised Code or division (E) of 15023
section 2925.43 of the Revised Code, established the validity of 15024
and consequently preserved that legal right, title, or interest, 15025
including, but not limited to, any mortgage, perfected or other 15026
security interest, or other lien in the property. The value of 15027
these rights, titles, or interests shall be paid according to 15028
their record or other order of priority. 15029

(c) Third, the remaining proceeds or forfeited moneys after 15030
compliance with divisions (B)(8)(a) and (b) of this section, as 15031
follows: 15032

(i) If the forfeiture was ordered in a juvenile court, ten 15033
per cent to one or more alcohol and drug addiction treatment 15034
programs that are certified by the department of alcohol and drug 15035
addiction services under section 3793.06 of the Revised Code and 15036
that are specified in the order of forfeiture. A juvenile court 15037
shall not specify an alcohol or drug addiction treatment program 15038
in the order of forfeiture unless the program is a certified 15039
alcohol and drug addiction treatment program and, except as 15040
provided in division (B)(8)(c)(i) of this section, unless the 15041
program is located in the county in which the court that orders 15042
the forfeiture is located or in a contiguous county. If no 15043
certified alcohol and drug addiction treatment program is located 15044
in any of those counties, the juvenile court may specify in the 15045
order a certified alcohol and drug addiction treatment program 15046
located anywhere within this state. 15047

(ii) If the forfeiture was ordered in a juvenile court, 15048
ninety per cent, and if the forfeiture was ordered in a court 15049
other than a juvenile court, one hundred per cent to appropriate 15050
funds in accordance with divisions (D)(1)(c) and (2) of section 15051
2933.43 of the Revised Code. The remaining proceeds or forfeited 15052
moneys so deposited shall be used only for the purposes authorized 15053
by those divisions and division (D)(3)(a)(ii) of that section. 15054

(C)(1) Sections 2925.41 to 2925.45 of the Revised Code do not
preclude a financial institution that possessed a valid mortgage,
security interest, or lien that is not satisfied prior to a sale
under division (B)(8) of this section or following a sale by
application of division (B)(8)(b) of this section, from commencing
a civil action in any appropriate court in this or another state
to obtain a deficiency judgment against the debtor if the
financial institution otherwise would have been entitled to do so
in this or another state.

(2) Any law enforcement agency that obtains any vehicle
pursuant to division (B)(1) of this section shall take the vehicle
subject to the outstanding amount of any security interest or lien
that attaches to the vehicle.

(3) Nothing in this section impairs a mortgage, security
interest, lien, or other interest of a financial institution in
property that was the subject of a forfeiture order under section
2925.42 or 2925.43 of the Revised Code and that was sold or
otherwise disposed of in a manner that does not conform to the
requirements of division (B) of this section, or any right of a
financial institution of that nature to commence a civil action in
any appropriate court in this or another state to obtain a
deficiency judgment against the debtor.

(4) Following the sale under division (B)(8) of this section
of any property that is required to be titled or registered under
the law of this state, the prosecuting attorney responsible for
the disposition of the property shall cause the state to issue an
appropriate certificate of title or registration to the purchaser
of the property. Additionally, if, in a disposition of property
pursuant to division (B) of this section, the state or a political
subdivision is given any property that is required to be titled or
registered under the law of this state, the prosecuting attorney
responsible for the disposition of the property shall cause the

state to issue an appropriate certificate of title or registration 15087
to itself or to the political subdivision. 15088

(D) Property that has been forfeited to the state pursuant to 15089
an order of criminal forfeiture under section 2925.42 of the 15090
Revised Code or an order of civil forfeiture under section 2925.43 15091
of the Revised Code shall not be available for use to pay any fine 15092
imposed upon a person who is convicted of or pleads guilty to a 15093
felony drug abuse offense or upon any juvenile who is found by a 15094
juvenile court to be a delinquent child for an act that, if 15095
committed by an adult, would be a felony drug abuse offense. 15096

(E) Sections 2925.41 to 2925.45 of the Revised Code do not 15097
prohibit a law enforcement officer from seeking the forfeiture of 15098
contraband associated with a felony drug abuse offense pursuant to 15099
section 2933.43 of the Revised Code. 15100

Sec. 2933.43. (A)(1) Except as provided in this division or 15101
in section 2913.34 or sections 2923.44 to 2923.47 or 2925.41 to 15102
2925.45 of the Revised Code, a law enforcement officer shall seize 15103
any contraband that has been, is being, or is intended to be used 15104
in violation of division (A) of section 2933.42 of the Revised 15105
Code. A law enforcement officer shall seize contraband that is a 15106
watercraft, motor vehicle, or aircraft and that has been, is 15107
being, or is intended to be used in violation of division (A) of 15108
section 2933.42 of the Revised Code only if the watercraft, motor 15109
vehicle, or aircraft is contraband because of its relationship to 15110
an underlying criminal offense that is a felony. 15111

Additionally, a law enforcement officer shall seize any 15112
watercraft, motor vehicle, aircraft, or other personal property 15113
that is classified as contraband under division (B) of section 15114
2933.42 of the Revised Code if the underlying offense involved in 15115
the violation of division (A) of that section that resulted in the 15116
watercraft, motor vehicle, aircraft, or personal property being 15117

classified as contraband, is a felony. 15118

(2) If a law enforcement officer seizes property that is 15119
titled or registered under law, including a motor vehicle, 15120
pursuant to division (A)(1) of this section, the officer or the 15121
officer's employing law enforcement agency shall notify the owner 15122
of the seizure. The notification shall be given to the owner at 15123
the owner's last known address within seventy-two hours after the 15124
seizure, and may be given orally by any means, including 15125
telephone, or by certified mail, return receipt requested. 15126

If the officer or the officer's agency is unable to provide 15127
the notice required by this division despite reasonable, good 15128
faith efforts to do so, the exercise of the reasonable, good faith 15129
efforts constitutes fulfillment of the notice requirement imposed 15130
by this division. 15131

(B)(1) A motor vehicle seized pursuant to division (A)(1) of 15132
this section and the contents of the vehicle may be retained for a 15133
reasonable period of time, not to exceed seventy-two hours, for 15134
the purpose of inspection, investigation, and the gathering of 15135
evidence of any offense or illegal use. 15136

At any time prior to the expiration of the seventy-two-hour 15137
period, the law enforcement agency that seized the motor vehicle 15138
may petition the court of common pleas of the county that has 15139
jurisdiction over the underlying criminal case or administrative 15140
proceeding involved in the forfeiture for an extension of the 15141
seventy-two-hour period if the motor vehicle or its contents are 15142
needed as evidence or if additional time is needed for the 15143
inspection, investigation, or gathering of evidence. Upon the 15144
filing of such a petition, the court immediately shall schedule a 15145
hearing to be held at a time as soon as possible after the filing, 15146
but in no event at a time later than the end of the next business 15147
day subsequent to the day on which the petition was filed, and 15148
upon scheduling the hearing, immediately shall notify the owner of 15149

the vehicle, at the address at which notification of the seizure 15150
was provided under division (A) of this section, of the date, 15151
time, and place of the hearing. If the court, at the hearing, 15152
determines that the vehicle or its contents, or both, are needed 15153
as evidence or that additional time is needed for the inspection, 15154
investigation, or gathering of evidence, the court may grant the 15155
petition and issue an order authorizing the retention of the 15156
vehicle or its contents, or both, for an extended period as 15157
specified by the court in its order. An order extending a period 15158
of retention issued under this division may be renewed. 15159

If no petition for the extension of the initial 15160
seventy-two-hour period has been filed, prior to the expiration of 15161
that period, under this division, if the vehicle was not in the 15162
custody and control of the owner at the time of its seizure, and 15163
if, at the end of that seventy-two-hour period, the owner of the 15164
vehicle has not been charged with an offense or administrative 15165
violation that includes the use of the vehicle as an element and 15166
has not been charged with any other offense or administrative 15167
violation in the actual commission of which the motor vehicle was 15168
used, the vehicle and its contents shall be released to its owner 15169
or the owner's agent, provided that the law enforcement agency 15170
that seized the vehicle may require proof of ownership of the 15171
vehicle, proof of ownership or legal possession of the contents, 15172
and an affidavit of the owner that the owner neither knew of nor 15173
expressly or impliedly consented to the use of the vehicle that 15174
resulted in its forfeiture as conditions precedent to release. If 15175
a petition for the extension of the initial seventy-two-hour 15176
period has been filed, prior to the expiration of that period, 15177
under this division but the court does not grant the petition, if 15178
the vehicle was not in the custody and control of the owner at the 15179
time of its seizure, and if, at the end of that seventy-two-hour 15180
period, the owner of the vehicle has not been charged with an 15181
offense or administrative violation that includes the use of the 15182

vehicle as an element and has not been charged with any other 15183
offense or administrative violation in the actual commission of 15184
which the motor vehicle was used, the vehicle and its contents 15185
shall be released to its owner or the owner's agent, provided that 15186
the court may require the proof and affidavit described in the 15187
preceding sentence as conditions precedent to release. If the 15188
initial seventy-two-hour period has been extended under this 15189
division, the vehicle and its contents to which the extension 15190
applies may be retained in accordance with the extension order. 15191
If, at the end of that extended period, the owner of the vehicle 15192
has not been charged with an offense or administrative violation 15193
that includes the use of the vehicle as an element and has not 15194
been charged with any other offense or administrative violation in 15195
the actual commission of which the motor vehicle was used, and if 15196
the vehicle was not in the custody and control of the owner at the 15197
time of its seizure, the vehicle and its contents shall be 15198
released to its owner or the owner's agent, provided that the 15199
court may require the proof and affidavit described in the third 15200
preceding sentence as conditions precedent to release. In cases in 15201
which the court may require proof and affidavits as conditions 15202
precedent to release, the court also may require the posting of a 15203
bond, with sufficient sureties approved by the court, in an amount 15204
equal to the value of the property to be released, as determined 15205
by the court, and conditioned upon the return of the property to 15206
the court if it is forfeited under this section, as a further 15207
condition to release. If, at the end of the initial 15208
seventy-two-hour period or at the end of any extended period 15209
granted under this section, the owner has been charged with an 15210
offense or administrative violation that includes the use of the 15211
vehicle as an element or has been charged with another offense or 15212
administrative violation in the actual commission of which the 15213
motor vehicle was used, or if the vehicle was in the custody and 15214
control of the owner at the time of its seizure, the vehicle and 15215

its contents shall be retained pending disposition of the charge, 15216
provided that upon the filing of a motion for release by the 15217
owner, if the court determines that the motor vehicle or its 15218
contents, or both, are not needed as evidence in the underlying 15219
criminal case or administrative proceeding, the court may permit 15220
the release of the property that is not needed as evidence to the 15221
owner; as a condition precedent to a release of that nature, the 15222
court may require the owner to execute a bond with the court. Any 15223
bond so required shall be in an amount equal to the value of the 15224
property to be released, as determined by the court, shall have 15225
sufficient sureties approved by the court, and shall be 15226
conditioned upon the return of the property to the court to which 15227
it is forfeited under this section. 15228

The final disposition of a motor vehicle seized pursuant to 15229
division (A)(1) of this section shall be determined in accordance 15230
with division (C) of this section. 15231

(2) Pending a hearing pursuant to division (C) of this 15232
section, and subject to divisions (B)(1) and (C) of this section, 15233
any property lawfully seized pursuant to division (A) of this 15234
section because it was contraband of a type described in division 15235
(A)(13)(b), (d), (e), (f), (g), (h), (i), or (j) of section 15236
2901.01 of the Revised Code shall not be subject to replevin or 15237
other action in any court and shall not be subject to release upon 15238
request of the owner, and no judgment shall be enforced against 15239
the property. Pending the hearing, and subject to divisions (B)(1) 15240
and (C) of this section, the property shall be kept in the custody 15241
of the law enforcement agency responsible for its seizure. 15242

Pending a hearing pursuant to division (C) of this section, 15243
and notwithstanding any provisions of division (B)(1) or (C) of 15244
this section to the contrary, any property lawfully seized 15245
pursuant to division (A) of this section because it was contraband 15246
of a type described in division (A)(13)(a) or (c) of section 15247

2901.01 of the Revised Code shall not be subject to replevin or 15248
other action in any court and shall not be subject to release upon 15249
request of the owner, and no judgment shall be enforced against 15250
the property. Pending the hearing, and notwithstanding any 15251
provisions of division (B)(1) or (C) of this section to the 15252
contrary, the property shall be kept in the custody of the law 15253
enforcement agency responsible for its seizure. 15254

A law enforcement agency that seizes property under division 15255
(A) of this section because it was contraband of any type 15256
described in division (A)(13) of section 2901.01 or division (B) 15257
of section 2933.42 of the Revised Code shall maintain an accurate 15258
record of each item of property so seized, which record shall 15259
include the date on which each item was seized, the manner and 15260
date of its disposition, and if applicable, the name of the person 15261
who received the item; however, the record shall not identify or 15262
enable the identification of the individual officer who seized the 15263
item. The record of property of that nature that no longer is 15264
needed as evidence shall be open to public inspection during the 15265
agency's regular business hours. Each law enforcement agency that, 15266
during any calendar year, seizes property under division (A) of 15267
this section because it was contraband shall prepare a report 15268
covering the calendar year that cumulates all of the information 15269
contained in all of the records kept by the agency pursuant to 15270
this division for that calendar year, and shall send a copy of the 15271
cumulative report, no later than the first day of March in the 15272
calendar year following the calendar year covered by the report, 15273
to the attorney general. Each report received by the attorney 15274
general is a public record open for inspection under section 15275
149.43 of the Revised Code. Not later than the fifteenth day of 15276
April in the calendar year in which the reports are received, the 15277
attorney general shall send to the president of the senate and the 15278
speaker of the house of representatives a written notification 15279
that does all of the following: 15280

(a) Indicates that the attorney general has received from law enforcement agencies reports of the type described in this division that cover the previous calendar year and indicates that the reports were received under this division;

(b) Indicates that the reports are open for inspection under section 149.43 of the Revised Code;

(c) Indicates that the attorney general will provide a copy of any or all of the reports to the president of the senate or the speaker of the house of representatives upon request.

(C) The prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who has responsibility for the prosecution of the underlying criminal case or administrative proceeding, or the attorney general if the attorney general has that responsibility, shall file a petition for the forfeiture, to the seizing law enforcement agency of the contraband seized pursuant to division (A) of this section. The petition shall be filed in the court that has jurisdiction over the underlying criminal case or administrative proceeding involved in the forfeiture. If the property was seized on the basis of both a criminal violation and an administrative regulation violation, the petition shall be filed by the officer and in the court that is appropriate in relation to the criminal case.

The petitioner shall conduct or cause to be conducted a search of the appropriate public records that relate to the seized property for the purpose of determining, and shall make or cause to be made reasonably diligent inquiries for the purpose of determining, any person having an ownership or security interest in the property. The petitioner then shall give notice of the forfeiture proceedings by personal service or by certified mail, return receipt requested, to any persons known, because of the conduct of the search, the making of the inquiries, or otherwise,

to have an ownership or security interest in the property, and 15312
shall publish notice of the proceedings once each week for two 15313
consecutive weeks in a newspaper of general circulation in the 15314
county in which the seizure occurred. The notices shall be 15315
personally served, mailed, and first published at least four weeks 15316
before the hearing. They shall describe the property seized; state 15317
the date and place of seizure; name the law enforcement agency 15318
that seized the property and, if applicable, that is holding the 15319
property; list the time, date, and place of the hearing; and state 15320
that any person having an ownership or security interest in the 15321
property may contest the forfeiture. 15322

If the property seized was determined by the seizing law 15323
enforcement officer to be contraband because of its relationship 15324
to an underlying criminal offense or administrative violation, no 15325
forfeiture hearing shall be held under this section unless the 15326
person pleads guilty to or is convicted of the commission of, or 15327
an attempt or conspiracy to commit, the offense or a different 15328
offense arising out of the same facts and circumstances or unless 15329
the person admits or is adjudicated to have committed the 15330
administrative violation or a different violation arising out of 15331
the same facts and circumstances; a forfeiture hearing shall be 15332
held in a case of that nature no later than forty-five days after 15333
the conviction or the admission or adjudication of the violation, 15334
unless the time for the hearing is extended by the court for good 15335
cause shown. The owner of any property seized because of its 15336
relationship to an underlying criminal offense or administrative 15337
violation may request the court to release the property to the 15338
owner. Upon receipt of a request of that nature, if the court 15339
determines that the property is not needed as evidence in the 15340
underlying criminal case or administrative proceeding, the court 15341
may permit the release of the property to the owner. As a 15342
condition precedent to a release of that nature, the court may 15343
require the owner to execute a bond with the court. Any bond so 15344

required shall have sufficient sureties approved by the court, 15345
shall be in a sum equal to the value of the property, as 15346
determined by the court, and shall be conditioned upon the return 15347
of the property to the court if the property is forfeited under 15348
this section. Any property seized because of its relationship to 15349
an underlying criminal offense or administrative violation shall 15350
be returned to its owner if charges are not filed in relation to 15351
that underlying offense or violation within thirty days after the 15352
seizure, if charges of that nature are filed and subsequently are 15353
dismissed, or if charges of that nature are filed and the person 15354
charged does not plead guilty to and is not convicted of the 15355
offense or does not admit and is not found to have committed the 15356
violation. 15357

If the property seized was determined by the seizing law 15358
enforcement officer to be contraband other than because of a 15359
relationship to an underlying criminal offense or administrative 15360
violation, the forfeiture hearing under this section shall be held 15361
no later than forty-five days after the seizure, unless the time 15362
for the hearing is extended by the court for good cause shown. 15363

Where possible, a court holding a forfeiture hearing under 15364
this section shall follow the Rules of Civil Procedure. When a 15365
hearing is conducted under this section, property shall be 15366
forfeited upon a showing, by a preponderance of the evidence, by 15367
the petitioner that the person from which the property was seized 15368
was in violation of division (A) of section 2933.42 of the Revised 15369
Code. If that showing is made, the court shall issue an order of 15370
forfeiture. If an order of forfeiture is issued in relation to 15371
contraband that was released to the owner or the owner's agent 15372
pursuant to this division or division (B)(1) of this section, the 15373
order shall require the owner to deliver the property, by a 15374
specified date, to the law enforcement agency that employed the 15375
law enforcement officer who made the seizure of the property, and 15376

the court shall deliver a copy of the order to the owner or send a 15377
copy of it by certified mail, return receipt requested, to the 15378
owner at the address to which notice of the seizure was given 15379
under division (A)(2) of this section. Except as otherwise 15380
provided in this division, all rights, interest, and title to the 15381
forfeited contraband vests in the state, effective from the date 15382
of seizure. 15383

No property shall be forfeited pursuant to this division if 15384
the owner of the property establishes, by a preponderance of the 15385
evidence, that the owner neither knew, nor should have known after 15386
a reasonable inquiry, that the property was used, or was likely to 15387
be used, in a crime or administrative violation. No bona fide 15388
security interest shall be forfeited pursuant to this division if 15389
the holder of the interest establishes, by a preponderance of the 15390
evidence, that the holder of the interest neither knew, nor should 15391
have known after a reasonable inquiry, that the property was used, 15392
or likely to be used, in a crime or administrative violation, that 15393
the holder of the interest did not expressly or impliedly consent 15394
to the use of the property in a crime or administrative violation, 15395
and that the security interest was perfected pursuant to law prior 15396
to the seizure. If the holder of the interest satisfies the court 15397
that these requirements are met, the interest shall be preserved 15398
by the court. In a case of that nature, the court shall either 15399
order that the agency to which the property is forfeited reimburse 15400
the holder of the interest to the extent of the preserved interest 15401
or order that the holder be paid for the interest from the 15402
proceeds of any sale pursuant to division (D) of this section. 15403

(D)(1) Contraband ordered forfeited pursuant to this section 15404
shall be disposed of pursuant to divisions (D)(1) to (7) of 15405
section 2933.41 of the Revised Code or, if the contraband is not 15406
described in those divisions, may be used, with the approval of 15407
the court, by the law enforcement agency that has custody of the 15408

contraband pursuant to division (D)(8) of that section. In the 15409
case of contraband not described in any of those divisions and of 15410
contraband not disposed of pursuant to any of those divisions, the 15411
contraband shall be sold in accordance with this division or, in 15412
the case of forfeited moneys, disposed of in accordance with this 15413
division. If the contraband is to be sold, the prosecuting 15414
attorney shall cause a notice of the proposed sale of the 15415
contraband to be given in accordance with law, and the property 15416
shall be sold, without appraisal, at a public auction to the 15417
highest bidder for cash. The proceeds of a sale and forfeited 15418
moneys shall be applied in the following order: 15419

(a) First, to the payment of the costs incurred in connection 15420
with the seizure of, storage of, maintenance of, and provision of 15421
security for the contraband, the forfeiture proceeding, and, if 15422
any, the sale; 15423

(b) Second, the remaining proceeds or forfeited moneys after 15424
compliance with division (D)(1)(a) of this section, to the payment 15425
of the balance due on any security interest preserved pursuant to 15426
division (C) of this section; 15427

(c) Third, the remaining proceeds or forfeited moneys after 15428
compliance with divisions (D)(1)(a) and (b) of this section, as 15429
follows: 15430

(i) If the forfeiture was ordered in a juvenile court, ten 15431
per cent to one or more alcohol and drug addiction treatment 15432
programs that are certified by the department of alcohol and drug 15433
addiction services under section 3793.06 of the Revised Code and 15434
that are specified in the order of forfeiture. A juvenile court 15435
shall not certify an alcohol or drug addiction treatment program 15436
in the order of forfeiture unless the program is a certified 15437
alcohol and drug addiction treatment program and, except as 15438
provided in division (D)(1)(c)(i) of this section, unless the 15439
program is located in the county in which the court that orders 15440

the forfeiture is located or in a contiguous county. If no 15441
certified alcohol and drug addiction treatment program is located 15442
in any of those counties, the juvenile court may specify in the 15443
order a certified alcohol and drug addiction treatment program 15444
located anywhere within this state. 15445

(ii) If the forfeiture was ordered in a juvenile court, 15446
ninety per cent, and if the forfeiture was ordered in a court 15447
other than a juvenile court, one hundred per cent to the law 15448
enforcement trust fund of the prosecuting attorney and to the law 15449
enforcement trust fund of the county sheriff if the county sheriff 15450
made the seizure, to the law enforcement trust fund of a municipal 15451
corporation if its police department made the seizure, to the law 15452
enforcement trust fund of a township if the seizure was made by a 15453
township police department, township police district police force, 15454
or office of a township constable, to the law enforcement trust 15455
fund of a park district created pursuant to section 511.18 or 15456
1545.01 of the Revised Code if the seizure was made by the park 15457
district police force or law enforcement department, to the state 15458
highway patrol contraband, forfeiture, and other fund if the state 15459
highway patrol made the seizure, to the department of public 15460
safety investigative unit contraband, forfeiture, and other fund 15461
if the investigative unit of the department of public safety made 15462
the seizure, to the department of taxation enforcement fund if the 15463
department of taxation made the seizure, to the board of pharmacy 15464
drug law enforcement fund created by division (B)(1) of section 15465
4729.65 of the Revised Code if the board made the seizure, or to 15466
the treasurer of state for deposit into the peace officer training 15467
commission fund if a state law enforcement agency, other than the 15468
state highway patrol, the investigative unit of the department of 15469
public safety, the enforcement division of the department of 15470
taxation, or the state board of pharmacy, made the seizure. The 15471
prosecuting attorney may decline to accept any of the remaining 15472
proceeds or forfeited moneys, and, if the prosecuting attorney so 15473

declines, the remaining proceeds or forfeited moneys shall be 15474
applied to the fund described in this division that relates to the 15475
law enforcement agency that made the seizure. 15476

A law enforcement trust fund shall be established by the 15477
prosecuting attorney of each county who intends to receive any 15478
remaining proceeds or forfeited moneys pursuant to this division, 15479
by the sheriff of each county, by the legislative authority of 15480
each municipal corporation, by the board of township trustees of 15481
each township that has a township police department, township 15482
police district police force, or office of the constable, and by 15483
the board of park commissioners of each park district created 15484
pursuant to section 511.18 or 1545.01 of the Revised Code that has 15485
a park district police force or law enforcement department, for 15486
the purposes of this division. There is hereby created in the 15487
state treasury the state highway patrol contraband, forfeiture, 15488
and other fund, the department of public safety investigative unit 15489
contraband, forfeiture, and other fund, the department of taxation 15490
enforcement fund, and the peace officer training commission fund, 15491
for the purposes described in this division. 15492

Proceeds or forfeited moneys distributed to any municipal 15493
corporation, township, or park district law enforcement trust fund 15494
shall be allocated from the fund by the legislative authority only 15495
to the police department of the municipal corporation, by the 15496
board of township trustees only to the township police department, 15497
township police district police force, or office of the constable, 15498
and by the board of park commissioners only to the park district 15499
police force or law enforcement department. 15500

Additionally, no proceeds or forfeited moneys shall be 15501
allocated to or used by the state highway patrol, the department 15502
of public safety, the department of taxation, the state board of 15503
pharmacy, or a county sheriff, prosecuting attorney, municipal 15504
corporation police department, township police department, 15505